

Congress of the United States
Washington, DC 20515

May 16, 2012

The Honorable Jerry Brown
Governor
State of California
c/o State Capitol, Suite 1173
Sacramento, CA 95814

Dear Governor Brown:

We write in response to the recently-announced delay in the timeline for releasing additional details of the proposed Bay Delta Conservation Plan (BDCP). We believe that acknowledging the need for changes and additional scientific review is an important first step towards transforming the BDCP into a plan that meets state and federal legal requirements and into a process that is fair, transparent, and inclusive of communities in the Delta region and Northern California. We recognize that some are now calling for an immediate decision, but we believe that it is critical to get this right; a rushed and inadequate Bay-Delta planning effort will lead to increased litigation, uncertainty, and expense.

As you know, we have raised many objections during the skewed process that has led to this point. We have reached out to state and federal officials repeatedly, as a group and as individuals, to express our view that the BDCP is failing to adequately address the needs of our constituents and the health of the Bay-Delta ecosystem. Our concerns have been largely reinforced by numerous independent analyses and the release of draft environmental documents which show that the leading BDCP proposal will not meet biological goals and may even lead to the extinction of several species, including some of California's iconic salmon runs. The recent "red flag" comments from state and federal agencies are just the latest indication that the BDCP must be overhauled if it is to be successful.

We also understand that, despite the many flaws with the BDCP, state and federal agencies still hope to make a significant announcement on the plan this summer. We would like to reemphasize our conviction that, before making a determination of a preferred project, state and federal agencies have an obligation to ensure that the BDCP will:

- Vigorously and meaningfully engage local officials from the Bay-Delta region and Northern California in the BDCP process.
- Reflect the best available scientific understanding of the Bay-Delta ecosystem's needs as required by state law, including the reduction of water diversions from the Bay-Delta.
- Demonstrate an understanding of the economic issues identified by the Delta Protection Commission's *Economic Sustainability Plan for the Sacramento-San Joaquin River Delta*.
- Fully analyze a complete range of alternatives, including non-diversion alternatives, the State Water Resource Control Board's alternative, and proposals put forth by experts

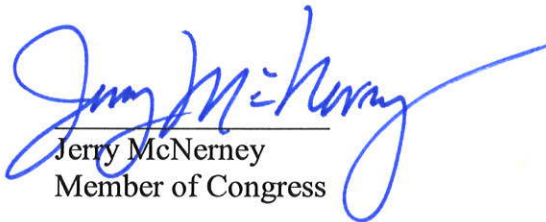
from the Delta and Northern California. A cost-benefit analysis of each alternative should also be conducted.

- Define and meet biological goals and ensure that the preferred BDCP proposal is fully consistent with the best available science and relevant federal and state environmental laws.
- Protect water quality and reliability for farmers and communities in the Delta and Northern California.
- Rebuild the Bay-Delta's fisheries and the thousands of jobs they sustain.
- Preserve flood protection for communities in the Delta and Northern California and include a focus on levee improvements.
- Commit to choosing, clearly and with intent, the "least environmentally damaging practicable alternative" as federal law requires.
- Meet the requirements of state law by including alternative water supplies as a way to increase water supply reliability and reduce dependence on the Delta.

Our constituents have repeatedly demonstrated that they are ready, willing, and able to participate in a BDCP process that is truly collaborative and transparent. Despite the good intentions of our constituents, the BDCP has been dominated by south-of-Delta contractors with a long history of opposing balanced solutions to the challenges facing California's water system. The recently-announced delay in the BDCP may represent the last, best opportunity to stand up to the unreasonable demands of south-of-Delta water contractors and change the BDCP into a plan that can enjoy support throughout the entire state of California.

Thank you for your attention to this letter. We look forward to your response.

Sincerely,



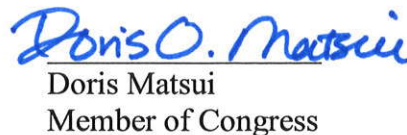
Jerry McNerney
Member of Congress



George Miller
Member of Congress



Mike Thompson
Member of Congress



Doris Matsui
Member of Congress



John Garamendi
Member of Congress