

**Audubon \* Audubon California \* Defenders of Wildlife \* Earthjustice \*  
Endangered Species Coalition \* Environmental Defense Fund \* Friends of the  
River \* Institute for Fisheries Resources \* League of Conservation Voters \*  
Natural Resources Defense Council \* Pacific Coast Federation of Fishermen's  
Associations \* The Northcoast Environmental Center \*  
Sierra Club California \***

**RE: Emergency Drought Relief Act of 2014 (S. 2198): Concerns Over Revised California  
Drought Bill**

April 14, 2014

Dear Senator:

On behalf of our millions of members and supporters nationwide, we write to highlight our significant concerns with the Emergency Drought Relief Act of 2014 (S. 2198). This bill continues to raise significant environmental concerns – issues we previously urged Senate sponsors of S. 2016 to remedy, but that have not been remedied (see March 3, 2014 letter attached). In addition, unlike S. 2016, this bill also fails to provide any disaster relief funding for communities impacted by critically dry conditions in the West. In order to prevent rollbacks of environmental protections and provide effective help for drought-impacted communities, these issues must be addressed before this legislation moves in the Senate. Finally, we are very concerned about the possibility of rollbacks of environmental protections if there are negotiations with the sponsors of H.R. 3964, House legislation that would override state and federal environmental protections in the California Bay-Delta ecosystem and shut down California's San Joaquin River Restoration Program.

As we stated with respect to S. 2016, we appreciate the stated goal of its authors to expedite drought relief actions that are consistent with state and federal environmental laws and to bring people together to address this crisis. We agree that Californians should come together to help water-strapped cities, farming communities, and our natural environment during these very challenging times. Unfortunately, S. 2198 lacks any emergency drought relief funding to assist in those efforts.<sup>1</sup> Emergency drought relief funding is critical to help different sectors cope with current dry conditions and better prepare for future droughts, and such funding should be restored to the bill.

The authors of S. 2198 (and S. 2016 before it) committed to providing drought relief without waiving any existing federal or state law. We continue to applaud that intent. However, we grow increasingly concerned that two provisions in S. 2016 that appear inconsistent with this intent are not yet remedied in S. 2198. These two sections threaten to override existing legal requirements protecting Chinook salmon, the health of California's Bay-Delta ecosystem, and the thousands of fishing jobs in California and Oregon that depend on salmon from the Bay-

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<sup>1</sup> S. 2016, which preceded S. 2198, contained \$300 million in drought relief funding.

Delta. Drought, not protections for our environment, is the primary cause of low water allocations across the state and these provisions must be corrected before this legislation advances. Editorials in major California newspapers including *The Sacramento Bee* and *San Jose Mercury News* have recommended clarifying these provisions to ensure they do not undermine critical environmental protections.<sup>2</sup> President Obama likewise indicated that the concerns over these sections should be addressed before the bill moves.

Further, while we appreciate the effort in S. 2198 to assist our Central Valley wildlife refuges, as we indicated previously additional clarifications are needed to avoid unintended adverse impacts from the bill as written. We also understand that many of the provisions of section 103(b) of the bill are already being implemented administratively, making these legislative provisions appear to be unnecessary. Our specific concerns regarding these three provisions of Section 103(b) are addressed in detail in our prior March 3, 2014 letter, which is attached.

Finally, the newsmedia have reported that the sponsors of S. 2198 are meeting with the sponsors of H.R. 3964 regarding the prospects for joint Senate-House action on drought legislation.<sup>3</sup> The White House, Governor Jerry Brown, both of California's Senators, a majority of the state's House delegation, and numerous stakeholders, including our organizations, strongly opposed H.R. 3964. Including any rollbacks of environmental laws from H.R. 3964 in a new compromise bill would be wholly inconsistent with the stated intent of the authors and cosponsors of S. 2198 to avoid undermining environmental safeguards. We urge the cosponsors of S.2198 to publicly affirm that they will not support any waivers or other undermining of environmental laws in any compromise legislation.

The historic drought facing California and other Western states demands real solutions that bring people together and equip communities to get through this and future droughts. The above-described fixes to S. 2198 would allow this legislation to do just that. These corrections must be made before S. 2198 advances, and any House-Senate negotiations must not include the overrides of state and federal environmental protections contained in the House's legislation (H.R. 3964).

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<sup>2</sup> *Editorial: Feinstein-Boxer Bill is a Good Start in Addressing the Drought*, THE SACRAMENTO BEE, Feb. 13, 2014, <http://www.sacbee.com/2014/02/13/6152918/editorial-feinstein-boxer-bill.html> (“the bill [has] provisions that concern Northern California House members and that Feinstein and Boxer should work on”); *see also Mercury News Editorial: No Easy Answers for Solving State's Water Shortage Problem*, SAN JOSE MERCURY NEWS, Feb. 13, 2014, [http://www.mercurynews.com/portal/opinion/ci\\_25135622/mercury-news-editorial-no-easy-answers-solving-states?\\_loopback=1](http://www.mercurynews.com/portal/opinion/ci_25135622/mercury-news-editorial-no-easy-answers-solving-states?_loopback=1) (“environmentalists are rightly calling for clarification of a key provision that seems to mandate pumping extra water from the Delta to send it south”).

<sup>3</sup> *Who should get water divides California lawmakers*, THE SACRAMENTO BEE, March 28, 2014, <http://www.sacbee.com/2014/03/28/6277079/who-should-get-water-deliveries.html>

Sincerely,

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Conservation Group Comments on S. 2198

April 14, 2014

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Enclosure: March 3, 2014 letter from conservation groups to S. 2016 cosponsors