

Northern California Coalition

Calaveras County Water District
Calaveras Public Utility District
Central Delta Water Agency
Citrus Heights Water District
City of Folsom
City of Hayward
City of Manteca
City of Roseville
City of Sacramento
City of Stockton
County of Sacramento
Del Paso Manor Water District
East Bay Municipal Utility District
El Dorado County Water Agency
Foresthill Public Utility District
Glenn-Colusa Irrigation District
Jackson Valley Irrigation District
Kirkwood Meadows Public Utility District
Modesto Irrigation District
North San Joaquin Water Conservation District
Northern California Water Association
Placer County Water Agency
Rancho Murieta Community Services District
Reclamation District #17 (Mossdale Tract)
Reclamation District #684 (Lower Roberts Island)

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Reclamation District #999
Reclamation District #2024 (Orwood Palm Island)
Reclamation District #2038 (Lower Jones Tract)
Reclamation District #2072 (Woodward Tract)
Regional Council of Rural Counties
Regional Water Authority
Sacramento Municipal Utility District
Sacramento Suburban Water District
San Francisco Public Utilities Commission
San Joaquin County
San Joaquin River Group Authority
San Juan Water District
South Delta Water Agency
Stockton East Water District
Tuolumne Utilities District
Woodbridge Irrigation District
Yolo County Flood Control & Water Conservation
District
Yuba County Water Agency

November 4, 2010

Karen Scarborough
Undersecretary, California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Ms. Scarborough:

Undersecretary Karen Scarborough

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As interested observers of the Bay Delta Conservation Plan (BDCP) process, we submit comment on BDCP issues and work products, including the upcoming November 18, 2010

document that will reflect the progress to date. In advance of the release of the November document, we would like to reiterate two foundational concerns that we believe should be addressed in any public BDCP documents.

Water Rights and Delta Flows – The Delta Reform Act of 2009 states that water rights shall not be impaired or diminished as a result of its provisions, which include the BDCP. As explained in the September 3, 2010 letter from Somach Simmons & Dunn (copy attached), the current “ranges of operations” being considered by the BDCP include contributions of flow from upstream water users who are not party to the BDCP. We strongly agree with the Somach Simmons & Dunn finding that such a proposal is neither lawful nor appropriate for inclusion in the BDCP. It is critical that the BDCP expressly acknowledge that the parties to the BDCP – not third parties – have full responsibility to satisfy any flow obligations described as part of the BDCP alternatives.

Funding – A realistic funding plan is necessary to assure a successful BDCP, and in fact is a legal requirement. However, there has been very little open discussion of the total program costs, allocation of those costs, or sources of funding. Although the south of Delta exporters have agreed to pay for conveyance facilities, the other elements of the plan will carry a substantial cost. In this time of unprecedented government budget shortfalls, it is critical to have complete transparency in deliberations on how the BDCP will be funded. Costs must be apportioned on the basis of benefits received. The applicants for the BDCP, or potentially regulated entities (PREs), will derive tangible benefits of considerable value from the BDCP and they must shoulder an appropriate share of the total costs in exchange for those benefits. The November 18th document should describe in detail the benefit that the PREs will receive, as well as any benefits that the public is expected to receive and pay for.

Finally, as the BDCP Steering Committee quickly approaches its deadline for completion of a Delta Plan, we expect that the Plan will include mitigation flows for any proposed new conveyance facility around the Delta, and it will lay out a plan for financing the entire, expensive Delta fix. The BDCP has been an applicant-driven process where the direct beneficiaries define the parameters on flows and public finances. However, many of the water, environmental, and land use interests that are not represented on the BDCP Steering Committee may be profoundly affected by this Plan.

Therefore, we strongly urge that the State and Federal Governments provide for full Due Process, affording interested parties opportunities to present evidence and input, on the record, regarding all elements of the BDCP before the Steering Committee adopts its Plan. Fundamental principles of fairness demand Due Process be afforded to all interests before this Plan is adopted.

Given the great importance of the BDCP, we urge you to explicitly address these continuing concerns, and commit to transparency and openness so that everyone can understand the issues

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and the proposed solutions. This is essential in reaching a mutually agreeable outcome that all affected interests can support.

Sincerely,



Joone Lopez, General Manager
Calaveras County Water District



Kenneth Payne, Chief
Environmental & Water Resources
Development
City of Folsom




Donna Leatherman, General Manager
Calaveras Public Utility District



Michael Sweeney, Mayor
City of Hayward



Dante John Nomellini, Counsel
Central Delta Water Agency



Willie W. Weatherford, Mayor
City of Manteca



Charles T. Rose, President, Board of
Directors
Citrus Heights Water District



Derrick Whitehead, Environmental Utilities
Director
City of Roseville

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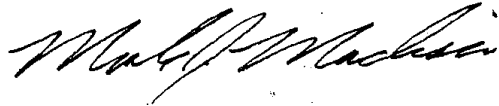
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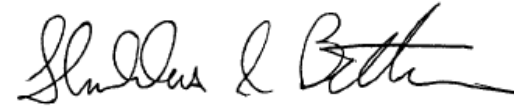
Marty Hanneman, Director
City of Sacramento, Department of Utilities



Kurt Reed, General Manager
Foresthill Public Utility District



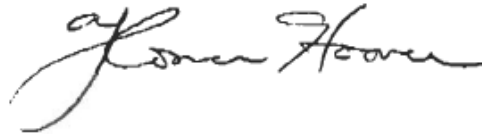
Mark J. Madison, Director
Municipal Utilities Department
City of Stockton



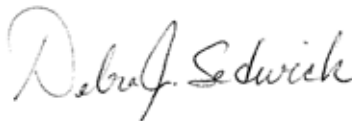
Thaddeus Bettner, General Manager
Glenn-Colusa Irrigation District



Keith DeVore, Director, Department of
Water Resources
County of Sacramento



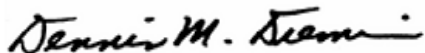
Tom Hoover, General Manager
Jackson Valley Irrigation District



Debra Sedwick, General Manager
Del Paso Manor Water District



Tom Henie, General Manager
Kirkwood Meadows Public Utility District




Dennis Diemer, General Manager
East Bay Municipal Utility District



Allen Short, General Manager
Modesto Irrigation District



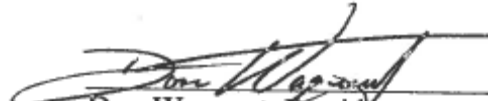
James R. Sweeney, Board of Directors,
Chair
El Dorado County Water Agency



Edward Steffani, General Manager
North San Joaquin Water Conservation
District



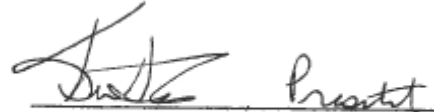
David Guy, President
Northern California Water Association


Don Wagenet, President
Board of Trustees

Reclamation District #2024 (Orwood Palm
Island)



David Breninger, General Manager
Placer County Water Agency

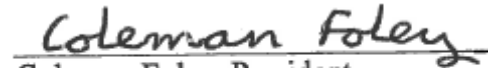


Kevin Jones, President
Board of Trustees

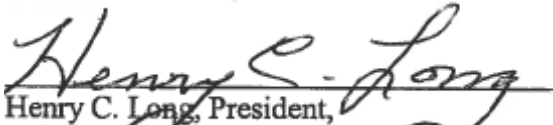
Reclamation District #2038 (Lower Jones
Tract)



Edward R. Crouse, General Manager
Rancho Murieta Community Services
District


Coleman Foley, President
Board of Trustees

Reclamation District #2072 (Woodward
Tract)



Henry C. Long, President,
Board of Trustees of Reclamation District
Reclamation District #17 (Mosssdale Tract)



Kathy Mannion, Legislative Advocate
Regional Council of Rural Counties


KURT SHARP
President

Reclamation District #684 (Lower Roberts
Island)



John Woodling, Executive Director
Regional Water Authority



John R. Webber, General Manager
Reclamation District #999



John DiStasio, General Manager & Chief
Executive Officer
Sacramento Municipal Utility District

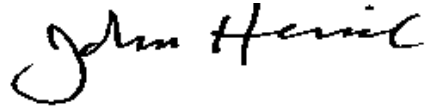
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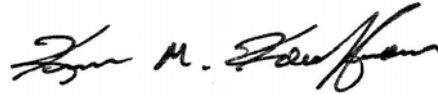
Robert Roscoe, General Manager
Sacramento Suburban Water District



John Herrick, Counsel & Manager
South Delta Water Agency



Michael Carlin, Deputy General Manager
San Francisco Public Utilities Commission



Kevin M. Kauffman, General Manager
Stockton East Water District



Larry Ruhstaller, Vice-Chairman
District 2
San Joaquin County Board of Supervisors



Peter Kampa, General Manager
Tuolumne Utilities District



Ken Vogel, District 4
San Joaquin County Board of Supervisors



Anders Christensen, General Manager
Woodbridge Irrigation District



Allen Short, Coordinator
San Joaquin River Group Authority



Tim O'Halloran, General Manager
Yolo County Flood Control & Water
Conservation District



Shauna Lorange, General Manager
San Juan Water District



Curt Aikens, General Manager
Yuba County Water Agency

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Attachment

Cc : Senators Dianne Feinstein & Barbara Boxer
Members of California Congressional delegation
Kenneth Salazar, Secretary of the Interior
David Hayes, Deputy Secretary of the Interior
Mike Connor, Commissioner, Bureau of Reclamation
Donald Glaser, Director, USBR Mid-Pacific Region
Governor Arnold Schwarzenegger
Lester Snow, Secretary, Natural Resources Agency
Mark Cowin, Director, Department of Water Resources
John McCamman, Director, Department of Fish and Game
Members of the California Legislature
Delta Stewardship Council
State Water Resources Control Board