

California Legislature

May 24, 2018

U.S. Senator Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

U.S. Senator Kamala Harris
112 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Feinstein and Senator Harris,

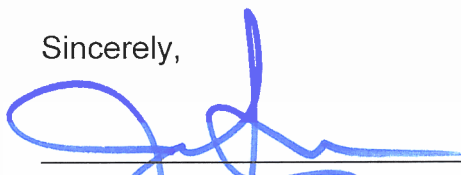
We write today in strong opposition to a rider included in the draft House FY 19 Interior Appropriations bill which would exempt CA WaterFix from judicial review, including preempting state law to preclude litigation under state laws. This rider seeks to infringe on the separate and equal powers of the judicial branch protected by the Constitution, and the powers reserved to the states under the Tenth Amendment.

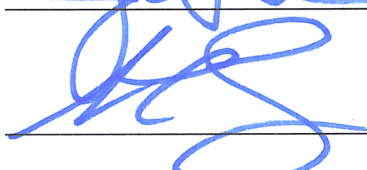
The rider states: "SEC. 437. Notwithstanding any other provision of law, the Final Environmental Impact Report/Final Environmental Impact Statement for the Bay Delta Conservation Plan/California Water Fix (81 Fed. Reg. 96485 (Dec. 30, 2016)) and any resulting agency decision, record of decision, or similar determination shall hereafter not be subject to judicial review under any Federal or State law."

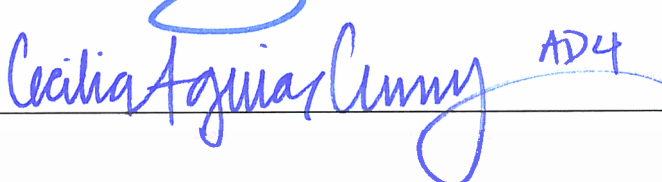
Numerous cases already filed in state and federal courts, including state law claims under the California Environmental Quality Act (20 cases filed) or the California Endangered Species Act (3 cases filed), as well as litigation under the federal Endangered Species Act (2 cases filed) or NEPA (no cases yet filed because the Bureau has not yet issued a Record of Decision) would be negated.


This dangerous precedent poses a direct threat to our Constitution by suggesting that the CA WaterFix project would no longer be subject to judicial review under any federal or state law. We are in strong opposition and appreciate any efforts that you may be able to make to block this rider and any subsequent effort. Thank you for your support and consideration.


Sincerely,



AD11


AD13


AD4


503


AD7


AD16

Cathleen Galgiani SDOG

David Chiu AD 17

Mark Stone AD 29

Mon AD 19

Jim Cooper AD 9

Robert A. Wicks SDO 10

Ken Cooley AD 8

Jim Drayton AD 14

Mark Ferrin AD 10

AD 15

AD 02