

Congress of the United States
Washington, DC 20515

June 13, 2013

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

Dear Governor Brown:

We are writing to you in anticipation of our California Democratic Congressional Delegation meeting with your Administration next week regarding the Bay Delta Conservation Plan (BDCP). We continue to have concerns regarding the process, administrative plan, and accompanying environmental documents that your agencies have released over the last few months. Although we can all agree that the status quo is not an option for the long-term viability of the Delta region and California's water reliability, the state's preferred alternative still does not fully adhere to the state's co-equal goals and thus remains a threat to the health of the Bay-Delta's ecosystem. Furthermore, the financing of the plan is not viable, and other alternatives to the state preferred plan have not been adequately analyzed.

As we have mentioned in previous letters, a poorly-designed plan would cause disastrous disturbances to the state's water supply. There is too much at stake in the BDCP for California to move forward with a massive project without using sound science, a viable financing plan, analyzing other options and considering the voices of all stakeholders including those in the Bay Delta and North of the Bay Delta.

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 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 for the region's families, farmers, and small business owners.

We would like your Administration to address several points of concern in our upcoming meeting to come to a better understanding of what is needed to move forward:

- Given that the BDCP does not generate any new water or adequately estimate how much water would actually be exported, how specifically will we know that all stakeholders will maintain an adequate water supply? Especially in the third or fourth year of a drought?
- Why doesn't the BDCP meaningfully analyze investments in conservation, recycling, and other regional supplies to achieve a more reliable water supply for California?

- There have been several proposed alternatives that have generated widespread interest due to the shortcomings of the BDCP plan, including the Portfolio Alternative. These proposed alternatives include benefits such as a smaller facility, scientifically-based flow and pumping rules, and a broad, integrated package of actions. Why has little meaningful analysis of these alternatives been included in the preliminary drafts of the plan?
- Given the projected increase of over \$1 billion in the BDCP's cost to a total of \$24.7 billion, have you secured hard, financially sound commitments from stakeholders including contractors to ensure that all costs will be covered? Does this include the cost of the conservation and mitigation measures that the State has committed to paying?
- Are the State and Federal administrations proposing to pay more of the costs of the BDCP if it results in less water exports than the contractors are currently requesting?
- Does the BDCP plan to potentially use Central Valley Project Improvement Act funds, which are already scarce, to fund elements of BDCP including canal construction costs?
- Recent discussions indicate that your administration is planning to use the water bond funding to pay for project mitigation. This would result in the mitigation costs being paid out of the general fund and thereby ignoring the standard procedure of the project itself paying for mitigation. Is this the case? If the water bond fails at the ballot, how will the BDCP fund habitat and mitigation plans?
- How can you ensure that the Delta Counties will have a meaningful role in the governance of the BDCP?

Unlike past meetings, we expect your representatives will have substantive answers to our questions; otherwise our meeting will lack the productive dialogue that is necessary for real progress.

Sincerely,



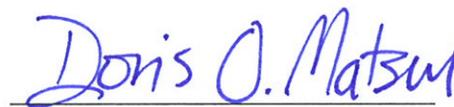
GEORGE MILLER
Member of Congress



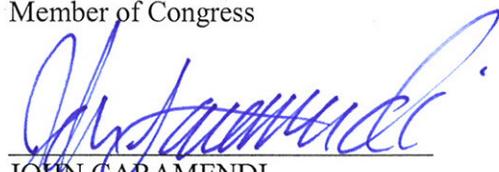
JERRY McNERNEY
Member of Congress



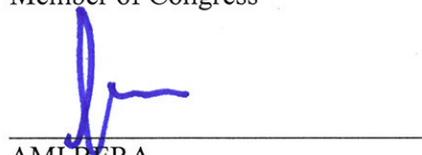
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