

July 8, 2015

Hon. John Fleming
Chairman
Subcommittee on Water, Power & Oceans
House of Representatives
2182 Rayburn HOB
Washington, D.C. 20515



Re: HR 2898 (Valadao) Western Water and American Food Security Act of 2015 – OPPOSE

Dear Congressman Fleming:

The California Waterfowl Association opposes HR 2898. While the bill purports to provide drought relief for California's Central Valley, in reality it would eliminate water supplies for California's migratory waterfowl and other wetlands-dependent species.

Section 306 (page 50) directs the Bureau of Reclamation to meet refuge contract needs through installation of conservation measures, conveyance facilities, and groundwater wells, using only funding made available under "Reclamation programs of the Department of the Interior." The Bureau would then be required to "make available . . . the additional water obtained" from those activities for other contractors. This section would replace Central Valley Project supplies provided under Section 3406(d) of the Central Valley Project Improvement Act (PL 102-575) with supplies that depend on conservation and efficiency measures and groundwater.

The Bureau has already consistently failed to meet its water supply obligations under incremental Level 4, because of the unavailability of the types of supplies identified in Section 306. Making Level 2 supplies dependent on the same unreliable sources of supply would make obtaining even the baseline Level 2 supplies much more unreliable and difficult to obtain.

Section 503(c) (page 72) states that rights and obligations under water contracts shall not be modified or amended, "including the obligation to satisfy exchange contracts and settlement contracts prior to the allocation of any other CVP water." This section modifies the priority of refuge water supplies provided under Section 3406(d) of the CVPIA to make them subordinate to agricultural contractors.

The purpose of Section 3406(d) was to provide mitigation of the loss of water supplies to the Central Valley Project, so refuges were given an equal priority to senior exchange and settlement contracts. To subordinate this priority to other contractors would remove the mitigation and further damage the water supplies to refuges and other wetlands habitat.

California Waterfowl opposes the establishment of a Restoration Fund advisory Board that would lack representation of refuge and other environmental stakeholders would not be subject to the rules that apply generally to federal advisory committees, and would be housed within the Bureau of

Reclamation's offices. The Restoration Fund must continue to be funded for the protection of fish and wildlife resources.

Generally, California Waterfowl opposes any terms within that would modify the CVPIA to lessen the reliability of water deliveries to refuges and wildlife areas, replace CVPIA supplies to refuges with groundwater or other supplies, subordinate the priority of refuges to other contractors, or establish a Restoration Fund advisory board. California Waterfowl also opposes provisions of HR2898 that would override state water rights law to which the Central Valley Project has been subject.

Migratory waterfowl in California are a public trust resource. They are protected by the international Migratory Bird Treaty, the North American Wetlands Conservation Act, and other state and federal laws. In California, up to 95 percent of the historical wetland habitat for migratory habitat has been "reclaimed" for agriculture, urban use, and flood protection.

Among other purposes, the CVPIA was enacted in 1992 to protect migratory birds and other fish and wildlife resources from the effects of the water diversions associated with the Central Valley Project. To make the changes to the CVPIA that are included in HR 2898 would have long-term impacts on the migratory waterfowl resource.

The California Waterfowl Association is a statewide nonprofit organization whose principal objective is the conservation of the state's waterfowl, wetlands, and hunting heritage. California Waterfowl believes hunters have been the most important force in conserving waterfowl and wetlands.

Please vote "No" on HR 2898. If you have any questions about the recommendations, please contact Jeffrey Volberg at (916) 217-5117, or jvolberg@cawaterfowl.org.

Yours truly,

A handwritten signature in blue ink that reads "Jeffrey A. Volberg". The signature is written in a cursive style with a large, sweeping flourish at the end.

Jeffrey A Volberg
Director of Water Law & Policy
California Waterfowl Association

CC: Senator Dianne Feinstein
Governor Jerry Brown
Hon. Charlton Bonham, Director California Dept. of Fish & Wildlife

CC: Congressman Jared Huffman
Congressman Kevin McCarthy
Congressman Mike Thompson
Congressman Jeff Denham
Congressman Doug LaMalfa
Congressman Tom McClintock
Congressman Jim Costa
Congressman Devin Nunes
Congressman David G. Valadao
Congressman Ken Calvert