



CENTRAL DELTA WATER AGENCY

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Hand Delivered

Karen Scarborough, Chair, and
BDCP Steering Committee Members
California Resources Agency
1416 Ninth Street, Ste. 1311
Sacramento, CA 95814

Re: Steering Committee Membership

Dear Ladies and Gentlemen:

The Central Delta Water Agency participation on the BDCP Steering Committee was spawned by Secretary Chrisman's comments at the June 25, 2008 Delta Town Halls meeting in Stockton. Mr. Chrisman encouraged participation and represented that the process was open as to whether or not there should be an isolated Delta conveyance facility such as a peripheral canal. The heavy loading of the steering committee with export interests was acknowledged and there was no mention of pre-conditions to Delta agency participation. We now understand that execution of the October 6, 2006, Planning Agreement is a prerequisite.

We have reviewed the October 6, 2006, Planning Agreement and are willing to execute the same. The Points of Agreement for Continuing into the Planning Process dated November 16, 2007, contains a number of points with which we disagree. The Planning Agreement reflects that unanimous consensus among the steering committee members is neither a requirement nor a goal. If however, consent to the "Points of Agreement" is a prerequisite to participation, then we cannot participate.

Our interest in participating is to provide input as to concerns and alternative solutions which may not be reflected through the present makeup of the steering committee. Participation is not intended to reflect abdication of positions which we believe are legally required and essential to preservation of the Delta.

As I am sure you know, our agency is unalterably opposed to the peripheral canal and any other isolated Delta conveyance facility. Such a facility would destroy the common interest in protection of Delta water quality that arises from the promised maintenance of a common pool of water within the interior of the Delta to serve both local and export water users. Such a common

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BDCP Steering Committee
California Resources Agency

2

November 13, 2008

interest was the cornerstone of the assurance supporting the promised salinity control and an adequate water supply for the Delta. The promises encompassed within the Watershed Protection Act, Water Code 11460 et seq. and the Delta Protection Act, Water Code 12200 et seq. should be honored including the promise in Water Code 12205 to keep releases of stored water flowing through the Delta pool.

The inability of the State Water Project to annually provide the five (5) million acre feet of North Coast Watershed water to supplement flows into and through the Delta by the year 2000 has resulted in the unanticipated dependence of the SWP exports on water extracted from needs within watershed including Delta outflow. This dependence together with the uncertain source of firm supply for the Federal San Luis Unit has led to the compromise of legally mandated protection for the environment and other in-basin needs. Of continuing concern is the inappropriateness of the "no net loss to exports" commitment in the so-called "Delta Accord" which was to have expired and further attempts through the BDCP and Delta Vision processes to equate protection of covered species with restoring and protecting water supply for export from the Delta.

Until it is known that covered species can be protected with the continuation of the export of water (particularly CVP San Luis Unit water and SWP water) from the Delta any such co-equal goals are inappropriate. While such co-equal goals may be justifiable if limited to enhancement of covered species; protection and recovery must be a pre-condition to such export.

Yours very truly,



DANTE JOHN NOMEILLINI
Manager and Co-Counsel

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