



“The New Voice of Salmon”

Anti-Salmon Provisions in H.R. 23 (Valadao)

As passed by the House of Representatives on July 12, H.R. 23 (Valadao) contains a wide range of provisions that would harm California salmon runs, West Coast fishing jobs, coastal communities and the San Francisco Bay-Delta ecosystem. Specifically, the bill:

Attacks the Central Valley Project Improvement Act (CVPIA) Salmon Restoration Program:

The CVPIA, which was signed by President Bush in 1992, includes an ambitious salmon restoration program and tools to restore salmon. H.R. 23 would dramatically undermine the CVPIA’s salmon restoration effort.

Reduces Water Dedicated to Restoring Salmon

- Eliminates water dedicated to the environment and salmon restoration if CVP water supply is not increased by at least 800,000 AF by 2018. Such a yield increase in two years is not possible. For example, the combined new yield of the proposed Temperance Flat Dam and the proposed raise of Shasta Dam is less than 150,000 AF. (Sec. 107(c))
- Eliminates the existing mandate for the Secretary of the Interior to provide water suitable “to protect all life stages of anadromous fish.” (Sec. 105)
- Repeals the dedication of water for salmon and other fish and wildlife by ordering environmental water to be diverted for water users “(t)o the fullest extent possible.”(Sec. 105(1)(B))
- Reduces water dedicated to the environment and salmon during times of shortage. (105(1)(C))

Reduces Funds for and Weakens Federal Salmon Restoration Efforts

- Repeals the mandate that 67% of the of the CVPIA Restoration Fund be spent on habitat restoration activities (Sec. 106(a)(2))
- Dramatically reduces contributions to the CVPIA Restoration Fund by CVP water and power users (Sec. 106(c) and (d))
- Gives CVP water and power contractors influence over the CVPIA Restoration Fund by granting them 10 of 12 seats on a new Restoration Fund Advisory Board, with no seats dedicated to fishing or environmental interests. (Sec. 106(e))

Reduces Protections for Salmon

- Repeals protections in the CVPIA designed to prevent environmental impacts from water transfers. (Sec. 104(D))
- Eliminates the current legal prohibition against writing new CVP water contracts to deliver more water from the oversubscribed Central Valley Project. (Sec. 107 (a))

Mandates Damaging New Water Development

- Requires a massive new water development effort by the Bureau of Reclamation. (Sec. 101 and 107(c))

Repeals Water Reforms to Encourage Water Use Efficiency and Improved Water Management

- Increases wasteful federal water subsidies by repealing existing federal law requiring full cost pricing for 10 percent of CVP water deliveries. (Sec. 104(D)(3))
- Repeals existing federal law requiring CVP water use to be metered. (Sec. 104(D)(2))
- Extends CVP water contract renewals from 20 to 40 years, restricting the ability of the Department of Interior to respond to changing conditions. (Sec. 103)

Overrides State Law and Bay-Delta Standards Regarding Salmon Protection

- Overrides state law, prohibiting the California State Water Resources Control Board from using state law to regulate the State Water Project to protect state resources, including salmon, in the Bay-Delta. This preemption of state law would overturn a century of federal deference to state water law and violate the U.S. Constitution. (Sec. 108)
- Blocks implementation of all current - and future - state Bay-Delta standards adopted after 1994. (Sec. 108(a))
- Prohibits any state or federal agency from imposing conditions on any water right “to conserve, enhance, recover or otherwise protect any species that is affected by operations of the Central Valley Project or California State Water Project.” (Sec. 108(b))
- Prohibits California from using the Public Trust to protect state waters. (Sec. 108(b))
- Preempts all state laws regulating the harvest of nonnative fish. (108(d))
- Prohibits State agencies from using the Fish and Game Code to require flows to restore the San Joaquin River below Friant Dam. (Sec. 113(a)(5))
- Prohibits the release of water to the San Joaquin River below Sack Dam. (Sec. 113(a)(7)(B))
- Opposes new State Board standards using unimpaired flow as a metric to protect the San Joaquin River and its tributaries. (Sec. 108(d))

Attacks Endangered Species Act Protections for Salmon

- Blocks implementation of the current ESA Biological Opinions in the Central Valley, as well as the previous BOs that were found by federal courts to violate the ESA. All Bay-Delta protections would roll back to 1994 levels. (Sec. 108(a))
- Bars mitigation for any environmental impacts caused by changes in water operations during dry periods. (Sec. 111)
- Requires federal agencies to treat state and federal water users as applicants in ESA consultations. The bill fails to grant similar status to environmental or fishing interests. This would violate the state’s co-equal goals for Delta management. (Sec. 112)
- Prohibits federal agencies from distinguishing between wild and hatchery salmon. (Sec. 109)

Repeals the San Joaquin River Salmon Restoration Agreement

- Effectively repeals the consensus agreement to restore the San Joaquin River and its salmon run. Creates new impediments to salmon restoration. (Sec. 113)
- Inserts a new “interim” prohibition regarding the restoration of salmon below Friant Dam – “No salmonids shall be placed into or allowed to migrate to the Restoration Area.” (Sec. 113(a)(7)(B))

Promotes the Construction of New Dams that Could Harm Salmon

- Authorizes the raising of Shasta Dam and other dam projects. An analysis by federal biologists revealed that the Shasta dam raise would further harm salmon. (Sec. 107(e))
- Extensive permit streamlining for new dams. (Sec. 110, Titles II, V, VI and VIII))

Attacks the National Environmental Policy Act

- Allows the Bureau of Reclamation, rather than federal regulatory agencies, to determine the information, including biological studies, to be used by all federal agencies in evaluating and permitting new dams. This could lead the Bureau to exclude information about the potential impacts of Bureau projects that federal biologists believe is important. (Sec. 504 (a)(4))
- Exempts from the requirements of NEPA any Bureau of Reclamation project that has filed a notice of determination or received a state permit. (Sec. 110(a))
- Bars federal courts from blocking the construction of new Bureau water projects or water deliveries prior to final rulings on NEPA compliance. (Sec. 110(b))

Blocks Wild and Scenic River Protections

- Prevents Wild and Scenic River Act protections from slowing the construction of Temperance Flat Dam. (Sec. 202(c))

Blocks Trinity River Salmon Protection Flows

- Blocks the release of water, which is allowed under recent court rulings, to prevent disease outbreaks in salmon on the Klamath River. (Sec. 402)

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