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April 28, 2008

Mr. Tam Doduc, Chair and Members State Water Resources Control Board 1001 I Street Sacramento, CA 95814

Subject: Strategic Workplan

Dear Chair Doduc and Members of the Board:

As the State Water Resources Control Board (Water Board) begins deliberation of its Strategic Workplan, we commend your goal of protecting the beneficial uses of the Bay-Delta Estuary. The Contra Costa Council has adopted a Statement of Principles (attached) which emphasizes the importance of addressing the Bay-Delta crisis in a comprehensive way that will protect all the assets of the Delta, including public health and safety, economic assets, the Delta ecosystem, infrastructure and a reliable supply of quality drinking water.

We had the pleasure of hearing a presentation by Les Grober of your staff about the development of the Strategic Workplan. That presentation stimulated discussion and comments that we think can be useful in the development of the Workplan.

The biggest water issue facing the state is the dramatic decline of fish species and populations in the Delta. The cause of the decline is uncertain, but the scientific fact is conclusive. While water resources and movement through the Delta is managed by the Department of Water Resources (DWR), the decline of the fishery indicates a failure of the existing regulatory framework to protect the water quality required to support the Delta habitat. We are well aware of the magnitude and multiplicity of state, federal and local public agencies that have some jurisdiction in the Delta. But that multiplicity leads to narrow single focus efforts that frustrate achieving a comprehensive solution.

Development of a Strategic Workplan must be based on the premise that state agencies have a public trust to protect the Delta, especially water quality for habitat and drinking water. The Water Board has broad state authority to adopt policies, issue permits and to enforce penalties onto water users and dischargers into the Delta. However, a regulatory framework that better integrates state agency programs is badly needed, especially as evidence continues to mount that the ecosystem is in a state of serious decline. We urge the Water Board to develop a Workplan that takes a broad and comprehensive view of what is required to protect the Delta, and not be restricted by existing jurisdictional issues. The time has long passed for governmental entities to cease "business as usual" policies as it relates to the Delta.

It is well known that water flow management through the Delta is motivated by the state's agricultural, municipal and industrial need for water. It has resulted in operating water conveyance facilities that move water into the south Delta for export out of the Delta; however, the survival of fish populations is determined by the natural movement of water to the west Delta and into San Francisco Bay. We encourage a regulatory framework that recognizes the seasonal variability that will assure continuous flows to the west and into the Bay.

As you consider the myriad of challenges and solutions, we urge you to encourage efforts to develop new supplies of water, including desalinization, recycled water, and



additional groundwater and surface storage.

It is also important to encourage regional approaches with regard to these efforts, including regional self-sufficiency. However, it must also be recognized that water rights in areas of origin affect deliveries and that issue must be addressed in your Workplan.

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As the Board attempts to address conservation goals of as much as 20%, we remind the Board that agricultural users should be required to make comparable efforts toward conservation. Additionally, the Board should refrain from applying this standard in a uniform manner for several reasons. First, urban water agencies through out the state have made widely variable efforts at conservation; requiring a 20% reduction from all of them would effectively punish the prior commitment, investment, and achievements of the leading agencies. In addition, agencies that have already made significant progress in conservation face a higher hurdle in achieving the 20% increment than those areas that have not yet taken steps to conserve.

This same perspective should be brought to any proposal for uniform reductions in diversions from the Delta watershed. In some cases, instream flow requirements have been carefully crafted for specific riparian and aquatic habitat goals, and incorporate aggressive levels of conservation to ensure those flows. Programs that have achieved documented success in ecosystem and habitat restoration should be rewarded, not penalized in the course of seeking improved conditions in the Delta.

We also want to call to your attention the importance of allocating funds from Propositions 84 and 1E for emergency response plans and for strengthening strategic Delta levees. The Board should recognize that certain levees provide essential protection for public safety and for critical infrastructure, and that these levees should receive priority for state funding. Given the potential crisis facing us should we experience an earthquake or flooding, it is imperative that these funds be allocated in a timely matter to avert a disaster.

As there are multiple ongoing efforts to address the Delta crisis and different strategic/implementation plans, we ask, "Where is the clearinghouse to assure that these plans are integrated into one plan to develop a comprehensive solution that will protect the quality and environmental integrity of the Delta region?" We encourage your Board to be proactive and engaged in these Delta strategies and to ensure that the co-equal values of water quality and ecosystem health are part of any solution.

Thank you for your consideration of our recommendations.

Sincerely, Best

Linda Best

President and CEO