



Judicial Council of California
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March 27, 2014

Hon. Fran Pavley, Chair
Senate Natural Resources and Water Committee
State Capitol, Room 4035
Sacramento, California 95814

Subject: SB 1398 (Cannella), as introduced - Oppose
Hearing: Senate Natural Resources and Water Committee – April 8, 2014

Dear Senator Pavley:

The Judicial Council opposes SB 1398, which prohibits a court, in an action brought pursuant to the California Environmental Quality Act (CEQA) challenging certain maintenance activities along the Salinas River from staying or enjoining such maintenance activities unless those activities present an imminent threat to public health and safety or would materially, permanently, and adversely affect unforeseen important Native American artifacts, or unforeseen important historical, archaeological, or ecological values.

It is important to note that the Judicial Council's concerns regarding SB 1398 are limited solely to the court impacts of the legislation, and that the council is not expressing any views on CEQA generally or the merits of the underlying project, as those issues are outside the council's purview. The Judicial Council believes that the bill's restrictions on the court's ability to fashion injunctive relief significantly interferes with the inherent authority of a judicial officer and raises a serious separation of powers question.

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For these reasons, the Judicial Council opposes SB 1398.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Pone", written in a cursive style.

Daniel Pone
Senior Attorney

DP/nco

cc: Members, Senate Natural Resources and Water Committee
Hon. Anthony Cannella, Member of the Senate
Mr. Dennis O'Connor, Principal Consultant, Senate Natural Resources and Water
Committee
Ms. Martha Guzman-Aceves, Deputy Legislative Secretary, Office of the Governor
Mr. Todd Moffitt, Consultant, Senate Republican Office of Policy