

## House Appropriations Bill - 2018

A rider included in the draft House FY 19 Interior Appropriations bill would exempt CA WaterFix from judicial review, including preempting state law to preclude litigation under state laws. This dangerous precedent would prevent anyone with standing from suing the Delta Tunnels project.

**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.”

This would affect numerous cases already filed by NDWA and other parties 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).