



May 30, 2011

Honorable Tom McClintock
Chairman, Subcommittee on Water and Power
U.S. House of Representatives
428 Cannon Bldg.
Washington DC 20515

Re: Opposition to H.R. 1837 The San Joaquin Valley Water Reliability Act.

Dear Chairman McClintock:

This letter will provide the comments of the California salmon fishing industry and the hundreds of thousands of businesses and individuals that care about the future of the California Central Valley salmon populations.

We strongly oppose H.R. 1837. This bill is a radical attempt to place the water demands of some of California's most junior water rights holders ahead of all other California interests in a blatant water grab. It is intended to significantly enrich a small group of land owners and their water agency(s) by allowing them to purchase the maximum amount of below market, taxpayer-subsidized, government-developed water -- no matter what the water year or other needs for water may exist -- in order to irrigate some highly problematic or marginal lands, or to profit by

reselling that water at market rates. This is not welfare for the needy; this is welfare for the greedy.

Mr. Nunes bill would block necessary protections for the Bay-Delta – the most important estuary on the West Coast of the Americas – along with its fisheries, including the West Coast’s second largest salmon runs. It would preempt state water laws, overturn state water rights and undermine efforts to find solutions to the problems facing the Bay-Delta Estuary. There are no words strong enough to describe the complete devastation this bill would bring to the California Central Valley salmon runs and those who depend on them for their livelihoods, recreation and food sources. The bill might better be titled “The Salmon Extinction Bill of 2011”.

No industry has suffered more than the salmon industry over the political maneuvering of these people and the contributors behind them. The problem started in year 2000 when agricultural export pumping from the San Francisco Bay Delta first reached over 6 million acre feet of water annually. This resulted in significantly altered San Francisco Bay Delta flows destroying millions of baby salmon smolts as they attempted to migrate through the Delta. Massive water movements from the upstream reservoirs like Shasta, Orville and Folsom were required to feed the Delta pumps. These movements destroyed much of the upriver salmon habitat. As flows were cycled up and down to meet pumping requirements, salmon eggs were left high and dry. In addition, water temperatures in the spawning areas were frequently lethal at salmon spawning time. The result was the beginning of one of the largest salmon population crashes in history.

In 2004 National Marine Fisheries Service (NMFS) scientists recognized the problem and prepared a “jeopardy” declaration to stop the carnage. Unfortunately politics trumped science that year and the agency, under considerable political pressure, wrongly issued a “no jeopardy” opinion that was subsequently overturned in 2008. A Federal District Judge in the Eastern District of California found the increased pumping operations were in serious violation of the Endangered Species Act and a new biological opinion was ordered. The Federal Court decision, however, was too late to prevent the carnage that occurred between the time pumping had increased and the order came mandating protections be put in place for fish and the estuary during pumping operations.

In June 2009 the new biological opinion was put in place by NMFS which curtailed some water exports and implemented other safeguards to avoid salmon extinctions. Since that time the junior water rights holders have filed 13 lawsuits and have introduced six bills in Congress in an attempt to overturn the salmon protections – protections essential for maintaining California’s salmon fishery, and the infrastructure of fishing communities along the coast, including Oregon.

The salmon damage has been severe. There are four separate runs of Central Valley Chinook salmon and they have all crashed due to past policies. The Winter Run was declared endangered

in the early 1990s when only 191 fish returned to spawn. With extensive recovery efforts, the run reached 16,926 fish in 2006 only to crash again 91% to only 1,555 fish in 2010. Between 2005 and 2010 the ESA threatened Spring Run dropped 85% and the late fall run dropped 50%. The most serious drop was the Fall Run which declined 97% from 1,490,468 fish in 2002 to 39,500 in 2009. The Fall Run has no ESA protections and has suffered the most from the Delta exports and the lethal upriver habitat conditions.

Because of the Fall Run crash, the commercial and recreational ocean salmon fishing seasons were halted completely in 2008 and 2009. In 2010 there was only a token season. The seasons were stopped by the federal government to avoid a complete loss of the fishery. The impact on the salmon industry and its associated businesses was devastating. Unemployment was 100% and tens of thousands of jobs were lost. The economic cost of the shutdown was estimated at \$1.4 billion annually.

The State of California, the Federal Government along with the salmon industry and others are now working closely together to restore the Delta environment and bring the salmon back. There are early signs that this program is starting to work. We believe this is the right answer. H.R 1837 is the wrong answer and would bring all of this activity to a halt.

- The California State Water Resources Control Board determined that additional fresh water flows are needed through the San Francisco Bay Delta to recover the Delta and restore the fisheries. H.R 1837 would add no flows and would take away the 800,000 acre feet of water reserved by Congress for salmon recovery.
- Water fees currently provide in excess of \$50 million annually for a Restoration fund that is used by the fishery agencies in part for salmon recovery. H.R. 1837 reallocates these funds to purchase additional water supplies.
- The 2009 biological opinion does not recover salmon but it keeps them from going extinct. This opinion curtailed springtime pumping when baby salmon are attempting to migrate through the Delta. H.R. 1837 takes away the water used to implement the biological opinion.
- H.R 1837 renders the Endangered Species Act moot by declaring that the state and federal water projects have already fully complied with the ESA.

- H.R. 1837 rewrites California law and takes the water away from existing users and environmental needs by requiring 40 year renewals of all existing state and federal water contracts.

In short, every current and future water and habitat condition that salmon need to survive and recover is removed by H.R. 1837. The bill is unquestionably a path to extinction for salmon and many other aquatic species. We know of no reputable scientist who would say anything different. Following are some scientific references.

- Dr. Peter B. Moyle of the U.C. Davis Watershed Science Center is one of the leading scientists in the state on the needs of fish in estuaries, rivers and tributaries. In 2008 he completed a two year study of the 31 remaining native salmonid species in California. His conclusions were that unless water conditions are improved substantially that two thirds of these species including salmon would be extinct within a few decades. Dr Moyle said, “The fish don’t lie. The story they tell is that California’s environment is unraveling. Their demise is symptomatic of a much larger water crisis that, unless addressed, will severely impact every Californian in the years to come.”
- In 2010 the California Water Quality Control Board completed its study of the amount of fresh water that must flow through the San Francisco Bay Delta to recover salmon and other aquatic species. The study concluded that up to double the amount of water that is currently allowed to flow through was needed. This study was reviewed and supported by fifteen of the top independent scientists in the state. The California Department of Fish and Game conducted a similar study with the same conclusions.
- The National Academy of Science reviewed the scientific basis of the 2009 biological opinion. The NAS supported the basic conclusions of the water modifications of the opinion.

The salmon industry and its supporters are requesting a rejection of all the provisions of H.R. 1837. Congress has never approved a provision that would lead to the extinction of a wildlife species, leastwise one with the economic importance of salmon. This is not the time to start. H.R. 1837 is not about reliability, but enriching the junior water rights holders on the west side of the San Joaquin River at the expense of farmers in other parts of the Central Valley, the California and Oregon salmon fisheries, and California and Federal taxpayers. Instead of this bill, we strongly support the activity that is currently underway by the State and federal administrations to find the best water solutions for all of California. Water is clearly a crisis in the state and should not be subject to a non scientific political power play of any special interest group.

It is particularly concerning that a major industry like the salmon industry should be put out of business to satisfy the political whims of a small portion of California's agricultural sector.

- The salmon industry is a major piece of the California economy. It directly and indirectly impacts tens of thousands of good-paying jobs. It is also the economic engine of hundreds of small communities from Morro Bay to Crescent City – not to mention Oregon coastal communities which historically relied on Central Valley salmon for as much as 50 percent of their ocean harvest. There are over 2,000 separate businesses directly involved in the industry. These include commercial boats, fish processors, marinas, equipment manufacturers, charter boats, guides and 1,000 retail businesses. These retailers range from small mom and pop stores to giants like Wal-Mart and West Marine.
- The salmon industry is a food producer. With recovery of the fresh water side of the salmon life cycle, the industry is capable of producing more than fifteen million pounds of fresh salmon annually. The economic impact of this production is over \$5 billion annually.
- Salmon production is a non-polluting activity. There are no pesticide runoffs and no poison runoffs such as the selenium contamination associated with the marginal west-side San Joaquin Valley irrigated lands.
- Approximately 500,000 recreational anglers fish for salmon in California annually when the seasons are open. It is a healthy family outdoor activity enjoyed by all ages.
- Salmon is the seafood of choice by millions of people. It is continually ranked as one of the top choices in restaurants. It is also the best source of omega 3 proteins which have significant heart benefits. The California Chinook salmon is one of the most desired salmon species in the country. It is unmatched in taste and texture.

Finally, we resent the name calling that has been going on referring to those of us who are concerned for our jobs, livelihoods and life style as “radical environmentalists.” The salmon fishing community encompasses individuals from all segments of our society – we are conservatives, liberals and moderates, we are Republicans, Democrats and independents. The name calling that has been going on is boorish, childish and reflects a basic lack of decency. We want to engage with all in serious discussions on how to ensure we have sustainable farm and fish food production, on how to make our water supplies more dependable and how we can preserve for future generations of Californians the natural wonders of this state – its rivers and estuary, fish and wildlife. This is no time for radicalism, but for all of us to work together, in earnestness and good faith, to resolve the problems we are confronted with - without name calling, partisan rancor or demagoguery – to protect the jobs in the fields and at sea, to preserve California's natural and cultural heritage. HR 1837, unfortunately, is not part of such a

discussion; it is, instead, a one-sided and short-sighted measure that should be roundly rejected now.

We appreciate your hearing our views.

Sincerely,

Zeke Grader

Pacific Coast Federation.
of Fishermen's Associations

Dick Pool

Water4Fish

Bill Jennings

California Sportfishing
Protection Alliance

Larry Collins

SF Crab Boat Owners Assn.

Paul Johnson

Monterey Fish Market

Mike Lum

Fred Hall Shows, Long Beach

Woody Wood

Jeff Robles Tackle Sales

Darrell Ticehurst

Coastside Fishing Club

Ken Elie

Outdoor Pro Shop

Mike Hudson

Small Boat Commercial
Salmon Fishermen's Assn.

Mark Mcloch

Nor Cal Guides Assn.

Dan Bacher

The Fish Sniffer

Michael Scaglione

Pacific Catch Fish Grill

Roger Thomas

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Mark Rockwell

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