


Modoc Nation
The Sole Legitimate Government of the Modoc People
of Southern Oregon and Northern California




Winnemem
Wintu Tribe



Northcoast Environmental
Center



FRIENDS OF THE EEL RIVER



West
Delta
Chapter

S.A.F.E



*Lower Sherman Island
Duck Hunters Association*



FRIENDS
OF THE
RIVER



STEWARDS OF THE FISHERIES



CRAB BOAT OWNERS ASSOCIATION, Inc.
2907 Jones Street
San Francisco, California 94133-1115
415-885-1180



NORTHERN
CALIFORNIA COUNCIL



FEDERATION OF
FLY FISHERS



NORTH
COAST
RIVERS
ALLIANCE



SIERRA CLUB
CALIFORNIA



Save the American
River Association



Institute for
Fisheries Resources
Unite. Protect. Restore.

June 1, 2011

The Honorable Doc Hastings, Chair
Natural Resources Committee
1324 Longworth House Office Bldg.
Washington, D.C. 20515

The Honorable Edward Markey
Ranking Democratic Member
Natural Resources Committee
2108 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Tom McClintock, Chair
Water and Power Subcommittee
428 Cannon HOB
Washington, D.C. 20515

The Honorable Grace Napolitano
Ranking Democratic Member
Water and Power Subcommittee
1610 HOB
Washington, D.C. 20515

RE: Opposition to H.R. 1837 -- A Political End Run Around State Water Rights and National Environmental Protections Preventing Equitable Share of Water to Protect National Interests.

Dear Chairman Hastings and Members:

We write in opposition to H.R. 1837. This bill is designed to benefit a few west side San Joaquin valley interests at the expense of State and national water quality protection and State water rights laws. It will cost millions of dollars and destroy jobs throughout Northern California, Oregon and Washington states because of its impacts on the commercial and recreational fishing industries and the surrounding communities. These industries have suffered greatly over the past three years with near 100% unemployment, loss of boats, businesses, homes and, in some cases, break-up of families. Mr. Nunes' bill represents a blatant regional power grab to ensure a select group of irrigators jump to the head of the water bucket line at the expense of everyone else in the state.

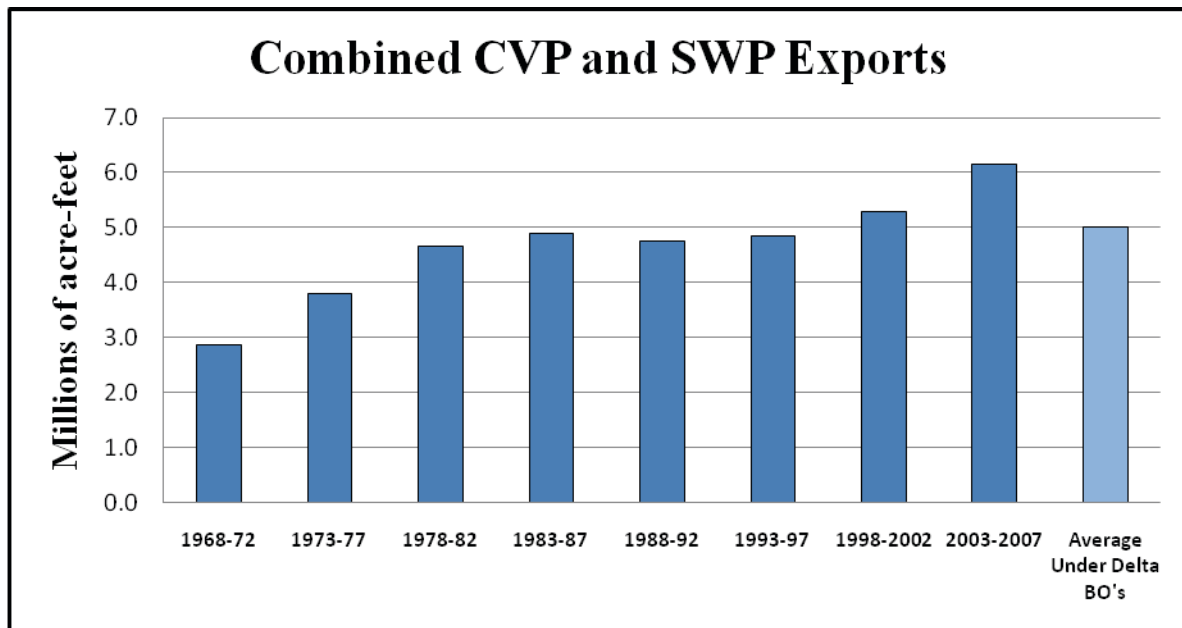
This bill would, if passed, overturn years of state and federal water planning that has cost hundreds of millions of dollars.¹ It would serve a few junior water right contractors-- primarily Westlands Water district--at the expense of much of the state's senior water right holders. Both the Bay Delta Conservation Plan (BDGP) and the Delta Stewardship Council (DSC) would be unable to achieve their basic mandate -- Bay-Delta ecosystem recovery and a reliable state water supply. Passage of H.R. 1837 would discard millions of tax dollars spent on scientific reviews of the impacts of pumping excessive amounts of water south of the Delta and exempt these water exports from state and federal laws and regulations enacted to ensure a fair distribution of these scarce public water supplies. Under the bill provisions these junior

CVP water contractors would basically jump to the front of the line at the expense of other senior water right holders.

A sophisticated public relations campaign has been waged by the largest federal irrigation district in the nation, Westlands Water District, and a few others to suggest that federal regulations rather than the 3 year drought and economic downturn was the cause of the San Joaquin valley economic troubles over the past 4 years. They suggest that it was caused by some anonymous bureaucrat bent on removing their jobs and income.² The facts and science do not support these claims.³ In fact Westlands Water District and their west side neighbors have enjoyed record profits and record subsidies from the taxpayers.⁴ Additionally, these economic impact claims have been discredited.⁵ This deceptive advertizing campaign has worked to the detriment of businesses, tourism, fishing and farming from California to Oregon and Washington.

This bill, if enacted would block the current San Francisco Bay Delta Estuary restoration and protection process, scrapping millions of dollars of planning effort, and impacting the entire west coast fishing industry as the water grab rewards a handful of irrigators. The \$1.4 billion salmon industry has already suffered huge economic losses from a three-year water driven shutdown. Any hope of rebuilding this important food industry and avoiding mass extinctions would be impossible under H.R. 1837.

One of the major actions taken in this bill is to reduce the mandates of the 1992 Central Valley Improvement Act (CVPIA) to protect the fishery and the San Francisco Bay Sacramento-San Joaquin Delta. The primary claim is that the CVPIA has significantly reduced diversions from the Delta. In fact, since CVPIA was passed in 1992, diversions from the Delta have actually increased. The graph below provides a historical look at diversions prior to and post CVPIA.



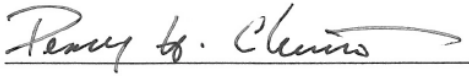
Even with pumping restrictions to protect salmon and other species, water exports from the Delta, on average, are similar to the levels in the 1980-90s, before the massive increases in delta exports over the last decade. Hence, the claims about the impacts of the CVPIA made by Mr. Nunes and others are false.

Ratepayers in Southern California as far south as San Diego would feel the impacts as water conservation measures are scrapped and federal water contractors are guaranteed permanent rights to water at the expense of others. These same regional interests on the west side, who want more water, demanded the National Academy of Sciences (NAS) review the impacts of excessive exports to meet inflated demands. The most recent reports from the Congressionally funded NAS National Research Service review questioned the increased water diversions from the imperiled Bay-Delta that serves as a critical salmon nursery for the entire west coast of this nation.⁶

The bill, if enacted, would extend Congressional guarantee for the delivery of water to these corporate farms waiving important state water right protections, tribal trust obligations to the Hoopa Valley and Yurok Tribes, and public trust protections assuring there are federal mandates to deliver water to a select few at the expense of the rest of the citizens of the state.⁷ Water quality impacts of guaranteeing delivery to these select few would be waived. The resultant impacts on other farm communities, especially those in the Delta itself would be devastating. They are already feeling the impacts of the increased diversions over the past decade, and are fighting along side fisherman to reduce Delta diversions to protect their farms and families. These farms and families, along with Southern California ratepayers face, the expense of paying higher treatment costs because these toxic agricultural discharges loaded with salt, selenium and other contaminants that accumulate from irrigating these toxic west side lands are being dumped into the San Joaquin River San Francisco Bay Delta Estuary.

We urge you to oppose this measure. The bill is bad policy. It appears California Congressman Nunes (R) is trying to precipitate a crisis in California by mandating a select few have permanent water deliveries while throwing out years of work done to balance water demand, follow state water rights laws and to enforce public trust protections.⁸ The bill will continue to deliver millions of taxpayer benefits to a few at the expense of the rest of the nation. The bill eviscerates state's water right law. And perhaps of critical importance, the bill continues a cynical policy, in which the powerful and politically connected simply go to Congress to get around the law.

Respectfully submitted,



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Acting Chief Executive, Modoc Nation



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Larry Glass, Bob Morris and Ginny Rice
Safe Alternatives for our Forest Environment (SAFE)



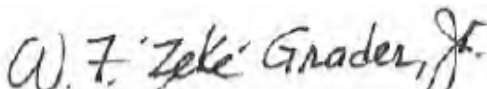
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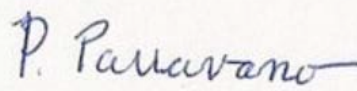
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Senator Barbara Boxer
California Congressional Delegation
Interested Parties

1

https://bos.etapestry.com/prod/viewEmailAsPage.do?databaseId=TheBayInstitute_1&mailingId=17488131&personaRef=6750.0.134170&jobRef=3683.0.123399197&memberId=567427792&erRef=6750.0.134176&key=aeefb050911334869a7a5d9e4de1689

² See: **More Doubts About The Drought**

http://www.lloydgcarter.com/content/100901425_more-doubts-about-the-drought

Harvesting Windfall Profits from the so-called Drought – While Funds for Public Safety-Net Programs and Jobs Dry Up

<http://www.californiaprogressreport.com/site/node/8841>

California’s “Dust Bowl Drought” That Really Never Happened - Is Officially Over!

<http://www.californiaprogressreport.com/site/node/8841>

³ See **Westlands’ Crop Reports for 2009-2010:**

http://www.westlandswater.org/wwd/crop_reports/2010/croprpt.pdf?title=2010

http://www.westlandswater.org/wwd/crop_reports/2009/croprpt.pdf?title=2009

Almond crop going nuts *Output likely to set a record, USDA predicts*

http://www.recordnet.com/apps/pbcs.dll/article?AID=/20110514/A_BIZ/105140341/-1/A_NEWS10

⁴ **Throwing Good Money at Bad Land**

<http://www.commondreams.org/newswire/2010/10/20-2>

⁵ See Dr. Jeffrey Michael, Director of the Business Forecasting Center, Eberhardt School of Business, University of the Pacific

(<http://forecast.pacific.edu/water-jobs/Pacific-BFC-Water-Jobs.pdf>).

⁶ <http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=13148>

⁷ February 4, 2011--Does the California constitution hold the key to solving the state's “water crisis”? (High Country News)

<http://www.waterinfo.org/node/4964>

⁸ http://firstread.msnbc.msn.com/_news/2011/05/19/6675558-gop-congressman-default-would-benefit-the-us