

American Rivers \* Clean Water Action \* Defenders of Wildlife \* Earthjustice \*  
Environmental Defense Fund \* Golden Gate Salmon Association \* National Audubon  
Society \* National Parks Conservation Association \* Natural Resources Defense Council \*  
League of Conservation Voters \* Pacific Coast Federation of Fishermen's Associations \*  
Sierra Club \* The Bay Institute

Date: 10/16/15

Submitted in Rules Committee

Council File No: 15-0002-571

Item No.: 5

Communication from the  
Publ. C

October 5, 2015

RE: New Bills on California Drought, and Upcoming ENR Hearing on H.R. 2898/S. 1894

Dear Senator:

On behalf of our millions of members and supporters throughout the United States, we write to discuss two legislative proposals pending in the Senate Energy and Natural Resources Committee that focus on the historic drought in California and other Western states (H.R. 2898 and S. 1894), and to request your assistance as these measures come before the Committee in the next few weeks. As discussed below, we urge you to oppose H.R. 2898 and any other drought legislation that weakens or undermines state and federal environmental laws protecting fish, wildlife, and thousands of fishing jobs. We urge you to support elements of S. 1894 that provide federal funding for investments in water conservation, water recycling, and similar strategies to create new water supplies across the Western United States. California's ongoing drought – not environmental laws protecting salmon and other native fish and wildlife – is the primary reason for low water supplies across the state and overriding environmental protections won't fix that problem.

**H.R. 2898: The House-passed "Drought Bill" attacks environmental laws and fishing jobs rather than solving California's drought crisis.**

Pending before the Senate Energy and Natural Resources Committee is H.R. 2898 by Rep. David Valadao (R-CA), a bill that would dramatically weaken protections for salmon, migratory birds, and other fish and wildlife in California's important Bay-Delta Estuary, as well as the thousands of jobs in California and Oregon that depend on the health of these species. In addition, the bill includes several titles that would apply across Western states and would reduce public participation and environmental reviews of new dams, reduce funding for key programs of the Bureau of Reclamation, and limit the federal government's ability to manage and protect water resources.

Both the White House and the State of California have consistently opposed similar legislative proposals in recent years and when H.R. 2898 went to the House floor in July, the White House threatened to veto the measure. The bill was also opposed by large numbers of fishing, wildlife and conservation organizations, and nearly every Democrat in the House. H.R. 2898 threatens thousands of fishing jobs in California, Oregon, and beyond that depend on healthy salmon runs that transit the Bay-Delta. Further, H.R. 2898 would permanently override protections for salmon and other native fisheries under the Endangered Species Act and substitute political judgment for existing scientific determinations. This sets a dangerous precedent that threatens critical Endangered Species Act protections in every state.

**S. 1894: Introduced by Senators Feinstein and Boxer, this bill supports innovative drought solutions and avoids wholesale attacks on the environment, but some problems remain.**

The approach taken by the recently introduced “California Emergency Drought Relief Act of 2015” (S. 1894) is significantly different than that of the House-passed bill. Many elements of S. 1894 have the potential to improve California’s response to the drought and better prepare for future droughts, including provisions that would authorize federal funding and grants for agricultural water conservation projects, water recycling projects, emergency water supply projects for small disadvantaged communities, and habitat restoration. We note that elements of S. 1894 are similar to other legislation in the House and Senate (such as S. 1837 and H.R. 2983), which would make emergency appropriations to respond to the drought and focus on water recycling, conservation, and safe drinking water for disadvantaged communities. On the other hand, a few sections of S. 1894 raise concerns because they could harm rivers and wildlife in the West, as well as the public’s right to provide input on major infrastructure projects. Some of our organizations have discussed our concerns with the bill’s authors and appreciate their openness to working with our community to try to address the remaining issues.

Given the complicated legislative process that any Western drought measure will need to follow before it becomes law, we greatly appreciate the emphatic assurances that Senator Feinstein and Senator Boxer have each provided that federal legislation must not violate or override any environmental laws or Endangered Species Act biological opinions, and we look forward to working with Senators Feinstein and Boxer and the members of the Senate Energy and Natural Resources Committee to ensure that objective is achieved through the legislative process.

**Consideration of these drought-related measures in the U.S. Senate.**

California’s four-year drought has been devastating for all parts of the state, from the agricultural sector to numerous small communities to our fragile fish and wildlife and the jobs that depend on them. The state and federal administrations have devoted significant resources to addressing the drought, and the need for additional funding in the short term and additional water management innovations over the long term is particularly evident. As the Senate Energy and Natural Resources Committee takes up this important but complex issue in the weeks ahead, we urge the Committee to resist the simplistic approaches offered by some to pit one part of California against another, or to adopt measures that cause harm to our already-stressed environment in hopes of gaining short-term water supplies for certain industries. We urge you to oppose H.R. 2898 and any drought legislation that weakens or undermines environmental protections for salmon and other imperiled fish and wildlife in the West, and the communities and jobs that depend on healthy rivers. Instead, we believe this Committee can help California and other Western states tackle the immediate drought crisis and also the long-term challenges that are increasing throughout the West by focusing on water management that preserves and strengthens our natural systems while also tapping the technological innovations that can stretch our water supplies in smart and effective ways.

Sincerely,

American Rivers

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Submitted in Rules Committee

Council File No: 15-0002-571

Item No.: 5

Communication from the Public

July 16, 2015

Dear Representative,

On behalf of our 2.4 million members and supporters nationwide, the Sierra Club writes to express our strong opposition to the Western Water and American Food Security Act of 2015, H.R. 2898. This controversial bill would undermine critical protections for our environment and other water users rather than provide actual “drought relief.” Furthermore, this legislation would be a permanent change in law—it is not a temporary drought response—and includes provisions that could impact states across the West.

The Western Water and American Food Security Act would permanently amend and override the requirements of the Endangered Species Act and other federal laws. Moreover, several provisions of the bill would preempt state law, including a provision (section 313) which would repeal and override state and federal laws, a court order, and a binding settlement agreement to restore the San Joaquin River. The bill would also waive or limit environmental review of new dams and other water projects, impacting states and communities across the West. It would completely exempt some projects from review under the National Environmental Policy Act, establish unrealistic timelines for completion of environmental reviews, and give the U.S. Bureau of Reclamation unprecedented control over the environmental review process. These changes, which would impact states throughout the West, remove environmental safeguards and undermine the rights of communities to weigh in on projects that could affect them for decades.

This bill attempts to scapegoat environmental protections for the lack of rain and snow, and it threatens thousands of fishing jobs in California, Oregon, and beyond that depend on healthy salmon runs from the Bay-Delta. The closure of the salmon fishery in 2008 and 2009 resulted in thousands of lost jobs in these states. The livelihoods of commercial and recreational salmon fishermen, Delta farmers, fishing guides, tackle shops, and communities across California and along the West Coast depend on the environmental protections that H.R. 2898 would eliminate.

The Sierra Club urges you to vote against the Western Water and American Food Security Act of 2015.

Thank you for your consideration.

Sincerely,

Athan Manuel  
Director, Lands Protection Program