

**Congress of the United States**  
**Washington, DC 20515**

February 17, 2021

Acting Administrator Jane Nishida  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Acting Administrator Nishida:

We urge the Environmental Protection Agency to comply with an order by the U.S. District Court for the Northern District of California to remedy an illegal action by the Trump Administration and restore federal enforcement of the Clean Water Act (CWA). We ask that you withdraw the EPA's appeal of the district court's decision in *San Francisco Baykeeper et al v. U.S. Environmental Protection Agency* and accelerate compliance with the court's order that EPA make a new determination of jurisdiction under the Act for the Redwood City Salt Ponds.

In 2016, the Obama Administration's EPA Region 9 scientists and legal counsel completed an exhaustive site investigation and legal review regarding these ponds. They concluded that the vast majority of the site is jurisdictional wetlands under the federal Clean Water Act and protected by that law. Unfortunately, that jurisdictional determination did not receive final administrative approval before President Trump's inauguration.

The Trump Administration hijacked the jurisdictional determination process, putting politics ahead of science and the law to encourage a private landowner's development of these wetlands. EPA Administrator Andrew Wheeler waived Clean Water Act jurisdiction of the site in 2019, leaving the wetlands without that federal protection. In response, the State of California and four environmental organizations sued the EPA for its arbitrary and capricious decision.

In October, the Federal District Court agreed with these plaintiffs, ruling that EPA headquarters misapplied the law and ignored its own agency regulations and Supreme Court decisions. "The ponds themselves ... remain subject to CWA jurisdiction because they are wet," Judge Stewart Alsop wrote. Notwithstanding the court's strong ruling, the Trump Administration filed an appeal on December 2<sup>nd</sup>, prompting California Attorney General Xavier Becerra to respond, "The Trump Administration has spent the better part of four years trying to clear a path for industry interests to pollute our waters and damage our environment. Their unlawful attempt to remove protections and fast track development of the Redwood City Salt Ponds is no different. But we have the facts, the science, and the law on our side."

The Trump Administration's actions threaten the health and stability of our ecosystems and water resources. We urge you to uphold federal environmental laws and protect clean water and wetlands by withdrawing the appeal and implementing the court's order to conduct a legally sound jurisdictional determination.

Thank you very much for your consideration of this request. We look forward to working with you to restore and uphold our environmental protections.

Sincerely,

\_\_\_\_\_/s/  
Jackie Speier.  
Member of Congress

\_\_\_\_\_/s/  
Dianne Feinstein  
United States Senator

\_\_\_\_\_/s/  
Alex Padilla  
United States Senator

\_\_\_\_\_/s/  
Mark DeSaulnier  
Member of Congress

\_\_\_\_\_/s/  
Anna G. Eshoo  
Member of Congress

\_\_\_\_\_/s/  
John Garamendi  
Member of Congress

\_\_\_\_\_/s/  
Jared Huffman  
Member of Congress

\_\_\_\_\_/s/  
Ro Khanna  
Member of Congress

\_\_\_\_\_/s/  
Barbara Lee  
Member of Congress

\_\_\_\_\_/s/  
Zoe Lofgren  
Member of Congress