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Conservation Groups Undaunted by Court Ruling: Sites Reservoir is a Bad Deal for Rivers, for Fish, and for California

Court gives Sites Reservoir green light to degrade the environment

SACRAMENTO, CA – This week, a coalition of conservation groups, including Friends of the River (FOR), California Sportfishing Protection Alliance (CSPA), Center for Biological Diversity, California Water Impact Network, and Save California Salmon (plaintiffs) received a ruling on their challenge to the proposed Sites Reservoir’s faulty environmental impact report (EIR). The court found the EIR to be legally adequate, however, conservation groups stand firm that the EIR has major legal deficiencies because it failed as an informational document, and doesn’t account for major environmental harms and liabilities. This is unsurprising, because the Sites Water Authority itself prepared and approved the EIR.

Of key interest, The EIR:

- **Doesn’t consider an alternative that would protect fish and wildlife.** It only considers a single operational alternative that takes too much water from the Sacramento River, and did not consider alternatives that would reduce or avoid degrading fish and wildlife resources. CEQA requires and EIR consider a reasonable range of alternatives.
- **Relies upon an inaccurate environmental baseline by inappropriately using Trump-era regulations that were remanded by the courts.** An accurate baseline is legally required by CEQA and is essential to best understand potential impacts.

Meanwhile, communications from Sites Project Authority (Authority) continue to greatly overstate any alleged environmental benefits and exaggerate water supply benefits.

Statements from plaintiffs:

Keiko Mertz, Policy Director, Friends of the River: “Sadly, the court found that the Sites FEIR was a legally adequate document. We still think there were significant flaws, including that the FEIR doesn’t provide an alternative that protects fish and wildlife.”

Chris Shutes, Executive Director, California Sportfishing Protection Alliance: “The Court allowed Sites to reject as “infeasible” any alternatives that would better protect fish and wildlife. The diverters get to divert and the fish get to suffer. This project should not be built.”

Frances Tinney, Attorney, Center for Biological Diversity: “An enormous reservoir with enormous consequences should be planned with care, so it’s extremely disappointing that this damaging project is so rushed. We face a serious extinction crisis and I fear Sites will put an end to the vulnerable fish and wildlife that make the Sacramento River ecosystem one-of-a-kind.”

Kasil Willie, Attorney, Save California Salmon: “We are disheartened by this ruling and what it means for culturally significant salmon that are facing extinction and the Tribal communities that rely on having healthy river flows. The Sites FEIR remains inadequate and the Project is still a threat to the health of the Sacramento River and Bay Delta watersheds and communities. After this ruling and subsequent press release from Governor Newsom, we question this administration's commitment to Truth and Healing for California Tribes and California's Human Right to Water.”

The ruling of the court does not change the fact that the proposed Sites Reservoir is a boondoggle that will harm communities, Tribes, culture, and degrade the environment. It also does not validate the Authority’s claims on environmental issues. In practice, the ruling means business as usual for expensive and damaging 20th century infrastructure projects. Sites pretends to address climate change and water scarcity, while itself demonstrating that the reservoir would only produce water at the expense of fish and wildlife. Moreover, Sites will funnel benefits to a few investors.

FOR and other plaintiffs are currently considering appealing this ruling. Due to the Governor’s streamlining, an appeal will likely need to be filed sometime next week.

FOR and other plaintiffs are continuing their other work to stop the proposed Sites Reservoir.

What’s next:

- Any appeal would be decided on a short turnaround.
- Sites water rights hearings will occur through 2024.

For more than a half-century, Friends of the River (FOR) has been dedicated to protecting and restoring California's rivers, streams, and watersheds, while advocating for sustainable water management and water solutions that protect the environment. Healthy rivers are a critical component of a sustainable water future in California and FOR rejects the notion that the state must choose between healthy river ecosystems and having enough water.

The California Sportfishing Protection Alliance (CSPA) has been an advocate for fish, habitat, and water quality for 40 years. A leader in efforts to improve fisheries and fishing opportunities,

CSPA is also one of California's major water policy organizations, with decades of consistent and effective advocacy before the State Water Board and regional water quality control boards.

For more information on Sites Reservoir, visit <https://www.friendsoftheriver.org>.

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