

ENVIRONMENTAL WATER CAUCUS  
PREFACE TO HR 3964 LETTER  
February 2, 2014





**CA Save Our Streams Council**



Santa Clarita Organization of Planning and the Environment (SCOPE)



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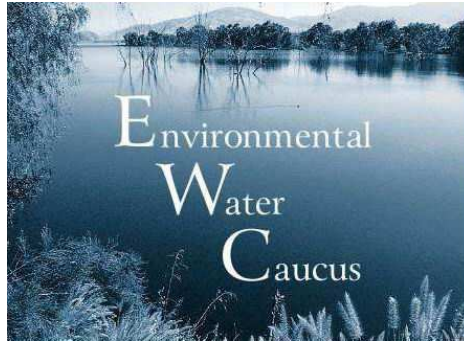
**NORTHERN CALIFORNIA COUNCIL**



**FEDERATION OF FLY FISHERS**



STEWARDS OF THE FISHERIES



The Honorable John Boehner  
Speaker of the House  
U.S. House of Representatives  
H-232, Capitol Building  
Washington, DC 20515

The Honorable Nancy Pelosi  
Minority Leader  
U.S. House of Representatives  
H 204, Capitol Building  
Washington, DC 20515

February 2, 2014 (Via Email & Fax)

Subject: Opposition to HR 3964 (Valadao)

Dear Speaker Boehner and Minority Leader Pelosi:

The California Environmental Water Caucus, and the numerous environmental, environmental justice, recreational and commercial fishing groups, legal and advocacy groups, and Indian tribes, whose logos and names are attached to this letter, would collectively like to express our strong opposition to the ill-conceived and regressive legislation contained in Rep. Valadao's legislation which is misleadingly entitled "Sacramento-San Joaquin Valley Emergency Water Delivery Act." We do not believe that this bill merits a vote by the U.S. House of Representatives.

In summary, this radical legislation, which replicates the previous HR1837 that died in 2012, preempts state water law, eliminates environmental protections for salmon and other commercially valuable species, guts the 1992 Central Valley Project Improvement Act, and overturns the broadly supported, court approved settlement to restore the San Joaquin River. As a result, this bill threatens thousands of salmon fishing jobs and communities in California and Oregon, water quality in the Bay-Delta, and the reliability of California's water supplies. It is essentially another water grab to serve the perceived needs of San Joaquin Valley agriculture, to the detriment of the rest of the state of California. It is an irresponsible piece of legislation.

HR 3964 would overturn the fundamental Congressional principle which requires the federal government to follow state water law whenever possible. This principle has been a bulwark of rights reserved to the individual states and should not be violated by this kind of legislation. Even more specifically, this radical legislation would preempt the public trust doctrine as defined in the California Constitution and eliminate the implementation of a bipartisan package of water policy reform legislation adopted by the State of California in 2009.

HR 3964 would defeat efforts to restore fish populations in the Delta. Science-based protections for salmon and other endangered species are required under both California state law and the Endangered Species Act. In order to support recovery of endangered fish species, the State of California has consistently opposed legislation that would weaken the Endangered Species Act in the San Francisco Bay-Delta and Estuary. This ill-conceived bill would strip those protections.

HR 3964 guts the Central Valley Project Improvement Act of 1992, which corrected numerous deficiencies built into the federal Central Valley Project. The Act requires compliance with *state* law, encourages water conservation, makes modest reforms to reduce water subsidies, and contributes water for the recovery of endangered fish species.

The bill would overturn the 2009 court approved San Joaquin River Restoration Settlement Act which ended twenty years of litigation on the San Joaquin River. The Settlement and the Act were supported by all parties to the litigation and numerous water districts in the San Joaquin Valley and across the State, along with Members of Congress from both sides of the aisle. It attempts to preempt state law that requires river restoration, and eliminates flood protection and water supply projects for farmers that were approved as part of the Settlement and Act.

Similar to the defunct HR1837, it would reduce water quality and water reliability for Delta communities and Delta farmers. It seeks to ensure water flows to agribusiness in the western and southern San Joaquin Valley at the expense of smaller Delta family farmers. The published Economic Sustainability Report authored by the Delta Protection Commission shows that Delta agriculture is worth \$4.2 billion annually and provides tens of thousands of jobs. Delta agriculture and jobs should not be sacrificed to benefit water users in other parts of the state, some of whom do not even use that water for agriculture. This legislation would further aggravate the water supply divide within the state and would help perpetuate the destructive “water wars” which characterize water rules in California.

The bill overrides current protections for the Merced River under the federal Wild and Scenic Rivers Act and modifies water contracts for certain contractors to provide significantly more water than they are entitled to under their current contracts.

In summary, HR 3964 is an unprecedented assault on a state's ability to enact and support its own water laws, and it is an undisguised water grab in favor of one district to the detriment of other parts of the state, all engineered by the federal government. This bill is not a response to the current California drought conditions and it is not a temporary measure, but instead is a wholesale and permanent repeal and preemption of state and federal environmental laws. According to Senator Feinstein: *"The bill is..... profoundly dangerous for California."* We agree. We would also like to point out that the Responsible Exports Plan ([www.ewccalifornia.org](http://www.ewccalifornia.org)) developed by the Environmental Water Caucus is a far more reasonable and sustainable response to California's variable water supply and the current drought conditions.

Instead of using this drought as a pretext to legislate a water grab for San Joaquin agriculture, Representative Valadao and his cohorts should find ways to support the more realistic emergency drought actions being taken by California officials. Unlike the Valley Congressmen, the state seems to recognize the seriousness of this drought and is taking actions to protect the health and safety of the public.

For all of the above reasons, we oppose HR 3964 and request that you withdraw the legislation.



Co-Facilitator



Co-Facilitator

Cc: Senator Dianne Feinstein  
Senator Barbara Boxer  
Honorable Dennis Cardoza  
Honorable Jim Costa  
Honorable David Valadao  
Honorable Jeff Denham  
Honorable John Garamendi  
Honorable Doris Matsui

Honorable George Miller  
Honorable Devin Nunes  
Honorable Kevin McCarthy  
Honorable Tom McClintock  
Honorable Jerry McNerney  
Honorable Jackie Speier  
Honorable Mike Thompson

*The following Environmental Water Caucus affiliated organizations support the comments shown in the attached letter.*

*The corresponding logos are shown at the front of this document.*

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