

**American Rivers * Defenders of Wildlife * Earthjustice *
Endangered Species Coalition * League of Conservation Voters *
Natural Resources Defense Council * Sierra Club**

May 9, 2016

RE: Please Oppose S. 2533 “California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act”

Dear Senator:

On behalf of our millions of members and activists nationwide, we write to convey our opposition to S. 2533 (“California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act” (Feinstein)). We greatly appreciate Senator Feinstein’s continued efforts to address the historic drought impacting California and other parts of the West. However, this bill would undermine existing Endangered Species Act protections for fish and wildlife in California’s Bay-Delta estuary and the thousands of fishing jobs along the West Coast that depend on these protections. This legislation would also set a damaging precedent for implementation of the Endangered Species Act across the nation.

Our organizations have a long history of working with Senator Feinstein on conservation issues, and we greatly appreciate that Senator Feinstein and her staff have worked to address some of the concerns about this legislation raised by some of our organizations and other stakeholders. Further, we support several of the long-term elements of S. 2533, including provisions that would authorize federal funding for water recycling, conservation, and groundwater storage projects to increase sustainable water supplies across the West.

Thus, it is with reluctance that we oppose S. 2533 as it is currently written. However, the complex provisions of Title 3 of the bill are likely to legislatively override existing Endangered Species Act biological opinions protecting salmon and other endangered species, notwithstanding certain savings clauses in the bill. Several specific provisions in this title would authorize and direct operations of the state and federal water projects that are inconsistent with protections for salmon and other endangered species required under existing biological opinions. These biological opinions have been upheld by the courts and numerous independent scientific peer reviews, and they continue to be informed by new scientific information and annual scientific reviews.

After four years of drought, endangered salmon and other listed fish species in California’s Bay-Delta estuary are on the brink of extinction. Weakening protections for these species could well be the last straw for some of them. In addition, the existing biological opinions also help to protect thousands of salmon fishing jobs along the West Coast that depend on healthy populations of fall-run Chinook salmon from California’s Central Valley. That is why numerous commercial and recreational fishing organizations along the West Coast also oppose S. 2533.

Ultimately, federal legislation that would reinterpret and override the implementation of science-based biological opinions not only threatens California's environment and fisheries but also poses a very damaging precedent for the implementation of the Endangered Species Act across the nation. Rather than weakening protections for endangered species and the thousands of jobs that depend on these protections, Congress should work to increase sustainable water supplies and build drought resilience.

For these reasons, we respectfully urge you oppose S. 2533.

Sincerely,

Earthjustice
Defenders of Wildlife
Natural Resources Defense Council
League of Conservation Voters
American Rivers
Sierra Club
Endangered Species Coalition