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September 8, 2010

Bay Delta Conservation Plan Steering Committee
c/o Karen Scarborough, Undersecretary
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Bay Delta Conservation Plan - Upstream Issues

Dear Ms Scarborough:

On behalf of the 30 member counties of the Regional Council of Rural Counties (RCRC), we are writing to express RCRC's preliminary concerns with the Bay Delta Conservation Plan (BDCP). RCRC's primary concern, at this point in time, is that the issues of greatest importance to RCRC member counties and their citizens have yet to be addressed by the BDCP Steering Committee. These issues include area of origin, watershed of origin, and county of origin water rights as well as issues relating to BDCP funding.

RCRC's thirty member counties are geographically dispersed throughout California - from the California-Mexico border to the eastern spine of the Sierra Nevada's to the Pacific Ocean to the California-Oregon border. The majority of RCRC's member counties are located in Northern California upstream of the Delta.

RCRC has closely followed the BDCP process as an interested observer since its inception four years ago. While we fully appreciate the enormity of the task, it is nevertheless difficult to understand how the BDCP Steering Committee can contemplate releasing the draft BDCP this November without specifying how BDCP programs or facilities will be implemented or constructed in the Delta so as not to result in the redirection of unmitigated, significant adverse impacts to the area, county, and watershed of origin.

As you know, the State Water Resources Control Board (State Water Board) recently adopted Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem as required by Chapter 5, Statutes of 2009, Seventh Extraordinary Session. The law also specified that the purpose of the flow criteria was to "inform" planning decisions for the

Delta Stewardship Council Delta Plan and the BDCP. Due to the nine month timeframe to complete the flow criteria the State Water Board limited its review to the instream needs of the Delta ecosystem, specifically fish species and Delta outflows. The flow criteria do not include consideration of other public trust resources or other public interest matters (terrestrial species habitat, economics, power production, human health and welfare requirements, etc.) RCRC requests that the BDCP Steering Committee specify how it intends to utilize this data.

RCRC suggests that the BDCP Steering Committee consider for inclusion in the BDCP a commitment that all actions undertaken to achieve the goals of the BDCP shall be consistent with California water rights law, including Article X, Section 2 of the California Constitution, the public trust, the area of origin statutes, and all federal and state laws that protect water quality, endangered species, and other beneficial uses of the waters of the state.

RCRC member counties and their citizens are neither formal participants in the process nor beneficiaries of the long-term permits or assurances that may be issued under the BDCP. Clearly, the costs of implementing the BDCP will be astronomical. The BDCP must clearly identify how these costs are to be allocated among the beneficiaries and the public.

In conclusion, RCRC very much appreciates this opportunity to provide these preliminary comments to the BDCP Steering Committee. We look forward to working constructively with the BDCP Steering Committee to address the issues we have raised and to bring the BDCP to a successful conclusion. Please feel free to contact myself or Nick Konovaloff, RCRC Legislative Analyst, at (916) 447-4806 with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Kathy Mannion". The signature is written in a cursive, flowing style.

Kathy Mannion
Legislative Advocate