

Stockton Record

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U.S. representatives from the Delta area urged the Obama administration on Monday to toss out a new planning agreement, which they say gives water exporters "unprecedented influence" over the future of the estuary.

The new legal agreement was signed starting in August by the U.S. Department of the Interior, the U.S. Bureau of Reclamation and state Department of Water Resources, as well as water districts serving cities and farms that depend at least in part on water pumped out of the Delta.

The agreement commits those groups to continuing work on the Bay Delta Conservation Plan, an attempt to restore habitat in the Delta and change its plumbing, likely with a peripheral canal or tunnel that would divert incoming flows.

At a hearing last week, the state Legislative Analyst's Office reported that the new agreement creates leverage for the water users, who have already spent about \$125 million - and have committed millions more - to the conservation plan.

Among other things, the agreement says that the state can't put out a public draft of the conservation plan's environmental impact report without written permission from the water users, if the plan is paid for by those users, the LAO reported.

Also, the agreement requires that the water users be provided all draft task orders and work products before they're released. The task orders could include the selection of scientists who will be working on the plan, perhaps influencing its content, the LAO says.

"While legal ... (the agreement) does perhaps allow the contractors to have some greater degree of editorial control over the content of BDCP, certainly relative to other stakeholders such as environmental groups or fishermen," the LAO's Anton Favorini-Csorba said at last week's hearing in Sacramento.

Reps. Jerry McNerney, George Miller, Mike Thompson, Doris Matsui and John Garamendi wrote Monday about their "strong objections" to the direction of the conservation plan.

The new agreement "offers the signatories unprecedented influence over the process, and it raises expectations of favorable outcomes," they wrote to U.S. Secretary of the Interior Ken Salazar.

The agreement also "allows the water export contractors early and exclusive access to draft consultant work product, and gives the water export contractors direct control over the consultants who are writing the documents."

The representatives asked Salazar to rescind the agreement for now and accept public comment. A spokesman for Salazar said Monday that the secretary would respond directly to the representatives but added that "transparency and accessibility for all parties" is key to moving forward with the conservation plan.