

**AMERICAN RIVERS
CALIFORNIA LEAGUE OF CONSERVATION VOTERS
DEFENDERS OF WILDLIFE
EARTHJUSTICE
LEAGUE OF CONSERVATION VOTERS
NATURAL RESOURCES DEFENSE COUNCIL
THE NATURE CONSERVANCY
ENVIRONMENTAL DEFENSE FUND**

June 1, 2011

The Honorable Tom McClintock
Chair, House Subcommittee on Water and Power
1324 Longworth House Office Building
Washington, D.C. 20515

RE: OPPOSE H.R. 1837 (Nunes)

Dear Chairman McClintock and Members of the Subcommittee:

On behalf of the undersigned conservation organizations, we are writing to urge you to oppose H.R. 1837, the San Joaquin Valley Water Reliability Act, introduced by Representative Nunes. Our organizations are committed to addressing natural resources challenges in California through long-term solutions that restore and maintain the health of the environment on which our economy and the quality of our lives depend. H.R. 1837 runs directly counter to those goals by drastically undermining environmental protections for salmon and other commercially-valuable species, preempting state law, interfering with state water rights, gutting the 1992 Central Valley Project Improvement Act, and overturning the broadly supported and court approved settlement to restore the San Joaquin River. As a result, this bill threatens thousands of salmon fishing jobs and communities in California and Oregon, threatens senior water rights holders throughout the State, and would disrupt collaborative, comprehensive programs like the Bay Delta Conservation Plan, which aim to protect endangered species and restore the Delta ecosystem while improving the reliability of California's water supply.

Since 1902, Congress has required that the federal government follow state water law whenever possible. H.R. 1837 would overturn this fundamental principle, which has been the driver of every federal reclamation project for more than a century. Among other implications, this radical approach would undermine a bipartisan package of water policy reform legislation adopted by the State of California in 2009, which strengthened environmental protections for endangered species in California, mandated the development of a comprehensive Delta Plan and established co-equal goals of improving water supply reliability and restoring the Bay-Delta estuary. Title I of H.R. 1837 would preempt implementation of this state legislation and would preempt state law more generally, preventing scientifically based protections for salmon and other endangered species under California law.

OPPOSE H.R. 1837 (Nunes)
June 1, 2011

In addition, in 2009 the San Joaquin River Restoration Settlement Act (enacted as part of P.L. 111-11) ended twenty years of litigation on the San Joaquin River. The Settlement and the Act were supported by all parties to the litigation, numerous water districts in the San Joaquin Valley and across the State. The original legislation to approve the Settlement received broad, bipartisan co-sponsorship, including then-Representative Pombo and Senator Feinstein. Title II of H.R. 1837 would overturn the court approved Settlement, attempts to preempt state law that requires river restoration, and eliminates flood protection and water supply projects for farmers that were approved as part of the Settlement and Act.

Title I of H.R. 1837 would also eliminate scientifically based protections under the Endangered Species Act, instead substituting measures that were crafted as part of a short-term deal in 1994, in a vastly different ecological and scientific environment. The State of California has been on record since 2009 opposing riders and legislation to weaken, suspend or overturn the Endangered Species Act in the Bay-Delta. By preempting state law and mandating 17-year old measures, these sections also threaten the water supplies of senior water rights holders in the Bay-Delta watershed, whose water rights would likely have to be reduced to mitigate the effects of the state and federal water projects on Endangered Species and the Bay-Delta ecosystem.

Finally, Title I of H.R. 1837 would gut the 1992 Central Valley Project Improvement Act, signed into law by President Bush to encourage water conservation, require compliance with state law, make modest reforms in contracting to reduce subsidies, and establish water supply and ecosystem protection as co-equal goals of the Central Valley Project.

California's Bay-Delta estuary is the lifeblood of the salmon fishery in California. The closure of the salmon fishery in 2008 and 2009 resulted in thousands of lost jobs in California and Oregon, and hundreds of millions of dollars in lost income, each year. The livelihoods of commercial and recreational salmon fishermen, Delta farmers, fishing guides, tackle shops, and communities across California and along the West Coast depend on the environmental protections that H.R. 1837 would eliminate.

For all of these reasons, we strongly urge you to oppose H.R. 1837.

Sincerely,

Jim Bradley
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American Rivers

Martin Hayden
Vice President, Policy and Legislation
Earthjustice

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California League of Conservation Voters

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OPPOSE H.R. 1837 (Nunes)
June 1, 2011

Jay Ziegler
Director, External Affairs
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Director of Government Affairs
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cc: Senator Dianne Feinstein
Senator Barbara Boxer
Deputy Secretary of the Interior David Hayes
California Secretary for Natural Resources John Laird