Congress of the United States
Washington, DC 20515

February 18, 2010

The Hon. Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Feinstein:

We write in strong support of Chairwoman Grace Napolitano's request that you withdraw your recent draft proposal to legislatively override protections for the threatened and endangered fisheries of the San Francisco Bay-Delta system. We believe that the approach outlined in your draft amendment is inconsistent with your record of pursuing compromise solutions to environmental conflicts, and we urge you not to move forward with the proposed legislation. Simply put, by undermining existing protections, the "Emergency Temporary Water Supply amendment" unveiled last week would drive California's and much of Oregon's salmon to extinction, and it is a severe threat to the thousands of jobs that depend on the fishing industry in the San Francisco Bay Area, Northern California, and across the Pacific Coast.

As you know, the Sacramento River chinook salmon population is lower today than it has ever been. According to the Pacific Fishery Management Council, fewer than 40,000 chinook salmon returned to the river this year, down from more than 750,000 in 2002. This collapse, due in considerable part to excessive water diversions, has had devastating economic consequences for our constituents. The repeated cancellation of the salmon fishing season has led to an estimated 23,000 jobs lost, with significant negative economic effects along the Pacific coast, including adverse impacts to small businesses in the Bay Area, the North Coast of California, and Oregon. Pushing salmon and steelhead populations closer to extinction, which is a certain consequence of legislatively undermining federal protections without any scientific basis, would only exacerbate this economic pain.

Further, we are deeply concerned that the amendment undercuts the multi-stakeholder negotiations over the California state legislature's work last year and the ongoing process to develop a Bay Delta Conservation Plan (BDCP). The state's legislative package was based on the principle that a reliable water supply and a restored natural ecosystem need not be in conflict. By increasing water withdrawals from the Bay-Delta regardless of the effect on threatened and endangered fisheries, your draft amendment risks undoing the agreements that led to this comprehensive plan. Similarly, although we have not endorsed the BDCP, it is very clear that if this amendment goes forward, the BDCP process cannot be considered a legitimate forum in which to make long-term decisions about water policy, meaning the time, energy, and funds expended by the water agencies, governments, and NGOs on the BDCP will have been wasted.

We understand that your proposed amendment is intended to remedy the effect of the ongoing drought on irrigation districts in the western San Joaquin Valley. After all, it is the sustained drought, not environmental protections, that is responsible for the overwhelming majority of water supply cuts in the last few years. Yet even during this drought, according to California's Department of Water Resources, the Westlands Water District, was able to amass more than 990,000 acre-feet of water – 86% of its average annual supply – through transfers, groundwater, and other sources. And a few miles away, the San Joaquin River Exchange Contractors received 100% of their contract supply. Despite the drought, then, it is reasonable to assume that there may be additional opportunities for those with less secure water rights such as Westlands to obtain alternative water

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supplies this year, without having to preempt science-based processes or to legislate unsustainable water export levels out of the Bay-Delta. In addition, we are concerned that the proposal to guarantee a supply to certain contractors regardless of environmental consequence would severely undermine the allocations of water under decades of state and federal water law, and create a precedent elsewhere in the West for riders that reallocate water away from statutory and contractual purposes.

Again, we urge you to withdraw the recently announced draft "Emergency Temporary Water Supply amendment" and instead meet with us to work out other solutions that do not put the fishing jobs and economy of the West Coast in jeopardy.

Sincerely,

GEORGE MILLER
Member of Congress

MIKE THOMPSON
Member of Congress

DAVID WU
Member of Congress

PETER DeFAZIO
Member of Congress

ZOE LOFGREN
Member of Congress

NORM DICKS
Member of Congress

EARL BLUMENAUER
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