

**American Bird Conservancy \* American Rivers \* Animal Welfare Institute \* Audubon California  
Center for Biological Diversity \* Center for Food Safety \* Defenders of Wildlife \* Earthjustice  
Endangered Species Coalition \* Environmental Protection Information Center  
Friends of the River \* Humane Society Legislative Fund  
International Marine Mammal Project of Earth Island Institute \* Klamath Forest Alliance  
League of Conservation Voters \* Natural Resources Defense Council \* San Juan Citizens Alliance  
Sierra Club \* The Bay Institute \* Turtle Island Restoration Network  
Western Nebraska Resources Council \* Western Watersheds Project \* WildEarth Guardians**

**PLEASE OPPOSE H.R. 23**

July 11, 2017

Dear Representative:

On behalf of the undersigned organizations, we write to urge you to oppose H.R. 23 (Valadao, R-CA). This bill would dramatically weaken protections for salmon, migratory birds, and other fish and wildlife in California's Bay-Delta watershed and would threaten thousands of fishing jobs in California and Oregon that depend on the health of these species. In addition to gutting critical federal environmental protections in California, H.R. 23 also preempts a wide range of state environmental laws and would prevent the State of California from protecting and managing its own water and wildlife resources. In addition to these provisions focused on California, the bill also includes titles that would reduce public and environmental reviews of new dams and water infrastructure across the Western states. Both the Obama Administration and the State of California opposed similar legislation in recent years, including opposition to H.R. 3964 (Valadao, R-CA) and H.R. 5781 (Valadao, R-CA) in 2014, and H.R. 2898 (Valadao, R-CA) in 2015.

California has just emerged from a devastating drought, and the state is taking proactive steps to protect cities, farms, and the environment from future dry spells. However, several provisions in H.R. 23 would undermine California's efforts by permanently preempting critical state laws that protect salmon and other native fisheries and the jobs they support. In addition, this legislation would effectively repeal and preempt state and federal laws and a binding settlement agreement that require restoration of the San Joaquin River and its native salmon runs, instead permanently drying up 60 miles of California's second longest river. H.R. 23 not only preempts state law as applied to federal water projects in California, but it also preempts the application of state laws to the State Water Project and virtually all water rights holders in California's Bay-Delta watershed. This extensive preemption of state law in H.R. 23 is contrary to over a hundred years of Reclamation law and would set a dangerous precedent for other Western states.

H.R. 23 would also override the Endangered Species Act, increasing the risk that winter-run Chinook salmon and other native fish species are driven extinct. Further, H.R. 23 could devastate wildlife refuges that provide habitat for millions of birds that migrate along the Pacific Flyway by undermining the refuges' water rights and threatening critically important funding sources. H.R. 23 would also eviscerate the 1992 Central Valley Project Improvement Act, eliminating instream flows to benefit salmon and funding for habitat restoration projects, which help to mitigate the adverse effects of the Central Valley Project. The impacts from these provisions would reverberate along the entire West Coast, affecting fishing jobs and related industries in Oregon and Washington that depend on salmon from California's Central Valley and threatening populations of waterfowl and shorebirds that migrate to and from Alaska and Canada each year.

In addition to these provisions focused on gutting environmental protections in California, H.R. 23 also includes several titles that would weaken the public's right to know and environmental protection across the western United States. For instance, the bill's dam permitting provisions would give the U.S. Bureau of Reclamation unprecedented control over the environmental review process and could undermine the ability of the U.S. Fish and Wildlife Service and N.O.A.A. Fisheries to share expertise and inform the development

of major infrastructure investments. These provisions would make it difficult, if not impossible, for responsible agencies to meaningfully analyze proposed projects and could limit the public's ability to weigh in on infrastructure that could affect communities for decades.

H.R. 23 has not been the subject of a single committee hearing to receive public input from the State of California, hunting organizations, sport and commercial fishermen, tribes, or conservation groups, even though the bill could greatly interfere with state water rights and cripple the ability of state and federal agencies to manage limited water resources for all beneficial uses. Last year Congress passed legislation addressing California's water operations in the Water Infrastructure Improvements for the Nation Act of 2016 (P. L. 114-322). H.R. 23 would undermine that legislation, which supporters claim requires that state and federal water projects are operated in compliance with state law and the Endangered Species Act.

H.R. 23 also threatens thousands of fishing jobs in California, Oregon, and beyond that depend on healthy salmon runs from the Bay-Delta. The closure of the salmon fishery in 2008 and 2009 resulted in thousands of lost jobs in these states. The livelihoods and recreational interests of salmon fishermen, Delta farmers, fishing guides, tackle shops, bird watchers, waterfowl hunters, and communities across California and along the West Coast depend on the environmental protections that H.R. 23 would eliminate.

For these reasons, we respectfully urge you to oppose H.R. 23. Thank you for your attention.

Sincerely,

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Animal Welfare Institute  
Audubon California  
Center for Biological Diversity  
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