



Coalition for a Sustainable Delta



PRESS RELEASE

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Federal Agency Put On Notice for Failure to Regulate Delta Power Plants

Major Adverse Impact on Delta smelt and critical Delta estuary

BAKERSFIELD, CA – The [Coalition for a Sustainable Delta](#) and the [Kern County Water Agency](#) (KCWA) today filed a Notice of Intent (NOI) to sue the U.S. Army Corps of Engineers (Corps) for ongoing violations of the Endangered Species Act. The violations stem from the ongoing failure of the Corps to regulate two electrical generating power plants located in Contra Costa and Pittsburg, California. The plants' operations are known to kill significant numbers of delta smelt and other listed species and have a significant adverse impact on the estuary.

“The Corps has clearly failed to fulfill their obligations under the Endangered Species Act to take measures to protect the delta smelt and other threatened and endangered species,” said Michael Boccadoro, spokesperson for the Coalition. “At a time when water deliveries to farms and residents are being severely curtailed by federal agencies and the courts, we cannot allow federal regulators to turn a blind-eye to a significant factor in the demise of the Delta and its fisheries.”

The Corps has continually failed to ensure required conservation measures are being implemented to minimize and mitigate the take of listed species by the two power plants. Although the power plants are only operating at a fraction of their full capacity, recent monitoring data and analysis of that data show that they are having significant, adverse impacts on protected fish species particularly the threatened delta smelt and state-listed longfin smelt. In fact, in light of the precipitous decline of the delta smelt population, the level of take at the power plants may be jeopardizing the species. Operation of the power plants also results in destruction of critical habitat needed to sustain the species.

The power plants are owned and operated by Mirant Delta LLC and are located in the heart of the Sacramento-San Joaquin Delta (Delta). During operation, the power plants use antiquated and controversial once-through cooling systems that take large volumes of Delta water and then discharge the heated water back into the estuary. A recent study shows that delta smelt and longfin smelt are present throughout the year in the vicinity of the power plants, with juveniles of both species present during months of heaviest pumping activity and therefore vulnerable to being destroyed. Extrapolation from Mirant's own limited monitoring data indicates that in 2008 the power plants may have taken as many as 150,000 delta smelt.

“Unless and until we address these other factors that impact the Delta, California residents, businesses and farms will continue to suffer from unnecessary water supply restrictions that are costing tens of thousands of jobs and hundreds of millions of dollars,” said Jim Beck, Kern County Water Agency General Manager. “It is imperative for federal and State regulators and the courts to immediately broaden the remedies and address this and other stressors on the Delta and its native fishes before our economy is further devastated.”

In addition to today's Notice of Intent, the Coalition has previously sent a Notice of Intent to Sue Mirant Delta LLC over operations of its power plants.

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For more information, or to obtain a copy of the NOI and Cramer Fish Sciences Analysis of the Mirant Monitoring Program, visit www.sustainabledelta.com

The Coalition for a Sustainable Delta is an ad hoc group of water users who depend on the delta for a large portion of their water supplies. The Coalition is dedicated to protecting the delta and is committed to promoting a strategy to ensure its sustainability.

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