



# CENTRAL DELTA WATER AGENCY

235 East Weber Avenue • P. O. Box 1461 • Stockton, CA 95201  
Phone 209/465-5883

DIRECTORS  
George Biagi, Jr.  
Rudy Mussi  
Alfred R. Zuckerman

COUNSEL  
Dante John Ncmellini  
Thomas M. Zuckerman

May 12, 2000

Via Facsimile (916) 323-3204  
and Regular U.S. Mail

Honorable Patrick Johnston, Chairman  
Senate Committee on Appropriations  
State Capitol, Room 5066  
Sacramento, California 95814

Re: Wildlife Conservation Board  
Budget Item 3600-301-0001

Dear Senator Johnston:

Attached hereto is a copy of your May 3, 2000, request to Byron Sher. If possible, we would like to see the language in the funding provision tightened up to avoid use of the funds to permanently flood Staten or other areas or create reservoirs or a chain-of-lakes type peripheral canal. There are various proposals floating around to permanently breach levees along the Lower Mokelumne River and to use islands as reservoirs or as a peripheral canal. Seepage and flood damage to surrounding lands and levees, the outright destruction of major portions of the Delta and the bypass of water are our primary concerns.

Perhaps you can add the following language after the second sentence in Provision 1.

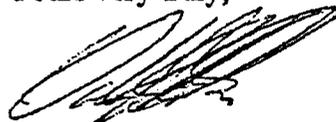
“Such modifications shall not include storage of water or inundation of the land with depths of water exceeding the depths for customary winter flooding for leaching and waterfowl habitat. Temporary flooding beyond such depth for the passage of floodwaters in extraordinary flood events is allowable provided that adequate provisions are made to promptly restore the levees and provided further that adequate pumping facilities are in place and operated to remove the flood waters within six months from the date of such temporary flooding.”

And, add a new Provision 4.

“All acquisitions must be from willing sellers and all acquisitions and operations within the Sacramento-San Joaquin Delta shall be in conformance with The Delta Protection Act of 1992 and shall be subject to the prior approval of the Delta Protection Commission.”

Thank you for your help.

Yours very truly,



DANTE JOHN NOMELLINI  
Manager and Co-Counsel

DJN:ju

Enclosure

cc: Assemblyman Michael Machado  
CDWA Directors  
Thomas M. Zuckerman, Esq.  
John Herrick, Esq.  
Alex Hildebrand  
Delta Protection Commission