



PRESS RELEASE

FOR IMMEDIATE RELEASE
July 24, 2018

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WETLANDS PRESERVATION FOUNDATION ANNOUNCES LAWSUIT AGAINST CALIFORNIA DEPARTMENT OF WATER RESOURCES AND THE NATURE CONSERVANCY

Lawsuit Seeks to Address Fiscal and Environmental Mismanagement of Staten Island in the Delta

SACRAMENTO, CA –Wetlands Preservation Foundation (WPF) today filed a lawsuit naming the California Department of Water Resources (DWR) and The Nature Conservancy (TNC) for their mismanagement of Staten Island, located in the Sacramento-San Joaquin Delta. Filed late Monday in San Joaquin County Superior Court, the suit details DWR’s failure to exercise its authority and fulfill its duties to protect Staten Island wildlife and agricultural values in perpetuity. The lawsuit also details TNC’s failures to reinvest farming profits in Staten maintenance and levee security.

“The gross mismanagement of Staten Island by DWR and TNC threatens the long-term viability of the island and poses serious risk that the entire island will be permanently flooded. This lawsuit is about forcing DWR to take responsibility and immediately start strengthening and extending levees, replacing lost soil, and converting Staten Island to more sustainable farming practices,” said attorney John Kecker of Kecker, Van Nest & Peters LLP, recognized as one of the country’s top trial lawyers.

In 2001, with the help of taxpayer funds from two California Bond sources (Proposition 13 and Proposition 204), DWR contributed \$35 million to TNC for its acquisition of Staten Island. As part of that transaction, TNC signed a “Perpetual Conservation Easement” that provides DWR multiple powers to ensure that Staten Island was being managed to maintain long-term, sustainable agriculture, wildlife utilization and the health of the Delta.

The lawsuit contends that since 2001, DWR and TNC have failed to utilize sustainable farming practices on Staten Island. Growing sub-irrigated corn, instead of top-flooded crops like rice or alfalfa, oxidizes peat soil, and has caused significant lowering of field elevations from the loss of an estimated 20 million cubic yards of soil oxidized into the atmosphere. The lowered field elevations have increased channel water pressure and compromised Staten Island’s levee security.

“Unless, Staten Island subsidence is stopped, Staten’s levees will fail, the island will flood, with dire outcomes for the local agricultural economy, Sandhill crane habitat, adjacent islands, and indeed for the entire Delta,” said Dino Cortopassi, CEO of Wetlands Preservation Foundation. “Despite our urging, neither DWR nor TNC has shown any intention of stopping their harmful practices contributing to Staten’s increasingly dangerous situation.”

The lawsuit also details TNC's fiscal mismanagement of Staten Island through distributing Staten farming profits to TNC headquarters rather than investing in Staten maintenance and long term sustainability. A review of public tax records indicate that TNC's subsidiary managing the farming operations on Staten Island has not invested farming profits in Staten's sustainability (as required by the arrangement that gifted \$35 million of taxpayer funding for TNC's purchase of Staten) but has instead sent \$14.5 million in farming profits to TNC headquarters for TNC's general operations.

About Wetlands Preservation Foundation

The Wetlands Preservation Foundation (WPF) is a 501(c) (3) not-for-profit organization formed in 2016 by the Cortopassi Family Foundation to restore and preserve sustainable San Joaquin Delta wetlands in conjunction with sustainable agricultural cropping.

For more information, please visit wetlandspreservationfoundation.org.

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