



H.R. 23 (Valadao): Summary of Key Environmental Threats

On January 3, 2017—the first day of the 115th Congress—Representative Valadao and twelve California cosponsors introduced H.R. 23. This controversial bill would undermine critical environmental protections to benefit selected California water users at the expense of all others. Rather than promoting collaborative solutions to create drought-resilient water supplies to benefit the environment and economy, this divisive bill would imperil wildlife, devastate the fishing industry, impair water quality, and spawn decades of litigation. H.R. 23 is similar to several previously-introduced bills aimed at using California’s drought as an excuse to undermine environmental protections, including H.R. 2898 in 2015, which received a presidential veto threat.

- H.R. 23 would **severely weaken and override protections for salmon and other native fish** listed under the Endangered Species Act (“ESA”) in the San Francisco Bay-Delta estuary. The bill prohibits implementation of existing ESA biological opinions that have withstood scientific and legal scrutiny, and prevents California from implementing and updating water quality standards that are critical to communities, farms, fish, and wildlife. It also amends the landmark Central Valley Project Improvement Act to eliminate protections for salmon and other wildlife. These changes could devastate native fish and wildlife and the thousands of fishing jobs in California and Oregon that depend on them. Before the recent drought, California’s salmon industry supported \$1.4 billion in annual economic activity and approximately 23,000 jobs.
- H.R. 23 could **reduce water deliveries to national wildlife refuges and state wildlife management areas, devastating migratory birds and other species** that depend upon refuge habitats, which are essential because only 5% of historic wetlands remain in California’s Central Valley. The bill would make it more difficult for the refuges to receive water during dry years and could threaten critical funding for refuge water supplies. The refuges cannot provide essential wildlife habitat without adequate water, and the bill’s attacks on the refuges’ water supply could be disastrous for the most important wintering habitat on the Pacific Flyway.
- H.R. 23 would **repeal the San Joaquin River Restoration Settlement Act, harming native salmon runs and Central Valley farmers.** The bill would undo a consensus agreement between conservationists and farmers that settled decades of litigation, and would result in the San Joaquin River running completely dry in most years. It would destroy the salmon runs that have already been reintroduced, and would harm local farmers by eliminating water supply and flood control projects that benefit agriculture in the region.
- H.R. 23 would **preempt state law, prohibiting California from implementing its own environmental protections.** The bill ignores important sovereignty concerns and directly preempts existing state law, including by repealing the state law requiring restoration of the San Joaquin River, prohibiting the state from implementing its water quality protection law, and preventing the state from exercising its public trust authority to protect fish and wildlife.
- H.R. 23 would **authorize and short-circuit permitting for new dams, harming states and communities across the West.** The bill would authorize new dams without further Congressional review, establish unrealistic timelines for completion of environmental documents, and give the U.S. Bureau of Reclamation unprecedented control over the permit process. These changes, which would harm states throughout the West, remove environmental safeguards and undermine the rights of the public to weigh in on projects that could damage their communities.