Congress of the United States
Washington, DC 20515

May 3, 2013

The Honorable Jerry Brown
Governor, State of California
State Capitol, Suite 1173
Sacramento, CA 95814

Dear Governor Brown:

We are writing to express our concerns about Natural Resources Agency Deputy Secretary Jerry Meral's recent comments suggesting that the Bay Delta Conservation Plan has little to do with ensuring the restoration of the Bay Delta ecosystem. Deputy Secretary Meral has the responsibility to oversee the potential development of the multibillion dollar Bay Delta Conservation Plan (BDCP) and assess its feasibility. The proposed BDCP will dramatically alter the next generation's water use and reliability with great impacts on taxpayers, communities who depend upon the Delta including those that live in the path of the project, and local species. We believe that Mr. Meral's comments call into question his ability to continue to lead this process.

Deputy Secretary Meral is quoted as saying, "BDCP is not about, and has never been about saving the Delta. The Delta cannot be saved." These comments come at a time when state agencies are releasing the draft BDCP based on the preferred alternative and have yet to reveal the financing or other alternatives that may be considered, in particular the Portfolio based alternative. Given the history, legal and statutory framework that make the restoration of the Bay Delta ecosystem a key goal of the BDCP, and long lasting effect of this enormous project, it is clear that Mr. Meral's comments are unacceptable and raise serious concerns about whether he is appropriately taking into consideration the viewpoints of local Delta communities.

The 2009 State Legislative Package/Delta Reform Law established co-equal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Delta ecosystem "in a manner that protects and enhances the unique, cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."[1] To the extent that senior officials at the Natural Resources Agency do not believe that protecting the Bay Delta ecosystem is a priority for the BDCP and behave as such, they are not properly following existing state law.

For the BDCP to be successful, the administration needs to demonstrate that, going forward, it will represent all California stakeholders and prioritize a balanced approach

[1] See Cal. Public Resources Code section 29702(a).

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mandated by federal and state law. It must yield a plan that can be permitted, that meets legal requirements, that provides a more reliable water supply for California and that protects, restores, and enhances the Delta ecosystem. It is critical that all key officials take these goals seriously and that any failures to do so must be addressed aggressively and expeditiously so that the BDCP process can move forward in a productive manner. Thank you for your consideration of our request.

Sincerely,

GEORGE MILLER
Member of Congress

MIKE THOMPSON
Member of Congress

JERRY McNERNEY
Member of Congress

DORIS O. MATSUI
Member of Congress

JOHN GARAMENDI
Member of Congress

AMI BERA
Member of Congress

ANNA G. ESHOO
Member of Congress