

*ENVIRONMENTAL WATER CAUCUS
COMMENT LETTER OPPOSING SENATOR DIANNE FEINSTEIN'S AND
REPRESENTATIVE KEVIN MCCARTHY'S "FEDERAL DROUGHT BILL"
INTRODUCED AS S. 2198
November 18, 2014*



FRIENDS
OF THE
RIVER



PLANNING AND CONSERVATION LEAGUE



AQUALLIANCE
DEFENDING NORTHERN CALIFORNIA WATERS





CA Save Our Streams Council



Tuolumne River Trust



SIERRA NEVADA ALLIANCE



Santa Clarita Organization of Planning and the Environment (SCOPE)

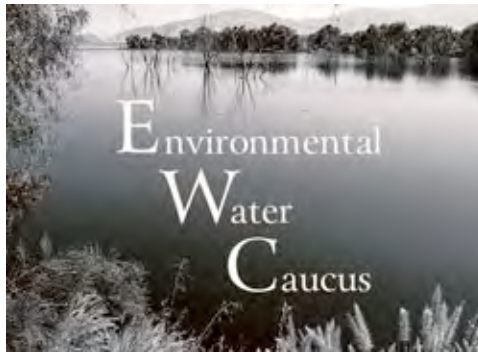


NORTHERN CALIFORNIA COUNCIL



FEDERATION OF FLY FISHERS





November 18, 2014

Senator Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

Subject: Environmental Water Caucus Opposes Consideration of “Drought Bill” Water Legislation in the “Lame Duck” Session (originally introduced as S. 2198)

Dear Senator Feinstein,

As representatives of California’s leading grassroots water conservation and environmental water organizations we are disturbed by a resurgence of media reports and the potential movement of a purported “drought bill” for California. As we understand it, the draft legislation now being finalized attempts to reconcile provisions from S.2198 and HR.3964.

We are deeply concerned that there will be destructive elements in the reconciled bill that were in past versions of either or both bills.

- Water transfers from the Sacramento Valley are expedited circumventing public processes in federal environmental laws.
- Refuges are pushed to turn to *groundwater* instead of relying on what the Central Valley Improvement Act requires in the way of surface water deliveries.
- Most benefits are for desert agriculture in the southwestern San Joaquin Valley—not California as a whole—and especially not the area of origin where most of the water comes from: the Sacramento River Watershed.
- Permanent, devastating impacts on migratory bird and fish populations in California, Oregon, Washington State and Alaska.

Members of Congress with knowledge of the current draft legislation have noted that it has more than tripled in size from S.2198 originally introduced in the Senate, and is best characterized as a bill that directly amends or undermines key statutory protections for fish and wildlife and groundwater protection. We understand this legislation includes, among other things, transfers of water from wildlife refuges and critical fish and wildlife habitat to other downstream and export users, creates a Central Valley Project Improvement Act oversight panel of agricultural and power generators while

offering only one seat to refuge interests, and short-circuits existing NEPA environmental protections. This legislation has yet to be vetted with the public, and that is unacceptable.

The proposed legislation still is not in print. It has not been released to the public. Our organizations are concerned the legislation could impact important environmental protections including clean water provisions and thus, it would harm our rural, agricultural, fishing, and tribal communities. Particularly provisions designed to benefit special interests that circumvent protections contained in the National Environmental Policy Act, the federal Endangered Species Act, the Central Valley Project Improvement Act, the Clean Water Act, the Migratory Bird Treaty and other national commitments to water quality protections could be involved, and would also be unacceptable to the communities we represent.

Requests from conservation and environmental communities to review this legislation have been repeatedly denied. Legislation of this scope and impact, threatening hundreds of millions of dollars in annual commerce related to hunting, fishing, and tourism in California and the entire Pacific Northwest should be available for public review, subject to Congressional Hearings and open to amendment. The draft legislation now being advanced has not been shared with the public or reviewed by Congressional Committees of jurisdiction and according to recent reports will not be available for amendment. As such, the Environmental Water Caucus and its member groups strongly oppose consideration, let alone passage, of this bill in the final days of the 113th Congress.

We look forward to working collaboratively with you and Members of Congress from all of the States and Congressional Districts to draft a bill that will provide sustainable water solutions for California and other western states in an open and transparent process in the 114th Congress.

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

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