



OFFICE OF THE  
CITY COUNCIL

CITY OF SACRAMENTO  
CALIFORNIA

JAY SCHENIRER

COUNCILMEMBER  
DISTRICT FIVE

February 17, 2012

The Honorable Doc Hastings  
Chairman  
Committee on Natural Resources  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Edward J. Markley  
Ranking Member  
Committee on Natural Resources  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Tom McClintock  
Chairman, Subcommittee on Water and Power  
Committee on Natural Resources  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Grace Napolitano  
Ranking Member, Subcommittee on Water and  
Power  
Committee on Natural Resources  
United States House of Representatives  
Washington, D.C. 20515

**SUBJECT: OPPOSE H.R. 1837 (NUNES)**

Dear Chairman Hastings, Ranking Member Markey, Chairman McClintock, and Ranking Member Napolitano:

The City of Sacramento (Sacramento) writes to express its opposition to the proposed Sacramento-San Joaquin Valley Water Reliability Act (H. R. 1837). The City of Sacramento is the largest municipal water supplier in the Sacramento-San Joaquin Valley and provides municipal and industrial water supply to over 466,000 residents and 138,000 customer accounts. Sacramento is also a wholesale water supplier to a number of local water agencies.

As Sacramento understands the original intent of the legislation, H.R. 1837 would roll back Delta protection under environmental laws for the Central Valley Project (CVP) and State Water Project (SWP), and reverse the San Joaquin River settlement. It would effectively preempt the long established state water right priority system by providing a number of junior water right holders with a more reliable water supply at the expense of senior water right holders. . In response, some northern California water interests have proposed protections for particular northern Project contractors, and broad pre-emption of certain environmental laws, in an effort to avoid the very significant re-directed impacts of the original legislation.

Sacramento is sympathetic with the interest of water suppliers to further reliable water supplies, regardless of their geographic location. However, in the version just recently made available to the City,

the bill would create enormous uncertainty for many or most water suppliers. The bill is now an amalgam of exemptions and protections, some specific to certain water suppliers, others not; some specific to certain species or habitat; others not. Sacramento is concerned that this legislation would create chaos in the already challenged context of the Sacramento-San Joaquin Delta and its relationship to water resources of the State. If we are to change the way we approach the Sacramento-San Joaquin Delta, we need to do so in a far more equitable and orderly manner.

One of the major difficulties is the manner in which this bill has been developed. Sacramento has not been allowed to be at the table, or to address its concerns. The manner in which this legislation has been developed has created a virtual 'crazy quilt' of provisions, layered in iteratively as different interests gained access to the process. There does not appear to be any evaluation or understanding of how water supplies or the environment would be affected if this bill were to be enacted into law. The impacts from which some are exonerated will have to land somewhere. We cannot afford the level of uncertainty promised by this legislation.

Sacramento has the following additional concerns with the proposed bill:

- Uncertainty resulting from federal intervention into the established water rights priority system
- The potential that Folsom Reservoir would have to be operated in a manner inconsistent with the City's settlement agreement with the United States Bureau of Reclamation
- Impacts to the Lower American River, which has been the focus of significant local investment to protect its aquatic resources

In spite of the issues identified above, under section 111 of the proposed bill, no analysis will be performed under the National Environmental Protection Act or the California Environmental Quality Act that answers these questions. Rather, the bill does an end run around both NEPA and CEQA.

For the above reasons, the City opposes H. R. 1837. If you have any questions, please contact Jim Peifer at (916) 808-1416.

Sincerely,



Jay Schenirer  
Councilmember, Chair of Law and Legislation Committee

CC: U.S. Senator Dianne Feinstein  
U.S. Senator Barbara Boxer  
U.S. Representative Doris Matsui  
U.S. Representative Dan Lungren  
U.S. Representative Devin Nunes  
City of Sacramento Mayor and Council Members