

**American Rivers * American Whitewater * California Sportfishing Protection Alliance *
Climate Action California * Coast Action Group * Community Water Center *
Defenders of Wildlife * Earthjustice * Friends of the River * Foothill Conservancy *
Golden State Salmon Association * Natural Resources Defense Council * Pacific Coast
Federation of Fisherman’s Associations * Planning and Conservation League * Restore the
Delta * Sacramento River Council * Save California Salmon * Sierra Club California *
Soda Mountain Wilderness Council * The Bay Institute * Tuolumne River Trust *
Wild Alabama * Winnemem Wintu Tribe**

June 21, 2023

Rep. Kay Granger, Chair
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20036

Rep. Chuck Fleischmann, Chair
Subcommittee on Energy and Water Development
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20036

Rep. Rosa DeLauro, Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20036

Rep. Marcy Kaptur, Ranking Member
Subcommittee on Energy and Water Development
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20036

**RE: Opposition to the FY 2024 House Energy and Water Development
Appropriations Bill, Title V**

Dear Ranking Member DeLauro and Ranking Member Kaptur:

On behalf of the undersigned organizations, the Winnemem Wintu Tribe and our millions of members and supporters, we write to express our opposition to Title V of the rider to the House Energy and Water Development, and Related Agencies, Appropriations Bill (Title V). The language in Subtitles A, B, C, and D is a slightly modified version of pending bill H.R. 215 by Rep. Valadao (R-CA). Both H.R. 215 and Title V violate and preempt state law, undermine critical protections for salmon and other fish and wildlife that Native American Tribes and thousands of fishing jobs depend on, and reignite divisions over water rights and environmental and public health protections to benefit certain water users at the expense of others. For these reasons and those outlined below, we urge you to **oppose Title V**.

First, Title V overrides state law in order to authorize and appropriate funding for the enlargement of Shasta Dam. This project would harm Native American Tribes, salmon fishermen, and the environment, as well as violate state law. The Bureau of Reclamation has admitted that this project would destroy sacred sites of the Winnemem Wintu Tribe. State and federal agencies, including the U.S. Fish and Wildlife Service, have concluded that the project would harm native fish and wildlife, including native salmon runs that thousands of fishing jobs on the West Coast depend on. The State of California has repeatedly opposed this project, including lawsuits by the Attorney General of the State of California.

Second, Title V overrides the Endangered Species Act and reinstates the Trump Administration’s blatantly unlawful biological opinions, which threatens West Coast salmon fisheries. Those biological opinions were issued as the result of political interference. They dramatically weakened protections for salmon and other listed species in the previous biological opinions. The federal courts have remanded the biological opinions as a result of litigation by the State of California and conservation and fishing groups. The salmon fishery in California and most of Oregon has been completely closed this year, resulting in thousands of lost jobs, and the science is clear that the next biological opinions must strengthen protections for Central Valley salmon. Instead, Title V would reinstate and lock in the Trump Administration’s unlawful biological opinions for 7 years, setting a dangerous legal precedent that threatens the future of California wildlife that are already experiencing a precipitous decline. The bill threatens fishing jobs and Tribal resources. The bill also appears to preempt state law with respect to operations of the State Water Project. And despite the fact that Title V proposes to lock these biological opinions into place, the day after Rep. Valadao originally introduced H.R. 215 he demanded that the Biden Administration violate these same biological opinions in order to increase water pumping, demonstrating the bad faith inherent in H.R. 215 and Title V.

Third, Title V irresponsibly prioritizes taxpayer subsidies for antiquated, economically inefficient and environmentally destructive surface water storage projects. These provisions ignore hundreds of millions of dollars appropriated for water storage projects in the Bipartisan Infrastructure Bill and override the Act’s eligibility and funding requirements. These provisions also ignore the many less costly and less destructive water supply strategies available in California.

Finally, Title V threatens wildlife refuges, migratory birds, and salmon by threatening restoration funding required by the 1992 Central Valley Project Improvement Act (CVPIA). Title V deems the CVPIA “complete,” despite the Department of the Interior’s failure to meet the CVPIA’s requirements for water deliveries to wildlife refuges, which would harm what is left of California’s inland wetland refuges and threaten populations of waterfowl and shorebirds that migrate north each year. Similarly, the CVPIA’s salmon doubling goal has not been achieved, as salmon populations have further declined in recent years in part due to unsustainable water diversions.

Title V threatens Native American Tribes and the thousands of fishing jobs and communities in California and Oregon that depend on healthy salmon runs from California’s Bay-Delta. The closure of the salmon fishery in 2008 and 2009 resulted in thousands of lost jobs in these states, and the West Coast is facing that devastating reality once again in 2023. This closure is the result of irresponsible water management decisions. Title V would lock in and worsen those damaging policies. 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 Title V would eliminate.

For all of these reasons and more, we urge you to oppose Title V as a rider to the FY 2024 Energy and Water Development Appropriations Bill. Thank you for your consideration.

Sincerely,



Ashley Overhouse
Defenders of Wildlife



Doug Obegi
Natural Resources Defense Council



Glen Spain
Pacific Coast Federation of Fishermen's
Associations



Barbara Barrigan-Parilla
Restore the Delta



Scott Artis
Golden State Salmon Association



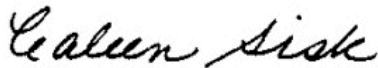
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