



December 5, 2014

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

Senator Barbara Boxer  
112 Hart Senate Office Building  
Washington, DC 20510

**Subject: Draft Drought Bill to Follow Regular Order**

Dear Senators Feinstein and Boxer:

The Environmental Water Caucus (EWC) thanks you for your commitment to following the regular order to help ensure that members of the fishing industry, Indian tribes, municipalities, and other industries dependent on fresh water supplies from the San Francisco Bay and Sacramento-San Joaquin River Delta are allowed opportunities to testify and inform deliberations on H.R. 5781.

Prior to its release, H.R. 5781 was an unknown quantity for our member agencies and their constituencies. Now that it is out, we learn that its supporters would try to persuade Congress to micromanage California's water shortage by usurping state and federal agency authority to manage Delta water operations and exports, and to benefit primarily San Joaquin Valley interests with drought relief using Delta flows, rather than broad-based distribution of relief to all areas hit hard by California's drought. As you are probably aware by now, the ranking member of the House Rules Committee, Hon. Louise Slaughter (D-NY) expressed frustration with the bill when it came before the Committee this week:

*"We can't solve this for you in the Rules Committee...or in the House. As far as I can tell this should be something Californians dealing with the federal and state agencies that have some control over it need to do it. Not having 435 of us vote on something we don't know a darn thing about."*

Representative Slaughter also mentioned communications, confirmed by California representative Hon. Jared Huffman at the Committee hearing, that the Obama Administration and the Brown Administration in California had input to the bill. We request that you release the correspondence they had with the bill sponsors so the public can see how state and federal officials view its provisions.

Emergency project provisions, instead of providing timely, genuine relief, would substantially lower the bar for easy agency approval of the Bay Delta Conservation Plan and major surface storage projects north and south of the Delta. Bill language states that projects with such crucial long-term impacts and implications for Central Valley watershed ecology and the California economy should be evaluated according to “available information.” “Best available science” would be a far more suitable standard. Fast-tracking export of more Delta water in the short term to select few interests of the San Joaquin Valley will neither make it rain more nor provide immediate drought relief supplies to communities in need there.

We urge a no vote on H.R. 5781, to avoid Congress micromanaging water usage and allocation in California. Before allowing disruption of California’s 150-year old water rights system and major federal environmental protection laws, EWC wants Congress to undertake careful deliberation over H.R. 5781 by both houses.

EWC and its member groups urge that Congress devise programs and provide funds to relieve real suffering from this drought. Our undersigned communities, tribes, and organizations urge you to undertake more focused efforts with your legislative colleagues to directly relieve the suffering in the San Joaquin Valley. Since 2009, the EWC has offered solutions for California as a whole to plan for more water, and more efficient approaches and methods in times of recurrent shortage. Like both of you, EWC is deeply interested in sustainable and equitable solutions to California’s water challenges. Toward that end, we produced a guideline document that we would still like to discuss with you and your staffs at a meeting in San Francisco as soon as possible. We understand time is short in this current session of Congress. EWC’s Responsible Exports Plan is available online at <http://www.ewccalifornia.org/reports/responsibleexportsplanmay2013.pdf>.

It is essential that all interests have a seat at the table and are provided equal access to the process. If you have questions, please contact Conner Everts at (310) 394-6162 x111 (or email [connere@gmail.com](mailto:connere@gmail.com)), or Tim Stroshane at (510) 524-6313 (or email [spillwayguy@gmail.com](mailto:spillwayguy@gmail.com)).

Thank you for considering these requests, and we look forward to working with you in the weeks and months to come.

Sincerely,



Conner Everts



David Nesmith

Co-Facilitators  
Environmental Water Caucus

cc: Hon. Jared Huffman  
Hon. Grace Napolitano  
Hon. Jerry McNerney  
Hon. George Miller