



April 16, 2019

The Honorable Hannah-Beth Jackson
The Honorable Andreas Borgeas
Senate Judiciary Committee
California State Capitol, Room 2187
Sacramento, CA 95814

RUSSELL KAGEHIRO
President
Division V

RE: SB1 (Atkins): OPPOSE UNLESS AMENDED

TIM MAGGIORE
Vice President
Division III

Dear Senator Jackson and Senator Borgeas,

LARRY ENOS, JR.
Director
Division I

In SB1, President Pro Tem Atkins provides a compelling case to protect California's Air, Navigable Water, Drinking Water and Workers. Byron-Bethany Irrigation District (BBID) recognizes and strongly supports these public priorities. We will leave to others to debate whether or not this broad expanse of law is contrary to California's Single Subject Rule, as each of these topics are clearly worthy of the Legislature's attention, and public concern. However, despite our recognition that some in our state feel recent administrative rulings and legislative changes to federal law may not be the right prescription for California, we believe this legislation is overbroad, duplicative and unworkable.

MARK MAGGIORE
Director
Division II

FELIX MUSCO
Director
Division IV

CHARLES TUSO
Director
Division VI

JEFF BROWN
Director
Division VII

California has a long history of establishing the highest standards of environmental stewardship, compliance and enforcement. This is precisely why we feel some provisions of this bill are unnecessary and burdensome. Most, if not all of California's public water agencies (Subdivisions of the State of California) have spent the last decade and millions of tax and ratepayer dollars studying best practices and updating their knowledge regarding the best available science, in order to protect the public, wildlife and particularly endangered species. BBID takes very seriously its publicly mandated mission and responsibility of delivering fresh, clean water to the families and farms of California, in an environmentally responsible way. SB1 as currently drafted undermines this mission by:

RICK GILMORE
General Manager
Secretary

1. Handcuffing our agency by requiring the use of outdated and debunked science in the Delta. Over the last thirty years, several fish species have continued to decline despite significant expenditures and diversion curtailments mandated by ESA rulings. New procedures and agreements, (negotiated by the recently departed Brown Administration), which incorporate new species management science, are currently being incorporated and scrutinized by the federal and state fish agencies. These updated methods should be deployed and evaluated rather than stymied and derailed. The new science and better practices present the best available option for species recovery.

2. If the Legislature feels new federal policy does not fully protect the public or species, it has abundant authority and can act on each specific case, as it has on so many other occasions. Initiatives like Prop 65 or the Porter-Cologne Water Quality Control Act already protect California well beyond the federal mandates.
3. SB1 does not employ a workable regulatory platform. It acts to confuse the current regulatory framework. Further, by establishing a new private right of action, it is sure to spawn significant, costly litigation that will divert public funds from worthy pursuits like infrastructure rehabilitation, habitat conservation, and scientific research.
4. It would derail the recently negotiated Coordinated Operating Agreement (COA) and SWRCB Voluntary frameworks on flows.

For these reasons, Byron-Bethany Irrigation District urges the amendment of this legislation to address the significant issues outlined above and stands ready to work with the author and this committee to improve this legislation.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Rick Gilmore". The signature is fluid and cursive, with a large initial "R" and "G".

BYRON-BETHANY IRRIGATION DISTRICT
Rick Gilmore
General Manager