

Reclamation District 999
38563 Netherlands Road
Clarksburg, Ca 95612

August 29, 2008

Via e-mail to: dv_context@calwater.ca.gov

Phil Isenberg, Chair
Delta Vision Blue Ribbon Task Force
c/o Resources Agency
State of California
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

**Re: COMMENTS ON DELTA VISION STRATEGIC PLAN (THIRD STAFF
DRAFT)**

Dear Mr. Isenberg

General Comments

The Draft Strategic Plan does not adequately protect Reclamation District 999 or the community within its service area. In revising the Plan, the Task Force should be guided by the following principles:

1. Any Delta solution must include guarantees that lands within RD999 will continue to receive both the quantity and quality of water guaranteed under the North Delta Water 1981 Contract and under other applicable law, including but not limited to the Delta Protection Act, Cal. Water Code §§ 12201-12204 and the area of origin laws, Cal. Water Code §§ 11460-11465.
2. Productive agricultural land should not be taken out of production as a result of any Delta solution. To the extent that agricultural lands within RD999 will be affected by new Delta infrastructure or habitat restoration, acquisition of property rights should be limited to willing buyer/willing seller transactions, especially those involving lands owned by public agencies such as the California Department of Fish and Game, the U.S. Bureau of Reclamation, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and by non-governmental organizations such as Trust for Public Lands or Nature Conservancy. To be made whole does not mean to be bought out; non-willing sellers should not be forced to give up their property through eminent domain or other coercive processes.

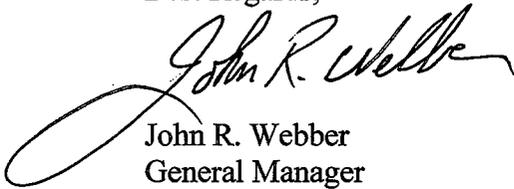
3. Landowners and water users within RD999 should be protected from short-term and long-term “collateral damage” arising from habitat restoration efforts. This includes, but is not limited to, regulatory actions that may affect the right to divert (i.e. fish screen requirements) and the timing of diversions. Any Delta solution must include robust and secure “take” authorization for existing, in-Delta covered activities. Assurances must be flexible and open-ended, and must not shift the risk for changed conditions away from the State of California.
4. Any solution must include adequate, reliable, and permanent financing mechanisms (i.e. an endowment, annuity, or dedicated stream of revenue), especially for maintaining the properties and habitat so that they do not impact neighboring land uses.
5. Habitat restoration efforts must not trump all other concerns, and must particularly yield to public health and safety concerns, particularly in relation to (i) mosquito-borne diseases such as malaria or West Nile virus, and (ii) flood risks.
6. The Strategic Plan should make clear that no irretrievable commitments will be made to implement any project until all required environmental review processes are completed. The “piece meal” of projects, including habitat restoration projects, is contrary to the California Environmental Quality Act and the National Environmental Policy Act and must be avoided.
7. Existing local taxes and/or assessments should be maintained, including the payment of assessments and fees to cities, counties, and special districts, and North Delta Water Agency assessments. Removing even a small part of the local funding for these agencies could compromise the ability to execute their critical roles in community governance.
8. The Delta Vision process must be open, fair, and transparent. Documents, including initial plans and/or workgroup materials, should be widely distributed and explained to Delta residents through ongoing public meetings. Such documents should also be available on the internet. It is imperative that the Delta Vision process be open to alternative ideas, rather than a mechanism to reach a predetermined outcome.
9. The most significant failing of the Draft Strategic Plan is its complete failure to examine or consider (i) the feasibility of the proposed actions relating to habitat restoration; and (ii) the socio-economic impacts of the proposed actions on local economies and communities within the Delta. It is critical that the Strategic Plan consider and discuss the latter category of impacts. Rural communities require a critical mass of agricultural activities to remain viable, and shifting too much of a community into habitat could very well increase development pressures by undermining the viability of local agriculture-based economies. In addition, removing agricultural land from production may reduce the pool of available mitigation lands, resulting in adverse secondary and tertiary effects in the region.
10. RD999 has reviewed the three letters dated July 2, 2008, July 9, 2008 and July 15, 2008 from Deputy Attorney General Virginia A. Cahill to John J. Kirlin, Executive Director of Delta

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Vision. These letters purport to examine the authority of the State of California to reallocate water under various legal theories. It is the position of RD999 that any attempt by the State of California to "reallocate" water from water users within RD999 to other uses would constitute an actionable breach of the 1981 North Delta Contract and a taking of private property.

Thank you for the opportunity to comment on the Draft Strategic Plan.

Best Regards,

A handwritten signature in black ink, appearing to read "John R. Webber". The signature is written in a cursive style with a large, looping initial "J".

John R. Webber
General Manager
Reclamation District 999