



June 1, 2011

The Honorable Tom McClintock  
Chair, Subcommittee on Water and Power  
1610 Longworth House Office Building  
Independence and New Jersey Ave., S.E.  
Washington, DC 20515

The Honorable Grace Napolitano  
Ranking Member, Subcommittee on Water and Power  
428 Cannon House Office Building  
1st and Independence Ave., S.E.  
Washington, DC 20515

**Re: Oppose H.R.1837, The San Joaquin Valley Water Reliability Act**

Dear Chairman McClintock and Ranking Member Napolitano:

On behalf of the recreational fishing industry, the American Sportfishing Association (ASA) expresses its strong opposition to H.R. 1837, the San Joaquin Valley Water Reliability Act, as introduced by Representative Nunes on May 11, 2011.

ASA is the nation's recreational fishing industry trade association, representing sportfishing manufacturers, distributors, retailers, media and angler advocacy groups, as well as the interests of America's 60 million recreational anglers. ASA safeguards and promotes the social, economic and conservation values of sportfishing in America, which result in a \$125 billion-a-year impact on the nation's economy.

California's Central Valley historically supported one of the greatest salmon runs in the lower 48 states, as well as robust populations of other sport fish like steelhead trout. In recent years, increased water diversion for agricultural irrigation has had a devastating impact on California's salmon fishery and the businesses that depend on it. Between 2002 and 2009, high water exports caused the salmon population to drop from 1.4 million fish to just 39,000. Despite the extreme environmental consequences of over-pumping, H.R. 1837 proposes to divert even more water from the Bay-Delta ecosystem for private agricultural interests.

To mitigate the impacts of high volume pumping rates, fishery managers closed the salmon fishing season in 2008 and 2009 and severely curtailed the 2010 season. The economic impact of these fishing closures is no less severe than the water shortages faced by the agricultural industry. A recent economic study showed that California's economy suffers a \$1.4 billion negative impact every year that the season

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is closed with a loss of almost 23,000 jobs.<sup>1</sup> While a study by the University of the Pacific and the University of California, Davis estimates that environmental limits on water diverted from the Bay-Delta are responsible for no more than 1,400 to 3,000 lost agricultural jobs.<sup>2</sup>

ASA holds concerns with several sections of H.R. 1837, which will undermine recent conservation successes, reverse state and federal law and will cause undue harm to recreational fishing opportunity in California and Oregon:

### **Central Valley Project Improvement Act Revisions**

H.R. 1837 seeks to amend the Central Valley Project Improvement Act (CVPIA) to eliminate provisions that safeguard salmon populations and dedicate 800,000 acre-feet of water to habitat restoration. The bill will reverse the Ninth Circuit ruling that this water be used to achieve CVPIA's salmon doubling and restoration mandates. This water is a base necessity for the recovery of Bay-Delta salmon and other endangered fish, but H.R. 1837 proposes to divert even more water to agricultural water contractors. In addition, it will redirect funds from the CVPIA Restoration Fund for increased water supply development.

### **Obstruction of the Bay Delta Conservation Plan and Endangered Species Act**

This legislation will severely impair the effectiveness of the Bay Delta Conservation Plan (BDCP) and the Endangered Species Act (ESA). H.R. 1837 will limit BDCP flow requirements to the protections set under the 1994 Bay-Delta Accord, which was created prior to the salmon population crash and the ESA listing of several species. This provision will prohibit all flow scenarios currently being considered by the BDCP. It will also prevent agencies' abilities to react to changes in Bay-Delta water conditions. Additionally, the bill requires state and federal lawmakers to consider hatchery or farmed salmon when making decisions in accordance with the ESA. By failing to distinguish between wild and farmed salmon, this bill will effectively remove ESA protections from wild salmon and have a devastating effect on their populations.

### **Renewal of Central Valley Project Contracts**

H.R. 1837 undermines the authority of the Department of the Interior by mandating the conversion of 25-year Central Valley Project (CVP) contracts into 40-year contracts. It also requires the Interior to renew any CVP contracts for a 40 year period if requested, effectively creating permanent contracts. This section limits federal discretion to review contract terms and completely disregards any potential changes in science, ecosystem health or water use.

### **San Joaquin River Restoration Suspension**

Title II repeals state law and the settlement agreement that called for the restoration of the San Joaquin River. H.R. 1837 substitutes the settlement's mandates with a flow of 50 cubic feet per second, an insignificant fraction of the flow required by the restoration agreement. This substantial decrease in water further threatens salmon viability in the Bay-Delta and reverses both state and federal decisions.

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<sup>1</sup> Calculation of the Projected Economics and Jobs Impact of Salmon Recovery in California. Southwick Associates (June 21, 2009)

<sup>2</sup> A Retrospective Estimate of the Economic Impacts of Reduced Water Supplies to the San Joaquin Valley in 2009. J. Michael, R. Howitt, J. Medellín-Azuara and D. MacEwan (September 28, 2010).

As a whole, this legislation is extremely concerning for the sportfishing community. Water contractors have already filed 13 lawsuits in their pursuit for increased water rights. H.R. 1837 will open up past decisions and regulations to even more litigation, crippling current conservation efforts and costing the state of California valuable time and money. The Bay-Delta's salmon support a valuable industry as well as many small communities. It is important that federal actions protect the fishing industry in California, not leave it exposed to unwarranted and burdensome litigation.

H.R. 1837 represents a significant setback for the salmon fishing community in California, as well as Oregon. This legislation eliminates, reverses and undercuts several key conservation laws and rulings that have prevented the extinction of California's salmon thus far. ASA is concerned that this bill will have severe implications on the salmon's recovery and the sportfishing industry and urges you to oppose H.R. 1837 and any future legislation that features similarly injurious language.

ASA realizes this is a difficult situation and that jobs and local economies are in the balance for both the fisheries and the agricultural communities. We also know that agriculture has prevailed in many questions relating to water quantity in the region. A careful and balanced approach is required to solve these challenges and H.R. 1837 does not offer either.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Gordon C. Robertson". The signature is written in a cursive, flowing style.

Gordon Robertson  
Vice President