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State Approves Controversial Sites Reservoir, Ignoring Harm to Environment and Tribes

Despite extensive scientific evidence of environmental and social harm, Board greenlights project without adequate safeguards for endangered fish and the Bay-Delta

SACRAMENTO, CA – Today, the State Water Resources Control Board voted to approve a water right permit for the controversial Sites Reservoir Project, a proposed $6.8–9 billion reservoir that would divert water from the Sacramento River. The decision is another major setback for California's rivers, endangered species, Tribal communities, and the San Francisco Bay-Delta Estuary, and comes on the heels of its controversial vote on the Bay-Delta Plan last week.

The approval follows two years of hearings, testimony from more than 60 experts, and over 1,600 pieces of evidence, during which time the project's cost ballooned from x to y billion dollars. In March, the Board issued a draft permit acknowledging the project's harms and establishing important safeguards. But following political pressure from project proponents, the Board weakened those protections, ultimately approving a permit that prioritizes the project's economic viability over California's obligation to the public trust, Tribal Nations, and the environment.

> "The Sites Reservoir project makes no sense. It costs billions, delivers a trickle of new water, and threatens the health of the Sacramento River and San Francisco Bay-Delta," said Keiko Mertz, Policy Director of Friends of the River. "If the project can't pencil out without sacrificing environmental protections and destroying sacred tribal resources, it shouldn't be built."

The biggest giveaway in the approved permit is to abandon a critical requirement prohibiting Sites from diverting water when Delta outflow falls below 55% of unimpaired flow, the

amount that would naturally flow through the watershed without dams and diversions. Instead, the Board left it in a gray zone created by its decision last week to approve "voluntary agreements" in the update of the Bay-Delta Plan, opening up the prospect that Sites will eventually fall under the exceptions to meeting stronger flow standards.

> "The Board's decision to approve the Sites Reservoir water right is a second major blow to Tribes within a week," said Kasil Willie, Policy Director of Save California Salmon. "The Board is well aware of the irreparable harm that this reservoir will have on the ancestral lands and cultural resources of Tribes and chose to ignore those concerns in approving this water right. Once again, the Board put the priorities of local water agencies, developers, and agricultural interests above Tribes and is perpetuating cultural genocide against California's Tribes. The decision sets a scary precedent where Tribes, cultural resources, and ancestral homelands are not protected by state agencies. Environmental organizations and Tribes urged the Board to reject the application or, at minimum, impose enforceable protections for fish, wildlife, water quality, and communities. Today's decision does neither."

At the hearing today, environmental organizations and members of the public repeatedly urged the Board to restore this science-based safeguard, warning that approving the largest single new water use in decades would further threaten endangered salmon, sturgeon, and other native fish already struggling in a severely degraded ecosystem.

> "It is conceptually a step forward for the State Water Board to place a percent-of-unimpaired bypass requirement in a new water right," said Chris Shutes, Executive Director of California Sportfishing Protection Alliance. "The question is whether that requirement is durable. As written, Sites can now start lobbying to divert more water, even before the project is constructed."

Beyond its impacts on river flows, Sites Reservoir would degrade water quality through harmful algal blooms and mercury contamination, destroy irreplaceable wildlife habitat and sacred Tribal cultural landscapes, and generate substantial greenhouse gas emissions—all while providing relatively little additional water supply at enormous public expense.

> "The gap between what the public expressed and the evidence supported, and what the Water Board did is vast and tragic," said Eric Buescher, managing attorney at San

Francisco Baykeeper. “For the second week in a row, the Water Board has sided with powerful interests and perpetuated a status quo based on inequity and exploitation. I hope in the future the Water Board does more than offer platitudes and promises to listen to the Tribes, communities, and advocates who are insisting on actions to change a broken and unaffordable system.”

Today, the Board had an opportunity to demonstrate that California’s water future would be guided by science, environmental justice, and public trust protections. Instead, it chose to accommodate a costly project whose proponents have repeatedly argued that stronger environmental safeguards would make it economically infeasible.

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