



“The New Voice of Salmon”

Provisions in H.R. 2898 (Valadao) That Would Harm Salmon and West Coast Fishing Jobs

The Golden Gate Salmon Association’s review of H.R. 2898 has revealed more than 20 separate provisions that would threaten salmon runs in the Central Valley, Trinity and Klamath Rivers and increase threats to the future of the commercial and recreational fishing industries in CA, OR and WA. In general, the bill would:

- Undermine existing legal protections for salmon and other fish.
- Undermine the Central Valley Project Improvement Act’s salmon restoration programs.
- Repeal the consensus agreement to restore salmon on the San Joaquin River.
- Mandate a massive new water development program by the Bureau of Reclamation.
- Facilitate the construction of new dams that could cause additional impacts to salmon.
- Provide congressionally mandated levels of water deliveries that could exacerbate the temperature problems that caused disastrous impacts to salmon in the past year.
- Facilitate the conversion of CVP water contracts to permanent contracts, further degrading salmon habitat and creating more litigation.
- Undermine the State of California’s ability to protect salmon under state law.

H.R. 2898 would result in little additional water supply during the drought. However, over the long-term, the bill appears to be designed to sacrifice salmon and salmon fishermen to provide small increases in water supply. Given the importance of Central Valley salmon to fishermen along the West Coast, this bill could affect the entire West Coast salmon fishing industry.

Specific Provisions: The following is an initial summary of specific provisions that would harm salmon in the Bay-Delta system, as well as on the Trinity and Klamath rivers. Additional review would likely reveal additional problematic provisions. Specifically, H.R. 2898:

Weakens Salmon Protections

- Mandates weaker protections for salmon as they pass through the Delta. (Sections 202(i), 302(b)(3), 304, 306 and 307)
- Undermines existing protection for Delta smelt, which also provide protections for salmon. (102(b), 103(e) and 103(g))
- Creates a new process, involving the Commissioner of BOR, to weaken existing protections for listed salmon. Given the precarious condition of salmon runs today, it is clear that salmon protections should be increased, not undermined. However, the new process established by the bill allows protections to be weakened, but not strengthened. (202(b))
- Creates new obstacles to managing flow patterns and volume, the single most important available near-term action to protect Central Valley salmon. (202(g), 202(h) and 303)
- Undermines protections for wild salmon. (605)
- Blocks flow actions to protect salmon on the Trinity River. (608)

Undermines Federal Salmon Restoration Programs

- Creates a mandate to “maximize” water deliveries, thus undermining the CVPIA’s program for protecting and restoring anadromous fish. The CVPIA established fish and wildlife protection as a “project purpose.” Multiple provisions in this bill appear to represent an effort to replace that mandate with a mandate to maximize deliveries. (102(g), 103(e)(2), 103(f), 202(b)(2)(B) and 302(a))
- Repeals the consensus San Joaquin River agreement to restore the San Joaquin salmon run. (313)
- Creates a new board to oversee the CVPIA Restoration Fund and mandates that 8 of 11 seats be allocated to water and power users. This provision excludes representatives of the fishing industry or environmental groups. (602)
- Mandates reductions in the water dedicated to the environment and fisheries under the Central Valley Project Improvement Act. (604(b))

Mandates Water Deliveries That Could Harm Salmon

- Mandates specified water deliveries to certain CVP contractors in different year types. These deliveries could come at the expense of flows and temperatures protections needed by salmon. (504)

Mandates Harmful Water Development

- Creates an obligation to permit barriers in the Delta that could harm salmon. (302(b))
- Facilitates the construction of and undermines environmental review and permitting requirements for new dam projects. (310, Titles IV, VII, VIII, IX and X)
- Mandates implementation of a massive new water development program. (604 and 609)

Weakens Environmental Review and Permitting

- Creates a new 30-day time limit for the review of water transfers, including reviews for impacts on salmon. (302(b)(2))
- Creates a new process for Secretarial approval of unspecified projects within 10 days. These projects are undefined, other than to include “relief for emergency drought conditions” and there are no explicit criteria for preventing environmental impacts, including impacts to salmon. (302(c))
- Creates a new environmental review process that could result in curtailed analysis of impacts to salmon during droughts. (305)
- Mandates that water users be treated as applicants in future ESA consultations. (312 and 612)

Misc

- Undermines state water law and the State of California’s ability to protect salmon. (Multiple sections)
- Mandates the transfer of the New Melones Unit to water users. (606)
- Facilitates the conversion of CVP contracts to permanent contracts, from a current limited term of 40 years. (902)