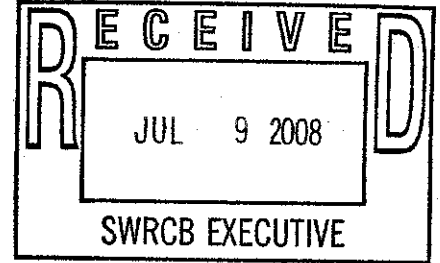


Public Comment
Bay-Delta Strategic Workplan
Deadline: 7/9/08 by 12 p.m.

From: Michael Warburton <mwarburton@jps.net>
To: commentletters@waterboards.ca.gov; DRiddle@waterboards.ca.gov
Date: Wed, Jul 9, 2008 12:00 PM
Subject: Bay Delta Strategic Workplan Comments

Comments of The Public Trust Alliance

While the State Board makes an effort at retaining jurisdiction and listing things it "may" do with regard to adjusting water rights to protect public trust values, the strategic plan does too little to disclose the Board's affirmative legal obligation of continuing supervision and its duty to protect trust assets and values whenever feasible. The strategic plan should explicitly outline some of the Board's affirmative obligations under the public trust doctrine and concrete steps to undertake these. Courts have long held that public trustees should not be relegated to the role of umpires passively calling balls and strikes for the parties who appear before them. Information will be coming from the various public processes, but the strategic plan should outline some actual steps to meet affirmative legal obligations.



Thanks for your consideration of these comments.

Sincerely,
Michael Warburton

Michael Warburton
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