



September 15, 2023

The Honorable Charles Schumer
 Majority Leader
 United States Senate
 S-221, U.S. Capitol
 Washington, D.C. 20510

The Honorable Mitch McConnell
 Senate Minority Leader
 United States Senate
 S-230 U.S. Capitol
 Washington, D.C. 20510

The Honorable Kevin McCarthy
 Speaker
 U.S. House of Representatives
 H-232 U.S. Capitol
 Washington, D.C. 20515

The Honorable Hakeem Jeffries
 Minority Leader
 U.S. House of Representatives
 H-204 U.S. Capitol
 Washington, D.C. 20515

Re: **Opposition to H.R. 215 (Valadao) in Title V of House Energy & Water Development Appropriations Bill (H.R. 4394) and elsewhere**

On behalf of the undersigned fishing organizations and salmon-related businesses across West Coast states and the nation, we are writing to express our strongest opposition to H.R. 215 by Rep. Valadao (R- CA).

H.R. 215, which has also been attached as Title V to the House Energy and Water Development Appropriations bill (H.R. 4394), includes multiple provisions that threaten valuable California Central Valley salmon runs and the tens of thousands of jobs and dozens of communities that depend on those salmon runs for their livelihoods – spanning commercial and recreational fishing, tackle manufacturers and retailers, fish brokers, and marinas. We urge you to oppose H.R. 215 as well as any effort to attach all or part of the bill to “must-pass” legislation later this year, both because of the numerous concerns we have with the bill as well as the inappropriateness of moving such complex legislation outside of regular order.

Central Valley salmon are the backbone of both California’s and coastal Oregon’s salmon commercial and recreational fishing industries. Those salmon runs have declined dramatically in the past two decades primarily because current Central Valley water policies don’t address the needs of salmon, particularly during the recent drought. As a result, the 2023 salmon fishing season has been closed entirely in California for only the second time in state history. In addition, most of coastal Oregon’s 2023 Chinook ocean salmon fishery has been closed as well, since nearly half of the Chinook salmon harvested off Oregon shores come from California Central Valley stocks that are disappearing.

In California alone, a healthy salmon fishery could support up to 23,000 jobs and \$1.4 billion in economic activity. But today, California and Oregon salmon boats are idle, imposing severe hardships on fishing businesses, communities and families – including many members of our organizations.

Without aggressive actions to increase protections and restoration efforts for California Central Valley salmon, the future of salmon jobs in our coastal fishing communities is in dire jeopardy. Unfortunately, rather than improve salmon protections, H.R. 215 includes multiple new attacks and would further threaten salmon recovery and fishing jobs.

Blocking Science-Based Salmon Protections: In 2019, federal agencies adopted deeply flawed Biological Opinions (BOs) for Central Valley fish species protected under the Endangered Species Act (ESA), including two stocks of Chinook salmon. While directed fishing is prohibited on listed salmon stocks, the ESA protections for listed stocks benefit the non-listed fall-run Chinook salmon, for which fishing is carefully regulated. The 2019 BOs ignored the best available science, which has led to the collapse of returning salmon in recent years. And they also allowed the Bureau of Reclamation to drain all of the cold water from the Shasta reservoir, leaving only hot water to be released in the fall spawning season, which cooks salmon eggs downstream before they can even hatch.

Following challenges of these BOs in court, federal agencies have acknowledged these flaws and begun writing new BOs. However, H.R. 215 would legislatively lock-in the failed and flawed 2019 BOs, including legislatively mandating the use of *only* the now-obsolete science behind those old BOs, making it nearly impossible for federal agencies to meet their requirement to use the best available, science-based protections for salmon that other federal laws require.

Additionally, defining what is, and what is not, “best available science” by statute also sets an extremely dangerous precedent.

Overriding State Law to Allow the Salmon-Killing Proposed Shasta Dam Raise: The bill would also authorize funds for the construction of the salmon-killing proposed Shasta Dam raise. It would federally override a state law that currently blocks that project. The proposed dam raise would deprive salmon of the high spring flows they need to survive their migration to the ocean – subjecting Central Valley salmon to even more of the human-caused low flow conditions that have negatively impacted salmon returns in recent years. Nearly all of the water from this proposed project would go to a single water district, with just a few hundred farms, not to California’s cities. Yet despite these narrow private benefits, H.R. 215 would require taxpayers across the nation to help pay for this \$1.4 billion project.

Mandating Unsustainable Water Deliveries to a Few at the Expense of the Many: H.R. 215 would also mandate specified levels of water deliveries for a few agricultural water users, regardless of the impacts those deliveries could have on salmon, the environment or other water users, and regardless of how much rainfall is actually available. Such an inflexible water distribution policy would only exacerbate the impacts of future droughts on all other water users.

Ending Salmon Restoration Activities: Astonishingly, given that two salmon stocks are already listed under the ESA, are still struggling in the California Central Valley, and a totally closed 2023 salmon season, H.R. 215 would legislatively declare federal salmon restoration efforts “complete.” Current law requires federal agencies to work to double Central Valley salmon returns, supported by a salmon restoration fund financed by those who receive water and power from the federal Central Valley Project. Unfortunately, instead of achieving this restoration goal, federal failures have led to the further decline of returning salmon. H.R. 215 denies this reality entirely by simply legislatively declaring federal salmon restoration efforts “complete,” which would end most California salmon restoration efforts and reduce federal restoration funds – but reduce salmon restoration payments by the handful of water agencies that support the bill.

As mentioned above, H.R. 215 has already been attached as a rider (Title V) to the House Energy and Water Development Appropriations bill (H.R. 4394). We expect similar efforts to attach this damaging legislation to must-pass bills during this Congressional session.

Salmon fishing businesses depend on a healthy environment. H.R. 215 threatens that environment and threatens our jobs. Please oppose the inclusion of H.R. 215, or any of its provisions, in any legislation considered by Congress this session.

Sincerely,



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