

**WRITTEN STATEMENT FROM THE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE**

**SUBMITTED FOR THE RECORD OF THE FIELD HEARING ENTITLED
“WATER ABUNDANCE: OPPORTUNITIES AND CHALLENGES IN CALIFORNIA”**

**BEFORE THE
SUBCOMMITTEE ON WATER, WILDLIFE, AND FISHERIES
HOUSE COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES**

SEPTEMBER 6, 2024

Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee, thank you for the opportunity to submit this written statement. The National Oceanic and Atmospheric Administration (NOAA) is responsible for the stewardship of the nation’s living marine resources and their habitat. NOAA’s National Marine Fisheries Service (NMFS) provides vital services for the nation: sustainable and productive fisheries, the recovery and conservation of protected species, and healthy ecosystems—backed by sound science and an ecosystem-based approach to management—all in support of a thriving, sustainable ocean economy. The resilience of our marine ecosystems and coastal communities, including inland communities connected by the large salmon-bearing rivers and streams of California’s Central Valley, depends on healthy aquatic species, including protected species such as salmon, whales, sea turtles, and corals.

We appreciate the Committee’s interest in this important and complex matter regarding water challenges and opportunities in California. NOAA has a vested interest in this topic, particularly with regard to the focal question about what water resource managers can do to better manage our systems and the importance of the Central Valley for food security, which includes commercially harvested salmon that recruit from Central Valley watersheds. NOAA recognizes the numerous and diverse interests at stake, and we are committed to working with our Federal and state fisheries co-managers, other state and Federal agencies, and a broad range of water users and environmental partners to develop long-term, durable water management solutions that consider the important interests and species that rely on Central Valley water.

NOAA’s collaborative fishery conservation and management work in the Central Valley is guided by multiple congressional authorizations, including the Magnuson-Stevens Fishery Conservation and Management Act (MSA), enacted in 1976 and amended in 1996, 2007, and 2018, that authorize NMFS to further the conservation and enhancement of essential fish habitat in support of realizing the full potential of the Nation’s fishery resources.

NOAA, along with the U.S. Fish & Wildlife Service (USFWS), also administers the Endangered Species Act (ESA). Since the 1990s, NOAA has listed four stocks of salmon, steelhead and sturgeon in the Central Valley as either threatened or endangered under the ESA, including endangered Sacramento River winter-run Chinook salmon, threatened Central Valley spring-run Chinook salmon, threatened California Central Valley steelhead, and the threatened Southern distinct population segment of North American green sturgeon. NOAA also listed Southern Resident Killer Whales (SRKW) as endangered in 2005, and we routinely consult on how large water projects affect this species. Available data suggest that, in some months, Central Valley Chinook salmon can constitute a measurable percentage of Chinook salmon that SRKW consume in coastal waters off California and Oregon. Conservation efforts under the ESA have prevented the species from going extinct, and when water is abundant, have resulted in status improvements in some years. Yet none of these listed stocks have been recovered to the point that they can be delisted and the fisheries cannot support viable commercial and recreational fishing operations without further significant status improvements.

It is important to note that prior to ESA listing decisions, many populations of salmon and steelhead had already disappeared from the Central Valley; impassable dams have blocked these fish from more than 90 percent of their historical habitat. The current abundance of naturally-produced salmon and steelhead in the Central Valley is historically low, and the continued existence of the species is inextricably tied to the presence and operation of water systems that fundamentally alter the ecosystem processes upon which they depend.

In October 2019, NOAA issued its latest biological opinion for the coordinated Long-term Operation of the Central Valley Project (CVP) and State Water Project (SWP), which has been the subject of litigation.

In January 2021, Executive Order 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis”, required review of the biological opinions, which was conducted through a process that was underway with the State of California to reconcile matters related to (1) operation of Shasta Reservoir for Outflow and Cold-Water Pool Management, (2) delta operations for fish migration, recruitment, and survival, (3) incidental take coverage, (4) agency roles in decision making, and (5) adaptive management.

In September 2021, Reclamation requested reinitiation of ESA Section 7 and in March, 2022, the District Court remanded without vacatur the 2019 NOAA and USFWS biological opinions, stayed the cases, and ordered implementation of an Interim Operations Plan (IOP).

The state and Federal agency consultation teams have worked extensively to reconcile the five topics outlined above and develop a new proposed action for CVP and SWP operations and new biological opinions are expected to be completed by the end of the calendar year.

Throughout the consultation development, NOAA has leveraged partnerships with many of California's public water agencies and other interested parties by providing regular consultation updates at Water Infrastructure Improvements for the Nation (WIIN) Act coordination meetings and providing the opportunity to comment on the draft biological opinion as sections become available. Section 4004(a) of the WIIN Act requires the Secretary of Commerce to ensure "that any public water agency that contracts for the delivery of water from the CVP or the SWP that so requests shall [...] receive a copy of any draft biological opinion and have the opportunity to review that document and provide comment to the consulting agency through the action agency, which comments will be afforded due consideration during the consultation." We are currently in the process of reviewing and addressing the comments received from the most recent WIIN Act review.

We also have leveraged partnerships with the Sacramento River Settlement Contractors (SRSCs) to develop a new Shasta Reservoir Operations Framework that makes the management of California's largest reservoir more resilient to drought and the advancing challenges of a changing climate. Within this process, NOAA has worked with the SRSCs to develop a Winter-run Action Plan (WRAP) to improve the status of Sacramento River winter-run Chinook salmon. The ability to develop the Shasta Framework and the WRAP was enhanced by the Sacramento River Science Partnership, a voluntary science program established to address species and water management on the mainstem of the Sacramento River, and a model example of how water users and agencies can partner around complex scientific and water management issues in a collaborative setting.

A recent pilot effort to reintroduce Sacramento River winter-run Chinook salmon to the McCloud River above Shasta Dam has improved our understanding of how reintroduction can be used to mitigate for the impacts of water project operations when river conditions downstream from Shasta Reservoir are not as suitable for salmon growth and survival. Such reintroduction efforts are key actions identified in NOAA's 2014 recovery plan for the species, and the pilot effort has strengthened promising collaborations with the Winnemem Wintu Tribe and other state and Federal agencies to return extirpated Chinook salmon to the McCloud River.

Conclusion

NOAA is proud to continue to lead the world in conducting ocean and fisheries science, serving the Nation's coastal communities and industries, and ensuring responsible stewardship of our ocean and coastal resources. We are deeply engaged in complex water management, science, and species conservation initiatives in California, and we will continue to build and rely on partnerships with California's public water agencies and other interested parties to support management of Central Valley water resources. We value the opportunity to continue working with this Subcommittee on these important issues. Thank you, Members of the Subcommittee and your staff, for your work to support NOAA's mission.