



United States House of Representatives
Washington DC 20515

July 7, 2015

Re: H.R. 2898 (Valadao) - "Western Water and American Food Security Act of 2015"
OPPOSE

Dear Members of the California Congressional Delegation:

The undersigned conservation and recreation organizations, outdoor businesses, and Native American Tribes urge you to reject Rep. Valadao's H.R. 2898. Under the guise of water and food "security," H.R. 2898 proposes to maximize water exports, and weaken regulations protecting threatened and endangered fish and wildlife in California.

Passage and implementation of this complex legislation will almost certainly result in the extinction of the endangered Delta smelt in its native habitat and accelerate the already precipitous decline of the Central Valley's wild salmon and steelhead towards extinction. It will also further degrade Delta water quality (the drinking water source for millions of Californians) and harm rural and urban communities throughout the state, while primarily benefitting just a few water districts in the southern Central Valley.

H.R. 2898 fails to provide real water and food security because of its narrow focus on maximizing water exports and expediting costly, ineffective, and environmentally destructive new dam projects. These water options cannot produce new water supplies in this unprecedented fourth year of drought (no matter how quickly they may be implemented) and they may never be able to produce new supplies with our changing (and likely to be drier) climate.

Just a few of the most egregious provisions of H.R. 2898 include:

- Complex technical direction for Delta water flows, upstream dam project operations, and Delta smelt incidental take calculations for which Congress has neither the expertise or authority to undertake (Sec. 102-103, 302-307).
- Selective use of alleged "new" science to mandate a non-federal fish predator control program that fails to address the many significant habitat and water quality issues - including blocked habitat, lack of spawning gravel, modified flows, high water temperatures, low dissolved oxygen levels, and high concentrations of pesticides - that have largely contributed to the decline of salmon in the Stanislaus River (Sec. 203).
- Mandate impossibly short deadlines for endangered species consultation, emergency environmental review and permitting, and expedited water transfers that will likely result in poor decisions, unacceptable environmental impacts, and increased litigation (Sec. 302, 305, 308, 309).
- Allow all the fresh water inflow from the San Joaquin River to be exported in April-May, which will further degrade Delta water quality, and expand water transfers well into the spring and fall, when threatened and endangered salmon and steelhead are most sensitive to modified flows (Sec. 302).
- Overturn a significant public investment in the legally and legislatively mandated goal of restoring salmon in the San Joaquin River in favor of an undefined "warm water fishery" (Sec. 313).
- Establish impossibly short deadlines for the completion of feasibility and environmental studies for CALFED dam projects and penalizes the Bureau of Reclamation if the deadlines are not met, which all but ensures that the studies will be incomplete or inadequate (Sec. 401, 403).
- Prohibit the Interior Secretary from discharging her duties under the National Wild & Scenic Rivers Act to protect the San Joaquin River Gorge, a river segment recommended by the Bureau of Land Management for National Wild & Scenic River protection (Sec. 402).
- Ignore the coordinated operation of state and federal water projects and weaken state protection for endangered species by promising additional water yield from federal sources to make up for state water delivery reductions that may be required by the California Endangered Species Act (Sec. 501).
- Make it nearly impossible to keep promise of no redirected adverse impacts on water rights in regard to Endangered Species Act compliance and other legal obligations (Sec. 503).

- Generally infringe on state water rights authority by guaranteeing full delivery of federal north of Delta water contracts in most water years (Sec. 505).
- Establish an oversight board for the expenditure of CVPIA restoration funds with nearly exclusive representation from water contractors and no representation from the U.S. Fish and Wildlife Service or the general public (Sec. 602).
- Penalize the Bureau of Reclamation for failing to complete and implement a CVPIA water replacement plan that is simply infeasible and fails to recognize that the state has likely reached its limit in regard to new water development (Sec. 604).
- Ordain that federal agencies not "distinguish" between naturally and hatchery spawned anadromous fish species when making endangered species determinations, despite substantial biological opinions to the contrary (Sec. 605).
- Transfer ownership and operational control of the federal New Melones Dam, in which millions in public funds have been invested, to local water and power providers, apparently at no cost (Sec. 606).
- Prohibit water releases into the Trinity River that may be needed to prevent a repeat of the massive salmon die-off in the Klamath River that occurred in 2002 (Sec. 608).
- Establish unreasonable deadlines for the completion of environmental studies and for federal cooperating agencies to fulfill their legal duties in regard to reviewing and commenting on new dam projects (Sec. 705).
- "Streamline" and accelerate feasibility studies, environmental review, and permitting for new dam projects in a manner that will likely fail to identify financially and environmentally feasible alternatives and result in inadequate reports and poor decisions (Sec. 803-805).
- Fail to explicitly protect Sacramento Valley groundwater aquifers, which will likely increase pumping and export of north state groundwater south of the Delta.

Instead of passing this one-sided and environmentally destructive bill, we urge you instead to introduce and pass true drought relief legislation for California that protects water quality, aquatic ecosystems, and native fish and wildlife in our rivers and estuaries, while providing effective and timely relief to California communities, industry, and farms.

Effective drought relief legislation should focus on those immediate actions that will extend our existing supplies, reverse the near total loss of wild salmon runs, boost water conservation and efficiency, provide immediate relief for economically disadvantaged communities and neighborhoods that have run out of water, help mitigate the economic

impacts of reduced water deliveries to farms, and encourage the permanent establishment of fundamental and long term changes in how water is managed and used in California.

We believe that this goal is achievable only if the drought relief bill is drafted in public with the full participation of and input from all of California's water stakeholders.

California does need federal assistance and relief from this devastating drought. But Congress should not make this situation worse by passing drought relief legislation that overrides environmental laws, weakens state water rights authority, pits different regions of the state and different water users against each other, and focuses on the most costly and environmentally destructive water supply option (surface storage) that will provide little immediate drought relief.

Thank you for your consideration.

Sincerely,

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