

BAY-DELTA URBAN COALITION

June 9, 1997

Ms. Sunne McPeak, Co-Chair
Mr. Michael Madigan, Co-Chair
Bay-Delta Advisory Council
1416 9th Street
Sacramento, CA 95814

Dear Ms. McPeak and Mr. Madigan:

We understand that at the May 22, 1997 Bay-Delta Advisory Council meeting, Tom Graff made statements regarding recent briefing documents prepared by representatives of several urban water agencies relative to recent meetings in Washington, D.C.. Because we were not available to answer any questions that may have arisen, a letter of clarification appears warranted.

For your background information, the Bay-Delta Urban Coalition was created in 1993 to coordinate urban activities in Washington, D.C. and Sacramento in an effort to secure the success of the landmark Bay-Delta Accord and build upon that success in the CALFED process. The Urban Coalition is distinct from the California Urban Water Agencies, which is prohibited by its charter from engaging in political activities. While many CUWA agencies participate in Urban Coalition activities, some do not, and many urban water suppliers who are not CUWA members belong to the Urban Coalition.

The Urban Coalition has a clear history of continuous commitment to effective implementation of the CVPIA. As with any legislation of this complexity, however, there have been differences in interpretation among various interest groups. One of the themes we have stressed throughout the CVPIA's implementation process has been the need for collaboration and

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collective problem-solving – the same approach that facilitated agreement on the Bay-Delta Accord.

The document displayed by Mr. Graff at the BDAC meeting, a copy of which is attached, is an informal briefing paper which had been provided to and reviewed with environmentalists, including one of Mr. Graff's EDF colleagues, when we were in Washington, D.C. on May 20. As such, we were surprised when the document was characterized as a formal letter which had been prepared in secret (as Mr. Graff seemed to imply) allegedly to undermine environmental objectives.

Urban Coalition representatives met with congressional staff and Department of Interior (DOI) officials on May 20-21 to discuss concerns and offer ideas to improve the processes used by DOI agencies to make recent decisions allocating water to environmental resources. It was not our mission to effectuate changes to the substantive decisions, but rather to highlight our concern that the processes through which recent decisions have been made, including the Delta prescriptions, Trinity River flow increases, and others, could be substantially improved.

We carried two specific messages. The first was that better process is likely to yield better decisions. An open process which promotes the development of broader and more creative thinking in earlier stages of decision-making should be embraced by the federal agencies. The sharing of ideas does not dilute their power, we recognize that the DOI agencies are the final decision-makers on many aspects of Bay-Delta matters. Rather, we believe that the development of the best available science and the most effective methods for implementing protective action is

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accomplished through a participatory process that includes stakeholders both in the formative and the focused stages of decision-making and provides adequate time for review when decisions are being finalized

Our second message was that better process is also the key to reducing conflict and chaos once decisions are made. The Bay-Delta Accord was the model of an open, consensus-based process which yielded positive results for development of sustainable solutions. We believe this type of iterative process should be followed not only by federal regulatory agencies, but by others as well.

Recent decisions on 1997 Delta and upstream operations provide examples of federal decisions which have focused too narrowly on mechanisms for meeting biological concerns. These decisions, while fulfilling important objectives, have not been cognizant of other concerns. By relying so heavily on implementation of (b)(2) and ESA mechanisms, the federal agencies failed to take advantage of other resource management opportunities to meet environmental needs in a manner which reduces unnecessary impacts on water supplies.

We believe DOI should logically and creatively use all tools available in the CVPIA and elsewhere to meet environmental objectives. The 800,000 acre-feet of CVP yield is an important element, but there are others. As an example of creative water management initiatives to help meet environmental water prescriptions in a less supply-reducing manner, Santa Clara Valley Water District and the Metropolitan Water District of Southern California have proposed to reschedule their deliveries of Delta exports to help the Bureau of Reclamation meet flow levels

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recommended by the Fish and Wildlife Service. If federal agencies had sought such input earlier in their decision-making process, we could have avoided much of the recent controversy and still met the environmental objectives in a timely manner.

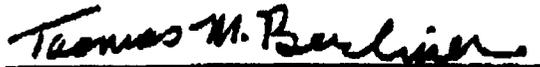
The current controversy over the Trinity River flow scenario is another example of how poor process can cause conflict, in this case actually leading to litigation in which the federal court overturned DOI's decision regarding Trinity River flow increases. A process with more integrated decision-making would have allowed for a broader range of solutions to be considered to meet the same goal.

We believe that flexible and innovative resource management options exist for federal agencies, environmental interests, and water users so they may cooperate in the development of plans for meeting environmental water prescriptions in a manner that reduces the degree and risk of water supply impacts while achieving equivalent environmental benefits.

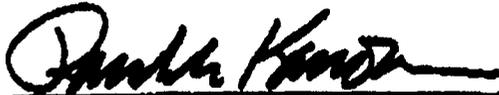
We hope this letter helps clarify the position of the Bay-Delta Urban Coalition. We would appreciate the opportunity to address the Advisory Council at your next meeting as a scheduled agenda item.

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