

**American Rivers * Audubon California * The Bay Institute
Crab Boat Owners Association * Defenders of Wildlife * Earthjustice
Endangered Species Coalition * Environmental Defense Fund
Natural Resources Defense Council * The Nature Conservancy
Pacific Coast Federation of Fishermen's Associations * Planning and Conservation League
Sierra Club * Water4Fish**

House Continuing Resolution Rider on the San Francisco Bay-Delta Would Cost Jobs, Threaten Water Supplies and Undermine Progress in California

February 15, 2010

The House Continuing Resolution released on February 11 contains a provision that would block implementation of protections in two federal biological opinions for fish in the collapsing San Francisco Bay-Delta ecosystem. This provision would have far-reaching and damaging impacts on California's environment, economy and urban residents.

Broad Opposition to this Legislation in 2010. Last year, a remarkably diverse group of interests pronounced similar special interest legislation to be damaging and unnecessary:

- The Los Angeles Times (February 17, 2010 editorial)
- The Sacramento Bee (February 14, 2010 editorial)
- The San Jose Mercury News (February 17, 2010 editorial)
- The San Francisco Chronicle (February 15, 2010 editorial)
- Delta farmers and communities
- California's Republican Governor
- The 22 member California Legislative Bay Area Caucus
- The Metropolitan Water District of Southern California
- Environmental groups
- Commercial and recreational fishing groups

Undermining Progress in Reaching Balanced Solutions. Blocking legal protections for the Bay-Delta and its fisheries would undermine collaborative approaches that are working to solve California's water woes, such as Bay Delta Conservation Plan. Rather than building trust, collaboration among state and federal agencies, and balanced, science-based solutions that benefit all Californians, this proposal would lead water policy discussions back to gridlock and litigation.

Threatening Water Supplies for California Residents. This rider could shift the responsibility to protect the environment from federally-subsidized agricultural water users to Southern California, the Bay Area and other farmers. Because the State Water Project's (SWP) obligations under the California Endangered Species Act require it to fully implement the biological opinions, if this rider were to pass, the SWP could be forced to meet these fish protection measures alone. Thus, waiving full implementation of federal ESA protections may result in less water for many California residents, businesses and farmers.

Threatening Thousands of Farming and Fishing Jobs: Waiving implementation of federal protections could cost thousands of jobs in coastal communities in California and Oregon by destroying the recreational and commercial salmon fishery. This fishery was closed completely in 2008 and 2009, for the first time in state history. 2010 had a token salmon season – all caused in significant part by illegally-high, record water diversions in the Delta. This closure resulted in lost

jobs, shuttered businesses and hundreds of millions of dollars in lost income. In addition, blocking these protections would threaten Delta communities that rely on a healthy Delta environment and clean water to support a regional economy dependant on fishing, recreation and farming. On the other hand, water user claims of large job losses in the Central Valley blame environmental protections for jobs that were lost as a result of the recession and the drought. According to the University of the Pacific, Delta environmental protections led to a nearly unmeasurable 0.16% decrease in Central Valley employment.

Federal Interference with State Water Rights and State Law. Waiving full implementation of legal protections for the Bay-Delta and its fisheries would violate the terms of the water rights held by the federal Central Valley Project. This rider attempts to usurp the State's power over water rights in California, contrary to the Reclamation Act of 1902 and longstanding Congressional precedent. Blocking implementation of these protections is also contrary to California law, including the 2009 state legislative water reform package. SB 7X 1 strengthened environmental and endangered species protections in the Delta, rather than weakening them. It also required reduced reliance on Delta water exports. This rider would create conflicting state and federal mandates for managing the Bay-Delta.

Undermining Science-Based Protections. This rider would block protections that represent the best available science. The Bay-Delta biological opinions were developed through five separate peer reviews. In addition, at the request of water users, the National Academy of Sciences' National Research Council undertook an evaluation of these protections. The initial NRC review concluded that these protections are based on the best available science. Other scientific reviews have called for similarly strong – or stronger - protections for the Bay-Delta.

Protecting Federal Subsidies – Not Water Supplies. California has proven water supply tools that can help water users meet their legitimate needs. We saw this during 2010, when farmers who receive water pursuant to junior water rights were able to meet their stated needs through conservation, water transfers and the help of water-rich neighbors. In 2011, the water supply picture is substantially better. This rider is designed more to protect access to federally subsidized water than it is to protect water supplies. The effort to reduce the federal deficit should focus on reducing subsidies – not delivering more taxpayer subsidized water.

Record Agricultural Harvests. Although the salmon industry has been closed entirely in recent years, agriculture is thriving in California's Central Valley. Nine of the top ten agricultural counties in the nation are in California. California farmers grew over 400 agricultural products in the past two years – leading the nation in 77 of those crops. 2010 produced a record California almond harvest. The harvests for processing tomatoes and grapes also set records in 2009. And in 2009, bucking the national real-estate collapse, California farm land values actually increased.

Damaging the West Coast's Largest Estuary. The San Francisco Bay-Delta Estuary is the largest estuary on the West Coast of the Americas. As a direct result of excessive water diversions in the previous decade, the Bay-Delta's ecosystem and fisheries are collapsing. This unnecessary rider would threaten one of the nation's most important aquatic ecosystems and undermine the economy and quality of life of the San Francisco Bay Area and the Delta region.

For More Information Contact:

Barry Nelson, Natural Resources Defense Council, (415) 875-6100
Mary Beth Beetham, Defenders of Wildlife, (202) 77-0231

