

## **That Dog Won't Hunt: Using IOA to Rein in Agency Deference**

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The U.S. Fish and Wildlife Service (USFWS) failed to meet the standards of the Endangered Species Act (ESA) when it issued an order last month that threatens to cut California's dwindling water supply by a third or more. That's what my organization-the Family Farm Alliance- charged on December 15 as we filed an action under the federal Information Quality Act (IOA) that is intended to ensure that the new requirements are based on the best available information.

The law requires USFWS to base its decisions on evidence, not assumptions or its own prejudices. The more important the action, the more impact it's likely to have, the higher the quality standards to which it should be held.

USFWS' new Biological Opinion (BO) demands severe reductions in the operation of the State Water Project and the Central Valley Project in order to protect an endangered species called the Delta Smelt. Public water agencies throughout the state have expressed concerns that the restrictions will have a devastating effect on water supplies for two thirds of the state's residents and more than two million acres of irrigated croplands.

Our action demands corrections to dozens of errors and procedural violations in the preparation of USFWS' BO. Among other things, USFWS at one point blames entrainment at the pumps for the smelt's decline and at another point in the same analysis acknowledges that the data demonstrates that entrainment is not driving population dynamics.

California is currently suffering one of the worst droughts in its history. But that has not stopped efforts by environmentalists and some regulatory agencies to cut down on the state's water supply to protect the smelt. The new BO was ordered by a federal court ruling last year that reduced the state's water supply by one third, causing the loss of thousands of jobs and the destruction of millions of dollars worth of crops.

Congress established the IOA in 2001, with the intent of "ensuring and maximizing the quality, objectivity, utility and integrity of information disseminated by Federal agencies"

If the information in the draft Effects Analysis is not corrected, we are concerned that water users will face drastic and potentially permanent reductions in the water they need to live, grow their crops, run their businesses, and water agencies will have insufficient supplies to satisfy demand.

It's vitally important to everyone who lives in the West that any action the federal

government takes in this critical area should be based on the best available information. It is just as important to the protection of all farmers that we don't allow a precedent to be set that allows anything less than the best information to slip through.

For more information on the Family Farm Alliance IQA action, and to see the documents submitted to the federal government, please visit [www.familyfarmalliance.org](http://www.familyfarmalliance.org).