BDCP
BAY DELTA CONSERVATION PLAN

July 18, 2008

Representative George Miller
2205 Rayburn House Office Building
Washington, DC 20515

Representative Ellen Tauscher
2459 Rayburn House Office Building
Washington, DC 20515

Representative Mike Thompson
231 Cannon House Office Building
Washington, DC 20515

Representative Doris Matsui
222 Cannon House Office Building
Washington, DC 20515

Representative Jerry McNerney
312 Cannon House Office Building
Washington, DC 20515

Dear Representatives Miller, Tauscher, Thompson, Matsui, and McNerney:

The members of the Steering Committee of the Bay Delta Conservation Plan were provided with copies of your June 24, 2008 letter to Messrs. Jim Balsiger of the National Marine Fisheries Service and Dale Hall of the U.S. Fish and Wildlife Service on the topic of the Bay Delta Conservation Plan (BDCP).

Your letter makes a number of points and posits important questions which we too are focused upon as our efforts progress. While the two federal fishery services will address those points and questions directly in their response to you, we would like to take this opportunity on behalf of the BDCP Steering Committee to share our general thoughts and express our interest in meeting with you and other members of the California Congressional delegation to brief you more fully on our current and future efforts.

The BDCP is a conservation plan being developed under the Federal Endangered Species Act and the California Natural Community Conservation Planning Act. The planning process is led by a 20-member Steering Committee comprised of a wide range of water and environmental interests who share a commitment to the Delta and to the success of this long-term conservation planning endeavor. In addition, the two federal fisheries

services serve in an *ex officio* capacity. We have a number of core conservation and water supply goals which are enumerated in our Planning Agreement[1] that pertain to the conservation of covered species and their habitats and improvements to water supply, water quality, and ecosystem health within a stable regulatory framework. Enclosed please find a brief synopsis of the BDCP, which goes into more detail on our planning efforts to date.

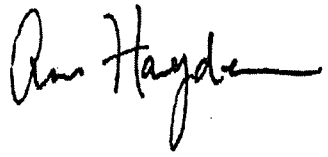
The Delta is not only an invaluable estuary but also the essential link on which 25 million Californians and much of the state's economy depend for their water supplies. California's Delta Vision Task Force has concluded that restoring the Delta environment and restoring reliability to California's water delivery system are co-equal and inseparably linked objectives. We cannot succeed at one without also doing the other.

We fully recognize that the Delta is in serious crisis, both from an environmental perspective and a water supply perspective. The recent losses to the salmon fishing industry mentioned in your letter are only one part of the losses encountered by Californians this year due to water shortages across the state. Our shared goal is the development of a durable and effective conservation plan to address a number of the core problems confronting the Delta that will be scientifically and legally defensible. We believe that short-term fixes will not work and that fundamental change is needed. We fully appreciate the difficulties of the challenges we face, and we ask for – and will need – your assistance and that of the entire Congressional delegation if we are to succeed.

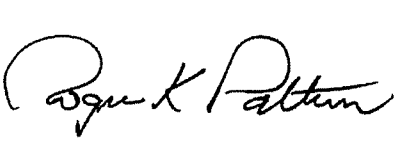
We appreciate your continuing interest in our efforts to protect and restore the long-term health and productivity of the Delta. We would like in closing to request an opportunity to meet with you and your staffs in the coming weeks to brief you more fully on the details of our considerable efforts. We will be in touch with your offices to pursue the appropriate arrangements.

Sincerely,

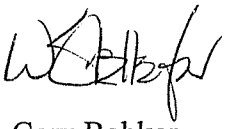
Members of the Bay Delta Conservation Plan Steering Committee



Ann Hayden
Environmental Defense Fund



Roger Patterson
The Metropolitan Water District of Southern California



Gary Bobker
The Bay Institute

[1] See Planning Agreement regarding the Bay Delta Conservation Plan, Oct. 6, 2006, at Section 3, located at http://resources.ca.gov/bdcp/

Anthony Saracino
The Nature Conservancy

Jason Peltier
Westlands Water District

Steve Rothert
Richard Roos-Collins
American Rivers

Daniel G. Nelson
San Luis & Delta-Mendota
Water Authority

Gregory Thomas
National Heritage Institute

Jim Beck
Kern County Water Agency

Greg Zlotnick
Santa Clara Valley Water
District

Kim Delfino
Defenders of Wildlife

Karla Nemeth
Zone 7 Water Agency

John Chillemi
Mirant

Enclosure
cc: J. Balsiger
D. Hall
Other Members, California Congressional Delegation

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Attachment A
A Brief Synopsis of
The Bay Delta Conservation Plan
July 18, 2008

The Bay Delta Conservation Plan is a unique undertaking initiated and funded by many of California's public water agencies and with the active participation of six major environmental organizations[1], the state and federal fishery agencies[2], and other state and local organizations -- all of whom are deeply invested in the long-term sustainability of the Bay Delta, a healthy watershed, and the region's fisheries. The Steering Committee's meetings are open to the public and are routinely attended by representatives of other forums considering the future of the Delta, including the California Bay Delta Authority's CALFED program, the Delta Vision process, and the State Water Resources Control Board, as well as other interested observers. Extensive information about the BDCP and the work of the Steering Committee is publically available through the Bay Delta Conservation Plan section of the California Resources Agency's website. Those who are interested in more information about the BDCP are encouraged to visit www.resources.ca.gov/bdcp/.

From the onset, the goal of the BDCP participants has been to formulate a plan that could ultimately be approved by the fish agencies as a habitat conservation plan under federal law and a natural community conservation plan under state law. The overall approach to the planning effort is more fully described in a Planning Agreement, which all of the members of the Steering Committee have signed (and which is available on the BDCP website). On November 16, 2007, the Steering Committee issued a Points of Agreement document, which represents a more recent "way station" in the BDCP's developmental journey and laid the foundation for the work to be performed throughout 2008 and into 2009. This document captured the essence of 18 months of extensive Steering Committee discussions and consultant evaluations and provides an analytical construct from which the more detailed conservation plan would be developed. The document highlights approaches that may be the most promising and has helped the Steering Committee efficiently begin to detail and assess the numerous actions that would compose an effective and comprehensive conservation plan.

The Steering Committee is currently considering an array of conservation approaches for further development and analysis through 2008 and into 2009, which include water supply configurations ranging from "dual conveyance" to full isolation. These approaches coincide closely with the Delta Vision conveyance recommendations. The Steering Committee expects its future planning efforts to remain closely coordinated with and complementary to Delta Vision's efforts and others undertaken by CALFED and the U.C. Davis Center for Watershed Sciences.

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[1] American Rivers, Defender of Wildlife, Environmental Defense Fund, Natural Heritage Institute, The Bay Institute, and The Nature Conservancy

[2] The federal fish agencies, because of the regulatory role they must exercise at the end to evaluate the plan and potentially issue permits, participate in an "ex officio" role.

The Steering Committee intends that the final conservation plan will be constructed upon a solid scientific foundation, and it has -- and will -- seek independent scientific advice over the course of the planning process to assist in the planning effort. In September 2007, the BDCP conducted its first formal independent science advisory workshop to address the four sets of scientific principles identified by the NCCP Act, while also providing timely and useful guidance to the BDCP Steering Committee on topics, issues, and questions of greatest urgency. This three day workshop followed several informal consultations with the BDCP's Lead Scientist and resulted in a report presented to the Steering Committee on November 16, 2007, which outlined a number of recommendations that the Steering Committee has been responding to while evolving through the planning process. More recently, the Steering Committee has established a three tiered independent science advisory process wherein the level and speed of the response is tailored to suit the complexity of the question. As part of this approach, the second independent science advisory workshop is now being planned for late summer, 2008 to seek advice on the conservation needs of terrestrial species that may be affected by the plan. The BDCP is also actively considering convening a workshop of independent scientific advisors on the topic of adaptive management and the BDCP later this fall.

In transitioning from establishing a planning context into the actual planning effort, the Steering Committee decided to establish several planning workgroups and technical teams to focus upon and develop the many discreet aspects of the plan that will be necessary to ensure its success. To date, the Steering Committee has formed teams to address (1) biological goals and objectives, (2) habitat restoration, (3) conveyance, (4) other stressors – such as toxics and invasive species; (5) implementation structure and governance, (6) analytical tools, and (7) public communications. These planning teams, with the support of the technical consultants, are developing, analyzing, and refining plan recommendations within their topic areas. The work of each team will then be rolled up into a comprehensive conservation plan for ultimate consideration and approval by the Steering Committee.

The overall schedule for the planning effort anticipates that the first draft of a comprehensive conservation strategy will be assembled by the Steering Committee by the end of 2008. That conservation strategy will then be subject to a rigorous public environmental evaluation pursuant to an environmental impact report prepared under the National Environmental Policy Act and the California Environmental Quality Act. The environmental review will evaluate the proposed conservation strategy and other alternatives to identify the best way to proceed. A draft of the environmental review will be available for public review and comment later in 2009. Extensive public hearings on the draft will be conducted by the Steering Committee, and a final report is due at the end of 2010.