

*Call the current delay "the last, best opportunity" to improve the far-reaching plan*

*May 16, 2012*

*Washington, D.C.* – Calling the most recent BDCP delay the “last, best opportunity to stand up to... unreasonable demands,” Reps. Jerry McNerney (CA-11), George Miller (CA-7), Mike Thompson (CA-1), Doris Matsui (CA-5), and John Garamendi (CA-10) called for specific steps to be taken for the BDCP to move forward in a fair and transparent manner. The five members from the California congressional delegation have been vocal in calling for changes to the BDCP and have demanded that any plan has significant input from the Bay-Delta region.

In letters sent today to Governor Jerry Brown and Secretary of the Interior Ken Salazar, the lawmakers said, “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.”

“I will not accept any plan for the Delta that is harmful to the farmers, families, and small business owners in the Delta region. To date, the planning process for Delta water has been unduly influenced by wealthy water contractors from south of the Delta who would steal our water, costing us millions of dollars and countless jobs. This delay provides an opportunity for the state and federal governments to stand up to the water contractors and ensure that the BDCP includes the input of our region. I will continue to fight against any measures that would destroy the Delta and our way of life,” said Rep. Jerry McNerney.

“More than five years into this process, the Bay Delta Conservation Plan still hasn’t met basic legal or scientific requirements,” said Rep. George Miller. “This is the last chance to fix it, and that’s why this delay is so important: it gives the scientists time to get it right. The Bay-Delta’s health is key to California’s future – we can either work out a good plan that reduces reliance on the Delta, or we can end up with increased litigation, uncertainty, and expense.”

“So far in this process we’ve seen too many back-door deals that put the interests of South-of-Delta water contractors before our farmers, fishermen and local communities. Many of

our families and small businesses that depend on the Delta would have their livelihood stripped away and the Delta's diverse wildlife would be destroyed if these politically driven deals were put in place. Federal and state officials need to use this delay to come up with fair and transparent plan that is based on sound science so that our communities, businesses, fish, wildlife and environment in the Delta and north of the Delta are not harmed," said Rep. Mike Thompson.

"A 50-year permit needs to be done not only right, but with due diligence and equitable treatment to all those affected. I want to see the federal and state agencies take this opportunity to put forward a process and a plan for the Delta region that recognizes the input they've received not just from south of Delta interests, but north of Delta interests as well. Our state can't afford to get this wrong," said Rep. Doris Matsui.

"As the lynchpin of California's water system, the economic and environmental sustainability of the Sacramento-San Joaquin Delta must be made front and center in this discussion. It's the law," said Rep. John Garamendi. "In addition, using the best available science, we must focus on conservation, storage, and recycling to preserve our state's ecosystems and to meet the water needs of nearly 40 million Californians."

The full text of the letter is below and attached.

May 16, 2012

The Honorable Ken Salazar  
Secretary  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Salazar:

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