



**California-Nevada Chapter
American Fisheries Society**
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July 21, 2018

The Honorable Dianne Feinstein
U.S. Senate
112 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Feinstein,

I write on behalf of the California-Nevada Chapter of the American Fisheries Society to express strong opposition to the inclusion of a policy rider in any fiscal year 2019 appropriations bill that would exempt the Bay Delta Conservation Plan/California WaterFix (81 Fed. Reg/ 96485; December 30, 2016) from judicial review under any federal or state law. Section 437 of the United States House of Representatives Fiscal Year 2019 Interior and Environmental Appropriations Spending Bill (H.R. 6147) provides for such an exemption.

If passed, Section 437 will exempt the Final Environmental Impact Report/Final Environmental Impact Statement and any resulting agency decision, Record of Decision, or similar determination for the Bay Delta Conservation Plan/California WaterFix (81 Fed. Reg/ 96485; December 30, 2016) from judicial review under any federal or state law. Blocking judicial review will prevent litigating cases filed pursuant to the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA), the Federal Endangered Species Act (ESA), the California Endangered Species Act (CESA), and all other State and Federal environmental laws.

Including language circumventing judicial review would prevent citizens from using this avenue to address the NEPA/CEQA and ESA/CESA processes. It would also preclude any litigation that seeks to address deficiencies in the federal and state processes regarding potential effects of the project, including any effects to the public's fishery resources.

The California-Nevada Chapter of the American Fisheries Society urges you to consider the scale and range of changes to the communities, ecology, and natural resources of California and the Sacramento-San Joaquin Delta that would result from the project implementation, and safeguard the right to judicial review over a project with significant environmental implications.

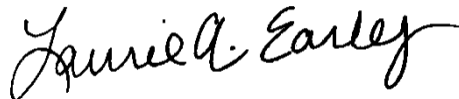
The mission of the American Fisheries Society is to improve the conservation and sustainability of fishery resources and aquatic ecosystems by advancing fisheries and aquatic science and promoting the development of fisheries professionals. The California-Nevada Chapter of the American Fisheries Society was founded in 1966 and includes over 400 fisheries and aquatic

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science professionals from Federal, State, and Tribal agencies, colleges and universities, and the private sector. The collective diversity and expertise of our members are the basis of an intimate and unparalleled familiarity with fisheries resources and issues with our region. Our Chapter is actively engaged in fisheries and conservation activities throughout California and Nevada to advance our profession and the cause of science-based fisheries conservation and management.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Laurie A. Earley". The signature is written in a cursive, flowing style.

Laurie Earley, President
California-Nevada Chapter
American Fisheries Society
PO Box 72653
Davis, CA 95617

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