

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

September 10, 2015

David Murillo
Director
United States Bureau of Reclamation
Mid-Pacific Region
801 I Street, Suite 140
Sacramento, CA 95814

Mark Cowin
Director
California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

RE: Pre-decisional activities in pursuit of the Delta tunnels

Dear Mr. Murillo and Mr. Cowin:

We write to express concerns that the Department of Water Resources and the Bureau of Reclamation are actively pursuing a specific version of the Delta tunnels prior to the completion of the mandated environmental review under the California Environmental Quality Act and the National Environmental Policy Act.

On August 26, the State Water Resources Control Board reported receiving a petition from your agencies to change the water rights for the State Water Project and the Central Valley Project, allowing for construction and operation of three intakes on the Sacramento River and two tunnels under the Delta. This petition seems premature given that the NEPA and CEQA processes have not concluded, and public comment now underway has yet to be considered.

Please explain how your agencies will ensure that the NEPA and CEQA processes will be honored given the pending petition at the State Water Resources Control Board prior to completion of the NEPA and CEQA processes.

During a hearing of the Senate Select Committee on the Sacramento-San Joaquin Delta held on August 18, concerns were raised regarding a property acquisition plan for the right of way for the proposed Delta tunnels. These concerns were reinforced by recent news reports.

Mr. Murillo
Mr. Cowin

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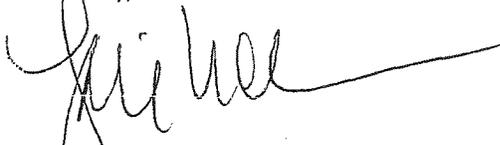
According to these reports, the Department of Water Resources prepared a property acquisition plan for lands necessary to acquire and construct two proposed tunnels under the Delta. Land acquisition implies a commitment to a particular and specific project prejudging the outcome of the pending environmental review process for the Bay Delta Conservation Plan/California Water Fix. Coupled with the petition now pending at the SWRCB, we are concerned that the objectivity of the environmental analysis has been compromised. For example, did DWR or the Bureau of Reclamation prepare a similar plan for other alternatives considered in the environmental review documents for the Bay Delta Conservation Plan?

We respectfully request that you provide the following:

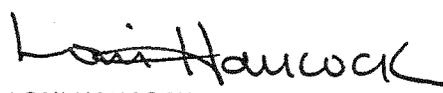
- Copies of the acquisition plan and the date when the plan was completed;
- An explanation of how the plan was developed and funded and which parties were consulted and involved in preparing the plan;
- An explanation of how the public, local governments, and affected property owners were involved in and notified of the plan preparation and, if the public and affected local governments and land owners were *not* included in the plan preparation, how these affected parties will be engaged in the future;
- A description of mechanisms available to affected parties for commenting or requesting changes to the land acquisition plan; and
- A timeline for anticipated actions to be taken to begin acquiring lands identified in the acquisition plan including how the public will be engaged in future land acquisitions and an explanation of whether eminent domain proceedings will be used to acquire these lands.

In closing, these two recent actions raise serious concerns regarding the integrity of the pending environmental review process for the BDCP/California Water Fix. We look forward to hearing from your agencies as to how these actions are consistent with due process.

Sincerely,



LOIS WOLK
State Senator, 3rd District



LONI HANCOCK
State Senator, 9th District



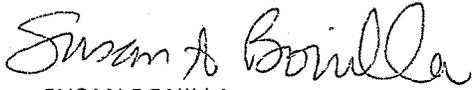
STEVEN GLAZER
State Senator, 7th District



RICHARD PAN, M.D.
State Senator, 6th District

Mr. Murillo
Mr. Cowin

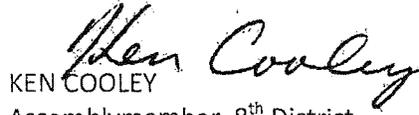
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SUSAN BONILLA
Assemblymember, 14th District



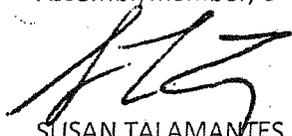
BILL DODD
Assemblymember, 4th District



KEN COOLEY
Assemblymember, 8th District



JIM COOPER
Assemblymember, 9th District



SUSAN TALAMANTES EGGMAN
Assemblymember, 13th District



JIM FRAZIER
Assemblymember, 11th District



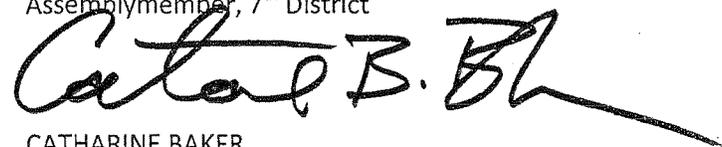
RICHARD GORDON
Assemblymember, 24th District



KEVIN MCCARTY
Assemblymember, 7th District



KRISTIN OLSEN
Assemblymember, 12th District



CATHARINE BAKER
Assemblymember, 16th District

From: Jessica Law <jessica@jb-comm.com>
Sent: Thursday, October 08, 2015 10:38 AM
To: BDCPcomments
Subject: Comment Letter
Attachments: Cal WaterFix letter from 14 lawmakers[1].pdf