

October 20, 2005 update

CSPA Action Alert

Valley Ag Moves to Destroy the Central Valley Project Improvement Act

Sensing the political climate is right for a major attack on our fisheries that would make more water available to farmers, California Congressman Devin Nunes (R - Tulare) has introduced HR 3691 to destroy the Central Valley Project Improvement Act and prevent a federal court from implementing their historic decision that San Joaquin River and its fisheries must be restored. His bill, called the "Central Valley Project Reform Act Of 2005" includes a host of horrendous amendments to the CVPIA. HR 3691 would rescind the Congressional mandate that required the Central Valley Project (CVP) to mitigate for the damages it caused to the salmon, striped bass, steelhead, American shad and sturgeon fisheries of the Bay-Delta estuary and its tributary rivers.

When the Bureau of Reclamation (BOR) constructed the CVP, they built a number of dams including Shasta (Sacramento River), Folsom (American River), and Friant (San Joaquin River) and proceeded to operate the largest water project in the nation with little regard for the impact it would have on California's once world class fisheries and the economic benefits they generate. After many Central Valley runs declined 80 to 99 percent, Congress passed the CVPIA in 1992 with a mandate to double anadromous fishery populations so damaged by the CVP and to dedicate 800,000 acre feet of water to that task. The legislation also outlined actions Congress would help fund to correct numerous physical problems caused by the project.

HR 3691 would roll back this act while forgiving the BOR for failing to double the fishery populations mandated under the CVPIA. It would also prevent the federal court decision that the San Joaquin River must be restored by providing a Congressional override of existing state and federal laws.

Here's a summary of some of the most arrogant and egregious elements of this legislation, it:

- requires the CVP replace the 800,000 acre feet of project water dedicated to the fish and give that water to farmers. This will mean more dams at the public's expense to benefit the private sector. Lacking user pay provisions, this is pure pork and an insult to the public!
- eliminates striped bass, sturgeon and American shad from the anadromous fish originally included in the CVPIA. These public resources have been significantly damaged by the impacts associated with the Central Valley Project. Removing them is one way to for the project to get off the hook for 40 years of fishery destruction caused to these public fishery resources.
- replaces the mitigation requirement to double anadromous fisheries with just making an effort to resolve fishery impacts, regardless of the results. Mitigation should only be considered effective when it replaces what has been lost.
- requires the dedicated 800,000 af of water to be put to use by contractors after it has been used to meet fish obligations. This rescinds provision of the CVPIA to use this water to help restore the habitat of the estuary, making the goal of restoring the estuary unachievable. It also ignores the connection between fish populations and a healthy estuary. Given the current ecosystem crash, fish populations won't recover as required under the CVPIA.
- sanctions the destruction of the San Joaquin River by establishing Congressional intent to not release flows from Friant Dam in order to provide for river flows below the dam.

Given the crisis currently faced by a collapsing estuary and the past failure of the BOR to achieve the fish doubling goals as required by the original act, it is safe to assume that if this bill passes with anything like its current content, we can kiss the estuary and restoring its fisheries good bye!

Taking Meaningful Action

Since democracy is not a spectator sport, you will need to take action or we could lose what is left of our Central Valley fisheries and most certainly the chance to restore them. If you choose to be silent on this matter it will be construed as part of the silent majorities support for the bill! For now, here's what recommended:

If you have access to the internet, you can find and contact your Congressional representative by email. Go to the website <http://www.house.gov/writerep/> and let them know you want this bill stopped dead in its tracks! You can also go to <http://www.house.gov/house/MemberWWW.shtml> to find contact information for other members. Let those you can know just how bad this bill is (see the sample letter below).

Congressman Pombo (202-225-1947) chairs the House Resources Committee. The bill will be heard by his committee. Go to <http://pombo.house.gov/> to contact him. This page will send you to his direct email page. You should also email him at the House Resources Committee: resources.committee@mail.house.gov. He has district offices in San Ramon (925-866-7040) and Stockton (209-951-3091) so anglers who live in his district (11th) should put some heat on! Pombo could stop this bill!

If you know of people who live in Nune's district that covers Tulare County including Visalia and Clovis urge them to let him know this bill is a disaster. Go to <http://www.house.gov/writerep/> and let him know you want him to drop this bill! Contact Senators Feinstein and Boxer and let them know that this bill may pass the House. If it does, ask them to kill it in the Senate.

Email Senator Feinstein at: feinstein.senate.gov/email.html, or write:

Senator Dianne Feinstein

331 Hart Senate Office Senate Building

Washington DC 20510 (most, if not all, Congressional mail is rerouted to be cleaned of bio-hazards and it takes a week or more to be delivered). Calling works faster! 209-224-3841

Senator Boxer's email: boxer.senate.gov/contact

Senator Barbara Boxer's

112 Hart Senate Office Senate Building.

Washington DC 20510

202-224-3553

Here is a sample letter you can edit for your use. (If you don't have computer access, call your local library to get mailing information for your representatives and those above I've urged you to contact!)

Date

Address

Dear _____

As an angler and citizen of California I am outraged over HR 3691 (Nunes)! This is absolutely terrible legislation. It destroys the Central Valley Project Improvement Act (Public Law 102-575) passed by Congress in 1992 in order to let the Bureau of Reclamation and Central Valley Project contractors off the hook for the major role they played in destroying the public fishery resources of the Bay-Delta estuary and its tributaries.

In addition, it takes water dedicated to the estuary and gives it to the agribusiness sector, establishing a horrible precedent and terrible federal water policy that would allow the project to continue to destroy the once world class fisheries of the Central Valley and the ecology of one of the greatest estuaries in the World. In so doing this would perpetuate the \$4 billion loss to the state's economy, a result of Central Valley fishery declines and impact to the state's sport and commercial fishing industries caused in large part by the CVP!

Given the collapse of the Bay-Delta estuary as documented by the government's own scientists, it is absolutely morally bankrupt for Congressman Nunes to launch a missile aimed at destroying the ecological and fishery benefits Congress promised the people of this state when they passed the CVPIA to help restore our fisheries and the estuary!

I ardently request that you do everything you can to STOP THIS BILL that preempts our state's right to manage our natural resources for our benefit and that of future generations.

Sincerely,

Your Name and Return Address

Questions? Contact me!

John Beuttler
Conservation Director
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510-526-4049

CSPA is a non-profit - public benefit organization dedicated to restoring fisheries and their habitat. We engage in variety of aquatic ecological issues to ensure our fisheries have habitat they need to become self sustaining and stay that way. You can support our conservation efforts by becoming a member. Donations are tax-deductible, greatly needed and most appreciated. Send checks to CSPA at 1360 Neilson Street, Berkeley, CA 94702-1116. Membership starts a \$25. If you are a member, then you know of the good work we do, so sign up a friend and help us restore our fisheries! Questions? Call me at 510-526-4049.