

June 23, 2014

The Honorable Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, DC 20510

The Honorable Barbara Boxer  
United States Senate  
112 Hart Senate Office Building  
Washington, DC 20510

Dear Senators Feinstein and Boxer:

We applaud you for your effort to produce workable solutions to California's statewide water shortages, and for your leadership in expediting state and federal agencies' response to the drought. The passage of S.2198 in the Senate has sent a strong message that California's drought requires the highest level of attention and continued action, and we hope to continue to work with you as we push for solutions. However, we are deeply concerned that it appears that negotiations with the House majority are being held out of the public eye. We believe the process by which Congress responds to this drought crisis should be transparent.

The House majority has already demonstrated their intention to irresponsibly override state water law and decades of federal protections for clean water, fisheries, and northern California tribes, farms, and cities – all to benefit a select few. The House-passed H.R. 3964 provides neither new resources nor useful tools, but instead undermines numerous state and federal laws, including: the Endangered Species Act, the Clean Water Act, the Central Valley Project Improvement Act, the San Joaquin River Restoration Settlement Act, and the California constitution and its public trust doctrine. We all agree that this would take California in the wrong direction, and the House majority's draft Energy & Water appropriations bill would continue this harmful approach. Our state cannot risk the negative repercussions of trying to reconcile the differences between H.R. 3964 and S. 2016. As the Los Angeles Times observed in their June 8<sup>th</sup> editorial, "a compromise between the two bills would be bad for California."

We believe Congress should focus on solutions, and we cannot accept the destructive Valadao-Nunes approach, which flouts state and federal law, will irreparably damage the Bay-Delta, degrade drinking water quality, and cost our state thousands of jobs. We strongly urge you to prioritize providing the resources and additional tools that California needs to respond to this and future droughts, as both H.R. 4239 and your original S. 2016 would have done. Although we still have concerns with a provision from S. 2016 that remains in S. 2198, we believe both S. 2016 and H.R. 4239 have important provisions in common that would: directly assist communities harmed by the drought, including farmworker and fishing communities; provide funding for emergency drought relief projects; expand funding for water recycling infrastructure, conservation, and efficiency projects that can be rapidly brought online; ensure that drought damages are properly recognized under the Stafford Act; and reduce wildfire risk. Not one of these priorities is addressed by H.R. 3964.

Since neither H.R. 3964 nor S. 2198 received a public hearing nor considered by committees in open session, and a formal conference process is not possible at this point, we strongly urge you to conduct any further negotiations in public, and to seek comment from the relevant state and

federal agencies, as well as tribes, recreational and commercial fishing interests, water managers, farms, counties, and cities. Our constituents are rightly concerned about a closed-door approach that picks winners and losers amid California's statewide drought, and they deserve a public discussion of the merits of the legislation being considered. The changes envisioned between both bills are so great, and there are so many stakeholders at risk, it would be a great disservice if these decisions were made without transparency and public input.

Thank you again for your leadership.

Sincerely,

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JARED HUFFMAN

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GEORGE MILLER

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JOHN GARAMENDI

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JERRY MCNERNEY

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DORIS MATSUI

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MIKE THOMPSON