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Wanger Rules on X2 Standard for Smelt

Submitted by Sarah Langford on Wed, 08/31/2011 - 4:43pm in [Endangered and Invasive Species](#) [Regulatory Affairs](#) [Delta Decisions](#) [Water News](#)

In a ruling that could spare the State Water Project from additional impacts next year, U.S. District Court Judge Oliver Wanger today [blocked](#) federal agencies from implementing an action that would have removed as much as 300,000 acre-feet of water from the system to protect Delta smelt.



Proposed by the U.S. Fish and Wildlife Service, the measure known as X2 would have required larger than usual reservoir releases and some export reductions in September and October to increase fresh water flows through the Delta.

In the 140-page ruling, Wanger concluded that if the X2 action were implemented as proposed, the State Water Project would likely suffer the loss of up to 300,000 acre-feet in 2012, reducing supplies and impairing contractors' ability to put additional water into storage to prepare for future dry years.

He directed the agencies to modify the action, reducing the impact by at least 210,000 acre-feet in most water years.

Wanger found that FWS's biological opinion failed to explain why it is essential to maintain X2 at the location proposed. He also criticized the Service for its "one-sided, single purpose" approach that inflicts "drastic consequences on California water users."

"The scientific evidence in support of imposing any Fall X2 action is manifestly equivocal. There is essentially no biological evidence to support the necessity of the specific 74 km requirement set to be triggered in this 'wet' water year," he wrote. "The agencies still 'don't get it.' They continue to believe their 'right to be mistaken' excuses precise and competent scientific analysis for actions they know will wreak havoc on California's water supply."

View Wanger's [ruling](#).

Attachment	Size
1013 PI Order re X2 8-31-11.pdf	1.23 MB

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