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September 25, 2012

SENT VIA EMAIL (karla.nemeth@resources.ca.gov)

Karla Nemeth
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: Posting of BDCP Correspondence on BDCP Website

Dear Ms. Nemeth:

Earlier this month, I contacted you regarding the several comment letters I had submitted on behalf of BDCP stakeholders that I could not find posted on the BDCP website (www.baydeltaconservationplan.com). At that time, you indicated that the letters may be in a new “correspondence” section of the website. I subsequently asked my secretary to determine exactly which letters were missing from the website, which took several hours of her time.

This was frustrating since we had previously gone through this same exercise in May 2010, when we noticed that five comment letters submitted in 2009 had not been posted on the website. As was the case before, these problems with *simply posting comments, let alone responding to them in any meaningful way* indicates that the Resources Agency is not working collaboratively with the BDCP stakeholders. In short, the invitation for the public to submit comments and the website claim that “the BDCP encourages public participation” appear to be insincere at best.

In any case, through the process of checking to see which of our comment letters were posted, we found that correspondence regarding the BDCP process may be found at any one of the following three links:

- <http://baydeltaconservationplan.com/BDCPPlanningProcess/HowToParticipate/BDCPPublicComments.aspx>
- <http://baydeltaconservationplan.com/BDCPPlanningProcess/Correspondence.aspx>
- <http://baydeltaconservationplan.com/EnvironmentalReviewProcess/HowToParticipate/EIREISPublicComments.aspx>

It appears that correspondence is divided into three different categories: (1) BDCP Public Comment Archive; (2) Correspondence; and (3) the EIR/EIS Public Comment Archive. This division of comments is confusing since a person reviewing comment letters in one area of the website may not realize that comments may be posted in more than one place. Although you had explained to me that comments that received responses were posted in a separate area, it is unclear how the public would know how to differentiate such comments from other letters to which no response is provided. If the three links provided are retained, each grouping of comment letters should contain all of the letters BDCP has received.

The description of each missing letter is provided in the table below. I have included along with the email transmitting this letter the PDFs of each missing letter. Please update the website to include these letters, along with this letter.

| DATE | DESCRIPTION OF MISSING COMMENT LETTER |
|-------------|---|
| 09/22/10 | Letter to BDCP Steering Committee RE: Comments on HCP/NCCP Mitigation Funding Requirements and Latest DHCCP Western Alignment |
| 12/20/11 | Letter to Dr. Jerry Meral and Frederico Barajas RE: Comments on the BDCP Effects Analysis – Appendix A: Conceptual Foundation and Analytical Framework and Appendix B: Entrainment |
| 01/24/12 | Letter to Dr. Gerald Meral, California Natural Resources Agency RE: LAND Comments on the September 13, 2011 Draft of BDCP Chapter 7 – Governance |
| 04/13/12 | Letter to Mr. Michael L. Connor, Commissioner, U.S. Dept. of Interior RE: Response to U.S. Department of Interior, Bureau of Reclamation Letter Dated February 9, 2012 |
| 04/16/12 | Letter to Ms. Ann Chrisney, Natural Resource Specialist RE: BDCP EIR/EIS Comments – Batches A and B |
| 04/19/12 | Letter to Christopher J. Earle, Ph.D., ICF International RE: Comments on BDCP CM 21, Nonproject Diversions |

Ms. Nemeth
September 25, 2012
Page 3 of 3

Thank you for updating the BDCP website with our missing letters and for your attention to the problems with the current organization of public comments posted on the website. Should you have questions, please do not hesitate to contact our office.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Osha R. Meserve

Enclosures: PDFs of missing BDCP comment letters (sent via email attachment)