

FREEMANFIRM

A PROFESSIONAL LAW CORPORATION

1818 GRAND CANAL BOULEVARD · STOCKTON · CA 95207

PRINCIPALS

MAXWELL M. FREEMAN
MICHAEL L. GUREV
THOMAS H. KEELING
ARNOLD J. WOLF
LEE ROY PIERCE, JR.

ASSOCIATES

FRANKLIN J. BRUMMETT
MICHAEL N. MORLAN
JOHN W. VISS

June 22, 2016

Delta Stewardship Council Members and Staff
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

**Re: Agenda Item 9, Update on Development of Delta Plan Amendment(s)
Regarding Conveyance, Storage and the Operations of Both to Achieve the
Coequal Goals (Water Code §§ 85004(b), 85020(f), and 85304)**

Delta Stewardship Council Meeting of June 23, 2016

Dear Delta Stewardship Council Members and Staff:

We represent Petitioners/Plaintiffs Central Delta Water Agency, South Delta Water Agency, Lafayette Ranch, Inc., and Cindy Charles and Petitioner Local Agencies of the North Delta in the *Delta Stewardship Council Cases* (Sacramento County Superior Court, Case No. JCCP 4758). This letter concerns Item 9 on the Delta Stewardship Council's ("DSC's") Agenda for the June 23, 2016 Meeting.

With respect to Agenda Item 9, we have reviewed the June 20, 2016 letter to the DSC from Friends of the River, AquaAlliance, California Sportfishing Protection Alliance, California Water Impact Network, Center for Biological Diversity, Environmental Justice Coalition for Water, Environmental Water Caucus, Planning and Conservation League, Restore the Delta, and Sierra Club California ("the June 20 Letter").

Our clients agree with, and join in, the June 20 Letter's call for the DSC to follow through on its duty to comply with the California Environmental Quality Act (CEQA) by preparation of a Draft, and then Final, Environmental Impact Report prior to and during the process of revising the Delta Plan.

As petitioners in the *Delta Stewardship Council Cases*, our clients have dedicated substantial time and resources to achieving the litigation objectives realized in the Superior Court's 73-page ruling issued on May 18, 2016. The key rulings and general background behind that ruling are generally described in the June 20 Letter and need not be repeated here.

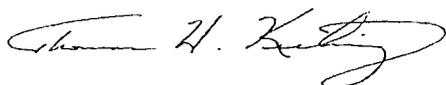
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For present purposes it is enough to observe that the Court agreed with Petitioners that in critical respects the Delta Plan failed to comply with the requirements of the 2009 Delta Reform Act. Among other things, the Court ruled that the peremptory writ to be issued to the DSC will order the DSC to revise the Delta Plan and any applicable regulations in order to include quantified or otherwise measurable targets associated with achieving reduced Delta reliance, reduced environmental harm from invasive species, restoration of more natural flows, and increased water supply availability.

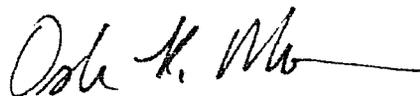
We recognize the magnitude of the ordered revisions to the Delta Plan ordered in the May 18 Ruling, the critical importance of those revisions, and the challenges inherent in any good faith effort to effectuate those revisions and to emerge from that process with a Delta Plan that complies with the Delta Reform Act, CEQA, and other applicable laws and regulations.

Thank you for your consideration of our joinder in the June 20 Letter's core points, as outlined above. If you have any questions, please contact Tom Keeling at (209) 474-1818 (tkeeling@freemanfirm.com) or Osha Meserve at (916) 455-7300 (osha@semllawyers.com).

Sincerely,



Thomas H. Keeling



Osha Meserve

THK:tmr