



**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503**

July 14, 2015
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 2898 – Western Water and American Food Security Act of 2015

(Rep. Valadao, R-CA, and 26 cosponsors)

The Administration strongly opposes H.R. 2898, the Western Water and American Food Security Act of 2015, because it fails to address critical elements of California's complex water challenges and will, if enacted, impede an effective and timely response to the continuing drought while providing no additional water to hard hit communities. Like similar legislation in the last Congress, H.R. 2898 was developed with little input from the public, the Administration, or key stakeholders affected by the drought. The urgency and seriousness of the California drought requires a balanced and flexible approach that promotes water reliability and ecosystem restoration.

Specifically, H.R. 2898 dictates operational decisions and imposes a new legal standard which could actually limit water supplies by creating new and confusing conflicts with existing laws, adding an unnecessary layer of complexity to Federal and State cooperation. This additional standard could slow decision-making, generate significant litigation, and limit real-time operational flexibility critical to maximizing water delivery. And, contrary to current and past Federal reclamation law that defers to State water law, the bill would preempt California water law.

In addition, H.R. 2898 directs specific operations inconsistent with the Endangered Species Act (ESA), thereby resulting in conditions that could be detrimental to the Delta fish and other species listed under Federal and State endangered species laws.

The Administration strongly supports efforts to help alleviate the effects of drought in the West; however, the Administration is concerned with section 401, which establishes deadlines for completing feasibility studies for certain water storage projects. The provision is unnecessary and the dates provided in the bill could prevent the participation of non-Federal partners in certain studies and may inhibit the Administration's ability to consider a full range of options for addressing these issues. In addition, financial penalties levied upon the Bureau of Reclamation under section 403 for not meeting these deadlines would only undermine the Department of the Interior's ability to help address the effects of drought in the West.

Much of the bill contains provisions that have little connection to the ongoing drought. The bill includes language constraining the Administration's ability to protect the commercial and tribal fishery on the Trinity and Klamath Rivers, which will have impacts not just in California, but throughout the west coast. The bill would also repeal the San Joaquin River Settlement Agreement, which the Congress enacted to resolve 18 years of contentious litigation. Full repeal of the settlement agreement would likely result in the resumption of costly litigation, creating an

uncertain future for river restoration and water delivery operations for water users on the San Joaquin River.

Californians are facing significant drought-related challenges. This is why the Administration has directed Federal agencies to work with state and local officials in real-time to maximize limited water supplies, prioritize public health and safety, meet state water quality requirements, and ensure a balanced approach to providing for the water needs of people, agriculture, businesses, power, imperiled species and the environment. Consistent with the 2015 Interagency Drought Strategy, the Administration and Federal agencies have partnered with state agencies in California to improve coordination of water operations in the state. In June, the Administration announced new actions and investments of more than \$110 million to support workers, farmers, and rural communities suffering from drought and to combat wildfires. This builds on the more than \$190 million that agencies across the Federal government have invested to support drought-stricken communities so far this year. Unfortunately, H.R. 2898 would undermine these efforts and the progress that has been made.

For these reasons, if the President were presented with H.R. 2898, his senior advisors would recommend that he veto the bill.

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