#66

Delta Counties Coalition

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County

"Working together on water and Delta issues"

November 07, 2011

The Honorable Michael L. Connor, Commissioner
Bureau of Reclamation
U.S. Department of the Interior
1849 C. St. NW
Washington, D.C. 20240

Dr. Jerry Meral, Deputy Secretary
California Natural Resources Agency
1416 9th Street, Suite 1311
Sacramento, CA 95814

Mr. Will Stelle, Regional Administrator
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070

Re: DCC Reply to Request for Meeting

Dear Commissioner Connor, Deputy Secretary Meral, and Regional Administrator Stelle:

Thank you for your October 20, 2011 response to our October 7th letter to Secretary of the Department of Interior, Ken Salazar regarding the Bay Delta Conservation Plan (BDCP) and your request to establish an ongoing dialogue with us to address our specific issues. As you know, the Sacramento-San Joaquin Delta Counties Coalition (DCC) is a consortium of Contra Costa, Sacramento, San Joaquin, Solano and Yolo Counties formed to speak with one voice on our collective concerns regarding the protection, restoration and enhancement of the Sacramento-San Joaquin Delta (Delta).

First and foremost, we would like to emphasize our willingness to have a constructive dialogue with the state and the federal agencies regarding the goals of the Bay Delta Conservation Plan. We have noted later in this letter ten specific actions and issues of concern to the DCC in order to focus the discussion.

The DCC appreciates this opportunity to commence a meaningful dialogue and looks forward to hearing from you regarding your willingness to address our ten issues and actions, as well as continuing to work with the U.S. Department of the Interior, the State of California, and the BDCP. Working together, we believe we can jointly craft a strategy that will allow the Delta Counties to participate in an open and collaborative process and to minimize or reduce the

impacts of the BDCP on the interests of the people who live and work in the Delta as well as people throughout the State who depend on the Delta for water.

We do understand what is at stake for all Californians, not just the residents we represent. Other than significant outreach to Yolo County, however, we have not been involved in such a dialogue, and four out of the five Delta counties continue to remain isolated from the BDCP decision-making process. This is in despite of the fact that four of the five Delta Counties have signed agreements as Cooperating Agencies in connection with the review of the BDCP EIR/EIS.

In addition, the BDCP has not yet started to evaluate the impact of BDCP proposals on the people who live and work in the Delta and therefore cannot fully assess both the feasibility of implementing these proposals or develop a process for mitigating impacts. Yet, the BDCP has adopted an aggressive timeline that we know cannot realistically allow for sufficient involvement from the Delta Counties and other in-Delta interests.

As the DCC has stated often in the past, neither the State nor the Federal government can succeed without addressing important Delta issues. In order to have the most productive dialogue, we want to be clear that we need for each of you to be prepared and commit to address the following ten (10) specific actions/issues.

1. Reevaluate the current timeline and approach for completion of the BDCP. We recommend that further work on the BDCP be put on hold for a short period of time that is mutually agreeable and that intensive discussions between the BDCP principals and the Delta Counties begin immediately.

   The goal would be to determine the most appropriate way for the Delta Counties to participate in the BDCP decision making process in order to determine additional alternatives for conveyance and diversion, as well as on levee restoration, protection for agriculture and recreation, habitat conservation and other issues important to the Delta region and to each County.

2. The State of California should withdraw from the most recently negotiated MOA with the Federal Government and the State and Federal Water Contractors.

3. Evaluate non-diversion alternatives in the proposed EIR/EIS. Similar to the request of environmental groups to BDCP, the DCC supports the evaluation of non-diversion alternatives as part of the BDCP's EIR/EIS. The nine project alternatives under consideration include eight alternatives that divert water from north of the Delta. To carry out the State's policy to "reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency" (Water Code Section 85021), other non-diversion alternatives should be included. The greater the extent to which the State's water supply issues can be solved through water conservation, desalination, storage, or other means, the less significant the impacts of the BDCP will be on the Delta Counties.

4. Undertake a cost-benefit analysis of each diversion and non-diversion alternative. We understand that the California Natural Resources Agency has contracted with UC Berkeley for an extensive economic analysis. If not already specified, this economic analysis should be a rigorous cost-benefit analysis that includes, at a minimum, all reasonable foreseeable

direct and indirect economic impacts on the Delta Counties of new infrastructure and habitat projects related to the BDCP. A thorough analysis of the costs and benefits of different alternatives could serve as the basis for MOUs between the State and the Delta Counties on the BDCP, as well as the basis for justifying BDCP outcomes.

5. Initiate an independent review of the science in coordination with the Delta Counties. The DCC recognizes that the science behind BDCP proposals is evolving, but believes it is essential that the Counties be a part of a process through which the science is independently evaluated. Such work is necessary to increase the credibility of BDCP proposals and minimize impacts.

6. Propose a high-level governance role for the Delta Counties. The current BDCP governance proposal provides no role for key decision-makers in the Delta Counties. It is hard for the DCC to believe that the State is serious about collaborating with local government if we are not a part of the proposed governance structure in a meaningful way.

7. Create technical working groups to address issues in each County. So far, the BDCP has only created a technical working group in Yolo County. The other Counties also need a venue to discuss important issues and suggest alternative or modified approaches to current BDCP proposals. We are currently responding separately to an email from Dr. Meral dated November 2, 2011 regarding establishing a staff level monthly meeting with all of the Delta Counties and State Natural Resources Agency staff.

8. Provide funding to study the impacts of BDCP proposals. Each Delta County needs funding to evaluate the impacts of BDCP proposals, as well as potential alternatives. Yolo County currently has $415,000 from three different sources to analyze the impacts of a proposal to create fish habitat in the Yolo Bypass and evaluate alternatives. The other counties have no funding. As a result of Yolo County's funding, that County is better able to participate collaboratively in discussions about the design of the proposed project. No County should have to pay for studies of the impacts of a project that does not directly benefit them.

9. Initiate collaboration with local Habitat Conservation Plans/Natural Community Conservation Plans now. The BDCP has not adequately worked with local Habitat Conservations Plans and Natural Community Conservation Plans to ensure integration of the State and local efforts. This effort needs to start now.

10. Spend $4.2 billion in existing bond funding for levee improvements now. While our focus today is on the status of the BDCP, the DCC urges the State to spend the $4.2 billion in bonds already sold and allocated to levee repair projects, habitat improvements, and other conservation projects under the jurisdiction of the Resources Agency. This is an important early action that can help both the Delta Counties and the BDCP.

As we stated in our letter to Secretary Salazar, we agree with his comments when he spoke in San Francisco, calling the BDCP the "most important—and most complex—long-term water and habitat management plan ever undertaken." He also stated that "we have to get this right." That is why we respectfully suggest that it is better to arrive at a sound solution rather than an expedient one.

The DCC is currently working with Dr. Meral's Office in an attempt to identify a meeting date. However, given the coordination of both Federal, State and local official travel schedules and calendars along with the recently released Delta Plan Draft EIR (with a January 3, 2012 response deadline) and other competing issues this may be difficult to schedule before 2012.

Again, the DCC appreciates your willingness to commence a meaningful dialogue with the DCC, and looks forward to hearing from you and continuing to work with the U.S. Department of the Interior, the State of California, and the BDCP. Working together, we believe we can jointly craft a strategy that will allow the Delta Counties to participate in an open and collaborative process and to minimize or reduce the impacts of the BDCP on the interests of the people who live and work in the Delta as well as people throughout the State who depend on the Delta for water.

Sincerely,

Mary Nejedly Piepho
Supervisor, Contra Costa County

Don Nottoli
Supervisor, Sacramento County

Michael J. Reagan
Supervisor, Solano County

Larry Ruhstaller
Supervisor, San Joaquin County

Mike McGowan
Supervisor, Yolo County

cc: Senator Dianne Feinstein
Senator Barbara Boxer
Representative Jerry McNerney
Representative John Garamendi
Representative George Miller
Representative Doris Matsui
Representative Mike Thompson
Representative Daniel Lungren
Representative Wally Herger
Representative Tom McClintock
Representative Dennis Cardoza
Representative Jim Costa
Representative Jeff Denham