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May 26, 2000

Mr. David Hayes
Deputy Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW Room 5113
Washington D.C. 20240

Ms. Mary Nichols
Secretary for Resources
1416 9th Street, Room 1311
Sacramento, CA 95814

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CALFED Bay-Delta Program

Dear Mr. Hayes and Secretary Nichols:

This letter constitutes the Regional Council of Rural Counties' (RCRC) response to the "Recommendation on the CALFED Solution" issued by the Chair and Vice Chair of the Bay-Delta Advisory Council (BDAC) dated May 24, 2000. The substance of this letter was approved by RCRC at its meeting on May 25, 2000.

In general, RCRC finds the Recommendation inadequate and unresponsive to the charge of BDAC. Although BDAC has been meeting since 1995, the Recommendation does not constitute a finished work product. Even though the Chair and Vice Chair claim that BDAC has been dismissed, the Recommendation does not reflect a consensus or even a simple majority with respect to the following specific concerns:

- 1) Recommendations 1, 2, 3, 4, 6, 7, 12, 13, 14, and 15 recommend action which would be decided by some unknown process in the future. BDAC was charged to recommend action currently needed and mutually agreed by all parties, not merely to identify problems for future resolution. In this regard, the Recommendation is incomplete and fails to meet the object of the Federal Advisory Committee Act. RCRC cannot support such an insufficient and inadequate document in discharge of BDAC's responsibility. Despite any contentions of the Chair and Vice Chair to the contrary, RCRC feels the work of BDAC is not finished.
- 2) The following items of the Recommendation call for current action, but, in our opinion, an action which does not reflect the BDAC majority view:
 - a) Item 5 purports to address the Environmental Water Program and Account, but fails to identify i) the source of the water, ii) where it will be stored, iii) when it will be released, and iv) to whom the water belongs after the environmental purpose has been satisfied. It is also unclear how much water would be required; environmental interests claim 600,000 acre feet would be needed, and the State claims 400,000. In either case, the loss of locally available water would gravely damage the area of origin unless there is additional upstream supply and storage to mitigate the impacts of this item. RCRC feels that a majority of BDAC does not support this item because it

- b) inadequately addresses the ramifications and consequences of the additional water that would be needed.
- c) The proposals in items 8 and 9 relative to groundwater are contrary to case law in *Tehama v. Baldwin*. The proposal for the State and the federal government to assume authority over groundwater is contrary to existing case law, is strongly opposed by RCRC, and RCRC believes that a majority of BDAC would not endorse a proposal contrary to case law and current policy.
- d) Items 10 and 11 appear to create two future alternatives, i) the Hood Diversion, or, if that fails, ii) a peripheral canal. Both alternatives are premature and are not supported by RCRC.

In conclusion, RCRC feels the Recommendation is unsatisfactory in that it does not adequately address the BDAC charge, does not constitute the consensus of BDAC, and fails to address the concerns and needs of RCRC and the environment.

Thank you for the opportunity to comment.

Sincerely,



Robert Meacher
Plumas County Supervisor
BDAC Member
First Vice Chairman, RCRC

cc: Mike Madigan, BDAC Chair
Sunne McPeak, BDAC Vice Chair
BDAC Members
Steve Ritchie, Acting CALFED Executive Director
Eugenia Laychak, CALFED