



Bringing
Water
Together

January 13, 2020

The Honorable Jared Huffman
Chair – Water, Oceans, and Wildlife
Subcommittee
U.S. House of Representatives
1527 Longworth House Office Building
Washington, DC 20515

The Honorable Tom McClintock
Ranking Member – Water, Oceans, and
Wildlife Subcommittee
U.S. House of Representatives
2312 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Huffman and Ranking Member McClintock,

The Association of California Water Agencies (ACWA) is writing to express our concerns with H.R. 4723, the Salmon Focused Investments in Sustainable Habitats Act of 2019 (“FISH Act”). On the surface, H.R. 4723 seems well-meaning, -it provides new funding for habitat restoration projects. However, H.R. 4723 contains several sections which could negatively impact water project operations throughout California. ACWA’s 455 public water agency members supply over 90 percent of the water delivered in California for residential, agricultural, and industrial uses.

As California’s major water suppliers, ACWA’s members are keenly focused on the ability of water agencies, the state water project and federal projects to operate in a coordinated fashion. ACWA is concerned proposed changes to NEPA within H.R. 4723 could negatively impact California water operations. First, the bill would change NEPA from applying to “major federal actions” to any federal action. This change could disrupt the NEPA process and slow maintenance to existing water infrastructure. Second, the bill would require that to satisfy NEPA, any federal action “carried out with respect to a salmon conservation area ... shall be the action that has the “least adverse impact” on such salmon conservation areas.” This new “least adverse impact” standard would be a major change to NEPA, likely creating confusion over which projects can move forward and resulting in years of litigation.

In addition, ACWA is concerned about how HR 4723 could change implementation of Section 404 of the Clean Water Act. Under the FISH Act, if a project triggers the 404 regulation regulators could prevent the project from moving forward if it is in a Salmon Conservation Area or Salmon Stronghold unless it has no impacts on salmon habitat. This could be the case even if salmon are not present.

Finally, H.R. 4723 does not establish a limit on how or why a Salmon Conservation Area can be established. Conceivably, this could result in federal decision makers designating areas without salmon and without input from entities in the watershed.

ACWA appreciates this opportunity to provide comments on H.R. 4723 as currently drafted. We look forward to working with you to improve the legislation as it moves forward. If you have any questions feel free to contact ACWA’s DC office at 202-434-4760.

Salutation

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Sincerely,

A handwritten signature in blue ink that reads "David L. Reynolds". The signature is written in a cursive, flowing style with a prominent initial "D" and a long, sweeping underline.

David Reynolds
Director, Federal Relations

CC:

Matt Muirragui, Water, Oceans, and Wildlife Subcommittee
Annick Miller, Water, Oceans, and Wildlife Subcommittee
Logan Ferree, Rep. Huffman
Andrew Keyes, Rep. McClintock