



LEAGUE OF WOMEN VOTERS® OF CALIFORNIA

November 15, 2011

The Honorable Kenneth Salazar
Secretary, Department of the Interior
c/o U.S. Bureau of Reclamation, Bay-Delta Office
801 I Street, Suite 140
Sacramento, CA 95814

submitted via e-mail to: BDO@USBR.gov

The Honorable John Laird
Secretary, California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: BDCP MOA: First Amendment to the Memorandum of Agreement Regarding Collaboration on the Planning, Preliminary Design and Environmental Compliance for the Delta Habitat Conservation and Conveyance Program in Connection with the Development of the Bay Delta Conservation Plan

Dear Secretary Salazar and Secretary Laird:

The League of Women Voters of California (LWVC) is concerned that the first amendment to the BDCP MOA, which was recently executed by federal and state government agencies, many contractors to the State Water Project, and the federal Central Valley Project, **was not negotiated in an open and transparent manner**. We are pleased that that U.S. Bureau of Reclamation (USBR) and the California Natural Resources Agency-Department of Water Resources (DWR) will accept public comments, submitted by November 16, 2011, on this document.

Moreover, the LWVC is supportive of the co-equal goals—to create a more reliable water supply for the state and to restore the Delta ecosystem. As stated by the Blue Ribbon Task Force,¹ one goal cannot be achieved without the other. **However, in advancing the goal of water supply, the BDCP MOA jeopardizes restoration of the Bay Delta.**

Among our other concerns are:

- **Delta Flow Criteria:** The state has not yet developed flow criteria that balance flows needed to protect the Delta ecosystem with flows that can be safely exported. Nor does the BDCP MOA identify a process to establish this balance. Rather, the BDCP MOA will make resolution of this issue even more difficult given the timing and the influence it grants to the state and federal contractors.
- **Financing for additional conveyances as well as Bay Delta restoration:** The BDCP MOA does not address the need for an overall financing strategy for achieving the co-equal goals.

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¹ Delta Vision Strategic Plan, submitted to Governor Arnold Schwarzenegger by the Blue Ribbon Task Force, October 2008 (www.deltavision.ca.gov).

- **Process:** The first amendment to the BDCP MOA grants inappropriate influence to the contractors. We are concerned that the contractors' early reviews of drafts—**before release to the public**—may bias the environmental studies. Furthermore, we are concerned that the contractors' control of documents may bias preparation of responses to public comment.

We urge you to take steps to develop a credible and balanced plan that will achieve both co-equal goals, and to take these steps in an open and transparent manner.

Thank you for the opportunity to comment on this important development.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer A. Waggoner". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jennifer A. Waggoner
President