

March 14, 2012

The Honorable Dianne Feinstein
331 Hart Senate Office Building
U.S. Senate
Washington, D.C. 20510

Dear Senator Feinstein:

On behalf of the East Bay Municipal Utility District (EBMUD), I am writing to inform you of EBMUD's official opposition to the Sacramento-San Joaquin Valley Water Reliability Act, H.R.1837, as recently passed by the House of Representatives. The legislation that is now pending before the United States Senate represents a significant and substantial step backward in species protection and balanced water resources policy for the State of California. We endorse your efforts to develop a solution as an alternative to H.R.1837 that has as its foundation beneficiaries pay principles and ensures substantive progress toward achieving the co-equal goals of water supply reliability and ecosystem restoration. We encourage you to work with all stakeholders in working toward an effective and equitable water policy solution for all Californians.

H.R.1837 would hamstring California's ability to effectively manage the appropriation, use, and distribution of its water resources and protection of its fisheries, and directly conflicts with the state's obligation to work towards the co-equal goals of reliable water supplies and ecosystem restoration, established by the 2009 Delta Reform Act.

While H.R.1837 includes provisions to protect California water rights, implementation of H.R.1837 could be expected to result in an irreversible decline in the health of the Delta ecosystem and could undermine the significant progress EBMUD has made in restoring the salmon run on the Mokelumne River, effectively stranding millions in dollars in ratepayer investment. Further, H.R.1837's prohibition on implementing the San Joaquin River Settlement represents a reversal of restoration efforts and is contrary to EBMUD's own efforts to restore or sustain salmonid species in the Mokelumne River.

EBMUD has long-standing water rights on the Mokelumne River that provide more than 90 percent of the water supply for its 1.3 million customers. EBMUD manages 28,000 acres of protected watershed along the Mokelumne River. Since the 1970's, EBMUD has devoted tens of millions of dollars to restore and enhance the Mokelumne River ecosystem and its fish hatchery, and has implemented an aggressive water conservation program that has achieved significant savings in water use in its service area. The Mokelumne River is operated under agreements between the state and federal fishery agencies and EBMUD. These agreements ensure that there are sufficient flows in the river to maintain the fisheries and provide for Delta inflow and to promote other non-flow measures to benefit the fishery. The success of these measures has been monitored over the course of more than two decades. Our activities have illustrated that the system is adaptively managed to maximize the intended benefits.

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EBMUD has a direct interest in any solution to address California's water supply reliability issues. We believe that any solution should be consistent with California's long-established water rights system. It must also be fair and equitable with a guiding principle of beneficiary pays to avoid requiring those that do not benefit from being asked to provide flows or funding to meet the obligations of others. Our priority for co-equal goals is exemplified in our view that any solution that would impact the Mokelumne salmonid fishery should include mitigation by the responsible parties for those impacts.

We greatly appreciate the opportunity to provide EBMUD's perspective on this vital policy issue. EBMUD offers its continued assistance to you as discussions to resolve this water supply reliability policy issue continue. If you require additional information, please contact me at (510) 287-0101.

Sincerely,



Alexander R. Coate
General Manager

ARC:MD

cc: Honorable George Miller, U. S. House of Representatives
Honorable John Garamendi, U. S. House of Representatives
Honorable Barbara Lee, U. S. House of Representatives
Honorable Jerry McNerney, U. S. House of Representatives
Honorable Pete Stark, U. S. House of Representatives