

NORTH DELTA WATER AGENCY

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Testimony by Melinda Terry, NDWA

When the new Administration came into office, they decided to change the process for how the BDCP is being developed in order to make it more inclusive and to result in more key decisions being made to meet new aggressive timelines. So, they disbanded the Steering Committee, doing away with having participants sign the Planning Agreement that most Delta stakeholders objected to, and created a dozen work groups to cover a range of topics from A to Y --- Adaptive Limits to Yolo Bypass Restoration.

It may have been a good idea born out of a sincere desire to improve participation by stakeholders who did not sign on to the Steering Committee, but from my perspective representing both flood control and Delta interests, implementation of this new process has NOT been an improvement. I feel less connected and knowledgeable about what is going on due to discussions happening at multiple venues, many behind closed doors.

Previously, the Steering Committee met every other week and all of the language in each chapter was discussed in an open and public forum. Now this discussion is spread over a dozen work groups and monthly public meetings which DO NOT go over details of work product as the Steering Committee did. For a small agency like mine, we cannot participate at all of these venues.

Despite the signing of the new MOA with its aggressive timeline, many work groups have been cancelled and pushed into November, while some have never even met. Yet, the new MOA calls for the public draft of the EIR/EIS to be released in May 2012, so I assume there is work product being developed and decisions being made so they can keep on schedule, but it is NOT transparent and NOT being done in public forums.

Without a Steering Committee, it is unclear how, where, when, and by whom all of the various work products from the work groups will be compared against each other or weaved together into the BDCP HCP/NCCP/EIR/EIS. Who gets to make these final decisions? According to the new MOA, these decisions need to be made by the release of the public draft in May 2012, SEVEN MONTHS FROM NOW, so when, where, how, and by whom will these decisions be made? Via what format? Is the public part of the decision making or are decisions to be made in a back room and then announced to the public like the decision by the Resources Agency and Bureau of Reclamation when they signed the MOA to support the Water Contractors becoming

“permittees” under the BDCP despite objections to this in the previous Steering Committee and the new Governance work group by NGO and Delta stakeholders?

Some public agencies in the North Delta, including NDWA, Yolo County and reclamation districts have requested to be “Cooperating Agencies” under NEPA to allow us greater access and participation in the development of the EIR/EIS documents. The DHCCP staff and consultants have regular meetings, but the cooperating agencies have yet to be invited to participate. With only seven months until the release of the Public Draft EIR/EIS, when will we be included in these meetings?

Meanwhile, DWR is pushing the CA Water Commission to take eminent domain actions this afternoon against North Delta landowners so DWR can meet a May 1, 2012 deadline to begin doing geo-technical drilling. According to DWR and the CA Water Commission, “the purpose of the geotechnical exploration is to gather necessary geotechnical information *to support the preparation of a draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed Bay Delta Conservation Plan* and/or for preliminary engineering studies for the Delta Habitat Conservation and Conveyance Program.”

The Public Draft of the EIR/EIS is scheduled to be released next May, the same month the preliminary, exploratory engineering drilling is scheduled to *begin*. So, either DWR really doesn't need this geo-technical information to produce the draft EIR/EIS and therefore doesn't need to condemn private property through eminent domain this afternoon OR the BDCP signatories are trying to set up some kind of political squeeze play by knowingly signing an MOA document with deadlines in it, that CANNOT be met. Something's not Kosher here.

I could go on in terms of frustration with excluding Delta representatives from DC visits to brief members of Congress on the status of the BDCP and Delta residents dealing with process servers showing up at their house in the dark of night and scaring little old ladies, but that would take more time than I'm allotted. So, I will end by saying that from the perspective of the North Delta Water Agency, that although Jerry Meral is more accessible and responsive than we've previously experienced which is appreciated – the process itself has not improved in terms of being more open, transparent, equitable in terms of assurances for the Delta, or respectful of Delta interests and at this point we have pretty much lost faith that this will ever change.