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Court Strikes Down Environmental Review of Controversial Kern Water Bank

California Officials Failed to Consider Environmental Impacts of Bank Operation

SACRAMENTO, *Calif.*— In a pair of rulings on Wednesday, Sacramento Superior Court Judge Timothy M. Frawley struck down the environmental review of the operation of the Kern Water Bank, the country's largest underground water-banking operation and the subject of nearly two decades of controversy and litigation. In a victory for environmentalists, sportfishers, Delta farmers and State Water Project ratepayers, Judge Frawley found that the Department of Water Resources failed to properly consider the impacts of the operation of the Kern Water Bank by San Joaquin Valley agribusiness interests when it prepared its environmental review in 2010.

The water bank was transferred out of state control as part of the controversial "Monterey Amendments" to the State Water Project long-term contracts, which were also at issue in the suit. The court ruled in favor of the Department of Water Resources on these claims, confining its criticism of the environmental review to that part that dealt with the Kern Water Bank's operations.

"We're pleased that the court agreed with us that the environmental review for the operation of the Kern Water Bank didn't pass muster. It's an important victory for the public and for California's wildlife," said Adam Keats, senior counsel with the Center for Biological Diversity. "We now have a chance to shine light on the murky operation of the Kern Water Bank, including its role in the destruction of the Bay Delta ecosystem and in fueling speculative real estate development and unsustainable agribusiness practices like growing nut trees in Kern County."

"The Kern Water Bank is an essential component of the bad deal that was the Monterey Amendments," said Carolee Krieger, president and executive director of the California Water Impact Network. "The Department of Water Resources and its friends in big agribusiness have tried and failed a second time to cram this deal down our throats. We don't intend to allow it a third attempt."

“The Kern Water Bank has long been a means to advance the interests of subsidized crops ahead of fisheries and the need for a sustainable and reliable supply of clean drinking water for California's cities,” said Bill Jennings, chairman of the California Sportfishing Protection Alliance in Stockton. “The Kern Water Bank has played a shameful role in the collapse of Delta ecosystems and our once-great salmon fisheries, and we’re hopeful that this ruling is the beginning of the end of this rogue operation.”

The parties will now go back before Judge Frawley to determine how this ruling affects the current and any future operation of the Kern Water Bank.

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For more information on the Monterey Plus Amendments, see <http://www.c-win.org/monterey-plus-agreement.html>. The California Water Impact Network promotes the equitable and environmental use of California's water, including instream uses, through research, planning, public education, and litigation. www.c-win.org

CSPA is a non-profit conservation and research organization established in 1983 for the purpose of conserving, restoring, and enhancing the state's water quality and fishery resources and their aquatic and riparian ecosystems. www.calsport.org

The Center for Biological Diversity is a nonprofit conservation organization with more than 675,000 members and online activists dedicated to the protection of endangered species and wild places. www.biologicaldiversity.org