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November 16, 2010

Sent Via Hand Delivery

Honorable Assemblymember Jared Huffman
Chair, Assembly Water, Parks and Wildlife Committee
California State Assembly
1020 N Street, Suite 160
Sacramento, CA 95814

RE: Delta Reclamation District Concerns About the BDCP

Dear Assemblymember Huffman and Committee Members:

This firm represents Reclamation District 999 in the Clarksburg Agricultural District of the Delta. Thank you for your continued efforts to provide much needed legislative oversight for the Bay Delta Conservation Plan ("BDCP") process. As an interested stakeholder, we continue to have serious concerns about both the process by which the BDCP is being developed and the substantive details of the BDCP. In collaboration with other local Delta interests, we have compiled a brief summary of the most critical concerns about the BDCP, which is attached for your reference.

Please feel free to contact me with any questions about the attached concerns and again, we appreciate your consideration of local concerns as this plan of statewide importance is developed.

Very truly yours,

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By:



Osha R. Meserve

ORM/mre
Enclosure

cc: Senator Fran Pavley, Senate Environmental Quality
Board of Trustees, Reclamation District 999

KEY CONCERNS REGARDING BDCP

Delta Reclamation District (RDs) supports sustainable agriculture, sound water planning, and infrastructure improvements. The Bay Delta Conservation Plan (BDCP) would directly impact the RDs, farms and residents of the Delta, who will unfairly bear the burdens of the BDCP. The current draft of the BDCP moreover would place most of the cost of state and federal water project facility upgrades on the public at large, irrespective of benefits actually received. Despite the massive cost and burden, it is not at all clear that the BDCP would benefit struggling fish species in the Delta or provide more reliable water supplies. We hope that these issues can be addressed in the coming months.

Unacceptable Costs – There is no realistic plan for paying the costs of the project, estimated at \$20+ billion for conveyance, habitat and mitigation. Moreover, the “user pays” commitment is in words only and project proponent commitments to a user pays approach continue to backslide. Instead, the primary burden would be forced onto the general public through inefficient bond funding, which must be paid back with interest.

Heavy Burdens on Local Communities – Construction of the 5 new intakes, 2 forebays and the 40+ mile new canal or tunnel, as well as the creation of 120+ thousand acres of habitat in the Delta, would irrevocably alter the Delta landscape, threaten the viability of the most critical bird habitat remaining in the Sacramento Valley, and interfere with the area’s productive agriculture. There has been no commitment or even serious discussion of compensating local governments for lost tax revenues and assessments, or expected reductions in agricultural revenue streams caused by the project. Moreover, there is still no commitment for habitat creation to take place on a willing seller basis, or for adequate buffers to be provided by BDCP between newly created habitat and existing farms. At the same time, BDCP proponents have refused to commit to meeting local water supply and quality needs, and have withheld modeling analyses that show whether the project can be operated without interfering with in-Delta water rights and water contracts. Even with the likely dire effects on in-Delta water quality from the new diversions, there has been no attempt to address other sources of water pollution into the Delta, including the selenium-contaminated return flows from Central Valley Project water recipients on the west side of the San Joaquin Valley.

Uncertain Benefits – Despite its estimated \$11+ billion price tag, the massive canal or tunnel being proposed could only be fully used in the wettest years, making it largely a stranded asset. Thus far, there has been no serious consideration of canal or tunnel sizing that would optimize use of the facilities. Moreover, the National Academy of Sciences and others have identified the weak scientific relationship between creation of over 120,000 + acres of habitat and alleged benefits to fish in the Delta. Even with a new canal or tunnel, through Delta conveyance would continue to be relied upon. Yet the BDCP does not include plans or funds to improve key levees that would prevent disruptions in water supply from earthquakes. The BDCP also does nothing to improve regional water supply self sufficiency.

No Meaningful Public Participation – Even though this Habitat “Conservation” Plan is being formulated by outside entities on land and water not in their jurisdiction, there have been only superficial attempts to include local input into the planning process. The BDCP goals were decided prior to public participation, and local agencies have not been allowed to participate directly unless they formally commit to the water exporter-oriented goals in the Planning Agreement. The process has largely taken place in a “black box,” where key decisions are often made outside the formal Steering Committee meetings, and comments from local agencies and members of the public – and even Steering Committee members – never receive responses.