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Assembly California Legislature



ADAM C. GRAY
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January 8, 2018

The Honorable Edmund G. Brown Jr.
Governor, State of California
California State Capitol
Sacramento, CA 95814

RE: Assembly Bill 313 (Gray) Veto Message

Dear Governor Brown:

Last year, I authored Assembly Bill 313 to reform the State Water Resources Control Board's water rights hearing process. Under its existing rules, the State Water Board sits as judge, jury, and prosecution in water rights enforcement cases. Closed systems such as this create inherent weakness and bias. Inevitably, the decision-makers protect themselves and the rights of victims are sacrificed.

As the State Water Board prepares to double the amount of water they take from the schools, farms, and homes in my district, we fear our rights will also be sacrificed in a courtroom run by the State Water Board itself. AB 313 would have addressed some of our concerns by requiring the courtroom to be run by an administrative law judge who would serve as a neutral third-party.

When AB 313 arrived on your desk, you expressed concern that the bill would not work as the Legislature had intended. However, you acknowledged the important role administrative law judges play in adjudicating complex matters at agencies other than the State Water Board and directed the Secretary of the Environmental Protection Agency to make recommendations to improve the State Water Board's hearing process. Additionally, you set a deadline of January 1, 2018 for CalEPA to present their findings.

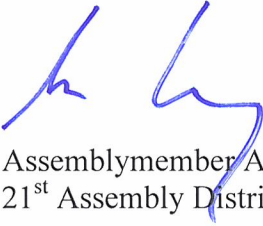
That deadline has now passed, yet CalEPA has failed to provide recommendations and appears to have no estimated timeframe for when their work will be completed. To a community that already feels attacked and abandoned, this sends entirely the wrong message.

I appreciate your acknowledgement that, even if we could not come to an agreement on AB 313, the current State Water Board hearing process could be improved in the interest of fairness and transparency. It is in that spirit that I request to meet with you and CalEPA Secretary Rodriguez to understand why CalEPA has failed to meet the deadline and discuss the ramifications this

disregard has for my district and our ability engage in settlement discussions with the administration.

Thank you for your consideration and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Gray', is written over the printed name below.

Assemblymember Adam C. Gray
21st Assembly District