



8 July 2015

Dear Members of the House Natural Resources Committee,

We write today representing a coalition of sport and commercial salmon fishing groups opposed to House Bill H.R. 2898, the so-called Western Water and American Food Security Act of 2015.

As you know, California and the west are at a critical moment in determining how best to manage scarce water resources during this unprecedented drought. Rather than looking forward to the potential that this drought may continue into the foreseeable future, H.R. 2898 proposes projects and changes to established law that will undermine our ability to respond to the hard realities of drought.

H.R. 2898 is especially concerning to the fishing community because of its potential impacts on the fish species on which our community of commercial and sport fishermen, seafood processors, boat repair businesses, harbors, hotels, wholesalers, truckers, restaurants, grocers and consumers depend. California's fishing industry supports tens of thousands of jobs and contributes billions of dollars to the state's economy. H.R. 2898 will severely compromise this community's ability to put food on the table, especially during this trying moment already complicated by the ongoing drought.

The fishing community takes issue with several of specific provisions in H.R. 2898, both for their impacts on fish and the fishing economy, and for their illogical approaches to remedying practical problems. We list several of the problems we identify in the bill below:

### **H.R. 2898 Cuts the Fishing Community Out of Management of California's Water Supply**

H.R. 2898 purports to consider the impacts of the drought on all different kinds of water users, including refuges, but the words "salmon industry" never appear in the voluminous 170-page draft. This omission lays bare the divisive, political nature of the bill that appears to favor industrial irrigators by sacrificing the needs of the fishing community. It also harms the fragile ecology of the San Francisco Bay-Delta Estuary and other critical waterways in the west that could support a salmon industry that, if healthy, would be valued at almost \$6 billion.

The bill takes away management of the Central Valley Project Improvement Act Restoration Fund and giving it to an Advisory Board made up of four agricultural users, two municipal and industrial

users, three Central Valley Project power contractors, one national wildlife refuge representative and one economic analyst. There are no seats reserved for the fishing or salmon industry. This is clearly another attempt to remove salmon and fishing advocates from meaningful participation in matters that affect us directly.

Given the inherent unpredictability of the western water supply, all groups should share the impacts of drought into the future. The bill will guarantee future water deliveries for Central Valley Project water contractors, even in the driest of but these will come, almost certainly, at the expense of the salmon fishery.

### **H.R. 2898 Relies on Projects that Will Harm Fish and Will Not Provide More Water**

A major problem with the bill is its reliance on water storage as the panacea for this drought. H.R. 2898 calls for accelerated review of surface storage projects – without providing essential protections for salmon and other fish and wildlife. Moreover, it's not at all clear that those projects will work as intended – most specifically because it is not clear there will be enough rain in enough years to make those reservoirs functional. And it is plain that there is not enough surplus water in California at this time to warrant construction of any new aboveground storage. Development of new water sources, particularly recycling facilities, would be a much better use of funds that would be set aside for these expensive projects paid for by the taxpayers.

H.R. 2898 proposes that the California Department of Water Resources (DWR) install a deflection barrier in Georgiana Slough to protect migrating salmonids. This would be great if such a technology existed and had been proven effective. DWR has been trying to develop such technology for years with very little success. The fishing community urges you to support development and testing of this technology and prove its efficacy before legislating implementation of these types of expensive infrastructure projects.

The bill averts responsibility for what ails our salmon fishery by trying to redirect the blame to predators, rather than the massive water engineering projects and other manmade modifications of the river and Delta that disrupt salmon habitat while creating ideal predator ambush habitat. Particularly, it sets up a non-native predation fish removal program in the Stanislaus River targeting striped bass, smallmouth bass, largemouth bass and other non-native species with wire fyke traps, portable resistance boards, weirs and boat electrofishing. Any predation program should target mitigation of human impacts that facilitate predation. Going after predators alone is simply a red herring.

### **H.R. 2898 Rolls Back Protections for the Fish we Rely on for our Livelihoods**

The bill significantly curtails Endangered Species Act (ESA) protections for salmon, making it basically impossible to keep our already compromised salmon runs intact. These include closing the Delta cross-channel gates, and increasing diversions to the Bay-Delta Estuary pumping operations. And while these mitigation measures, also known as reasonably prudent alternatives (RPAs), were memorialized in the 2009 salmon Biological Opinion (BiOp), it has become clear that taken alone, the RPAs in the BiOp are not adequate to fully protect all salmon runs – we need additional, stronger mitigation measures, not a weakening of those already in place, as this bill would do.

The bill provides complicated guidance on how ESA-listed salmon species will be managed, but it wholly fails to address any non-listed species. This includes the commercially valuable fall and late fall runs, which are the cornerstone of California's commercial and recreational salmon fisheries,

and also support fisheries in both Oregon and Washington. We call your attention to the recent letter from the Oregon delegation urging consideration of impacts on that states' fisheries vis-a-vis drought legislation. H.R. 2898's weakening of environmental protections for the benefit of industrial irrigators in the western San Joaquin desert will certainly harm commercially valuable runs, and lead to potentially devastating effects on the fishing industries in California, Oregon and Washington.

The bill would require that listed hatchery salmon and wild spawning salmon shall be categorized as one and the same evolutionarily significant unit (ESU), even though this approach was struck down by a federal court in *Alsea Valley Alliance v. Evans* 161 F.Supp.2d 250 (D. Oregon 2001). This provision goes against the measured opinion of the expert agencies, and would likely be struck down pursuant to future, unnecessary litigation if H.R. 2898 becomes law.

The bill requires the USBR Commissioner and the Assistant NOAA Administrator (NMFS) to develop and implement changes to salmon RPA's as to facilitate additional water deliveries. It goes into great detail on each action that must be evaluated for better flows and requires an annual report of efforts to implement those changes. However, this reverses the purpose of the BiOp and its RPAs, which are based on the best available science and designed to protect listed salmon runs. In dry years, we are already losing salmon runs under the current RPAs; any additional relaxation of those standards could create severe challenges for the fleet.

We urge you to adhere to the ESA's current protections for fish. Despite that we are in the business of harvesting fish, the fishing community believes that the ESA is a main reason we still have salmon in California. We offer our strong support for preserving and strengthening the ESA as a means of ensuring fishing's future, and not tearing it down, as H.R. 2898 would do.

### **H.R. 2898 Changes Established Water Allocation Principles for the Benefit of Industrial Irrigators, At the Expense of Fish and Fishermen**

H.R. 2898 calls for changes to the operations of the Trinity River, for the benefit of growers in the San Joaquin Valley at the expense of salmon. This is a bald-faced water grab that says industrial irrigation is more important than the survival of a species.

H.R. 2898 undermines a careful balance of water allocation that took 18 years to achieve. The bill would repeal the San Joaquin River Settlement and the salmon restoration program that all water users, including the industrial irrigators supporting H.R. 2898, supported when the settlement was signed. Establishing the precedent that hard-fought, collaborative water agreements could be simply legislated out of existence may undermine any future attempts at cooperative efforts to resolve water issues in the west.

In conclusion, there are many significant flaws in H.R. 2898. This drought and its impacts will not be solved by pushing the burden onto each other's backs. We need real-world solutions that deal with the fact that there might not be as much water in the west as our forebears were lead to believe. For that reason, we call on you to reject H.R. 2898, which will undoubtedly force significant, disparate impacts on fishermen, while permitting industrial irrigators to carry on business as usual with an even greater water supply at the expense of the environment.

It seems clear that the salmon will never survive if this bill becomes law.

Sincerely,

A handwritten signature in cursive script that reads "John McManus".

John McManus, Executive Director  
Golden Gate Salmon Association

A handwritten signature in cursive script that reads "Tim Sloane".

Tim Sloane, Executive Director  
Pacific Coast Federation of Fishermen's Association