

Congresswoman Jackie Speier
Statement on H.R. 1837, San Joaquin River Reliability Act

For submission to the
Subcommittee on Water and Power
Committee on Natural Resources

June 13, 2011

Dear Chairman McClintock and Ranking Member Napolitano:

I write to express my strong opposition to H.R. 1837, the San Joaquin River Reliability Act. This legislation would do grave damage to negotiations over water resources in the State of California, overturning a century of state's rights and setting a dangerous precedent for water management across the rest of the country.

I represent the 12th Congressional District of California on the San Francisco Peninsula. The health of the Bay-Delta ecosystem is crucial to the millions of people who live in the Bay Area, including thousands of commercial and recreational fishermen and women who make a living off wild salmon. Over the past three years, the salmon fishing industry has barely survived due to record salmon declines that have been exacerbated by continued water diversions in the Delta.

Three years ago, the salmon industry boasted 1,200 commercial boats, half a million recreational fishermen, hundreds of retailers, commercial charters, river guides, marinas and restaurants. In 2008, however, the once-robust salmon run in the Central Valley collapsed, endangering the fish and thousands of associated jobs. Fish returns in the Sacramento River plummeted from a high of 768,000 in 2002 to a staggering low of 39,500 fish in 2009. Low runs canceled fishing in 2008 and 2009, and last year's commercial season only lasted eight days, leaving many unable to earn a living.

Salmon face many obstacles – dams, logging, over-development and industrial agriculture – all factors that destroy or alter their habitat. When river levels are too low or excessive water diversions disrupt the species' natural cycle, as has occurred in recent years, the results are disastrous. The greatest hazard the Central Valley salmon runs confront is the lack of robust spring outflows through the Delta to flush migrating salmon out to the ocean.

H.R. 1837 would exempt junior water rights holders from longstanding state laws that protect the flows these species depend upon, including the California Endangered Species Act and the California Fish and Game Code. The bill would weaken the Central Valley Project Improvement Act's salmon restoration goal and make an outdated 1994 provision the ceiling for any future action to defend the fish against collapse. California's landmark conservation laws protect fish populations as well as the health of the Bay-Delta itself. By gutting or repealing these laws, H.R. 1837 would damage a fundamental part of the legal framework that holds California's most important and fragile water resource together.

The Bay-Delta ecosystem is at a perilous crossroads. After decades of mounting problems, we are

finally on the verge of adopting sustainable solutions to preserve the Bay-Delta for the long term in a way that will meet both water and environmental needs.

Negotiations over the future of the Bay-Delta are without a doubt complex, but agreement by all the parties on a lasting set of solutions is within our grasp. The last thing we need now is legislation that would turn back the clock and start the water wars all over again. H.R. 1837 will only stir fresh legal controversy. This bill's radical provisions aim to placate the interests of a select few agricultural users by exempting them from the key laws that protect our environment, while the rest of California, including Delta farmers and coastal fishing communities, will be left holding the bag.

Lastly, it has come to my attention that the proponents of this bill have made unwarranted and grossly inaccurate statements regarding Bay Area residents' water usage, alleging a special status that simply does not exist. I respectfully ask that you review the enclosed letter from the San Francisco Public Utilities Commission for a response to these statements. The Bay Area continues to pay its fair share for water and is acting as a leader in water conservation efforts.

Thank you for your consideration of my views.

Sincerely,



JACKIE SPEIER
Member of Congress