

**Association of California Water Agencies
Burbank Water and Power
California Chamber of Commerce
Castaic Lake Water Agency
Coachella Valley Water District
Eastern Municipal Water District
Friant Water Authority
Glendale Water and Power
Inland Empire Utilities Agency
Irvine Ranch Water District
Kern County Water Agency
Las Virgenes Municipal Water District
Metropolitan Water District of Southern California
Mojave Water Agency
Southern California Water Committee
Three Valleys Municipal Water District
Western Growers Association
Western Municipal Water District
Westlands Water District**

June 18, 2012

The Honorable Fran Pavley
California State Senate
State Capitol, Room 4035
Sacramento, CA 95814

Re: AB 1095 (B. Berryhill): Delta Reform Act of 2009 – **OPPOSE**
Senate Natural Resources and Water Committee – June 26, 2012

Dear Senator Pavley:

On behalf of the agencies and signatories below, we regret to inform you of our collective **opposition** to AB 1095 by Assembly Member Bill Berryhill. AB 1095 proposes to facilitate certain and numerous activities in the Delta by exempting those actions from having to comply with the proposed Delta Plan.

In November 2009, the California Legislature passed a historic package of legislation to address the water supply and ecosystem challenges in the Sacramento-San Joaquin Delta as well as advance statewide water

management reforms. Among the bills in the package was SB X7-1 by Senator Joseph Simitian which enacted the Sacramento-San Joaquin Delta Reform Act of 2009. SB X7-1 created, among other entities, the Delta Stewardship Council (Council), a new governing body for the estuary. The Council, which was formed in early 2010, is required to develop and adopt a comprehensive management plan for the Delta that furthers the co-equal goals of Delta ecosystem restoration and a reliable water supply.

The Delta Stewardship Council is expected to complete and adopt its Delta Plan later this year. The “covered action” consistency process will start at that time. AB 1095 is premature as no actions have been subject to the consistency determination process to date. The author seeks exemptions that are extremely broad and would seriously undermine existing state policy designed to advance the co-equal goals of water supply reliability and ecosystem restoration.

The Delta Reform Act requires a state or local public agency that proposes to undertake a “covered action,” prior to initiating the covered action, to prepare a written certification of consistency with detailed findings as to whether the covered action is consistent with the Delta Plan. This consistency determination is filed with the Council. Once filed, any person who claims that a proposed covered action is inconsistent with the Delta Plan, and as a result of that inconsistency, believes the action will have a significant adverse impact on the achievement of one or both of the co-equal goals or implementation of government-sponsored flood control programs to reduce risks to people and facilities and property in the Delta, may file an appeal. The Council may dismiss the appeal, or hold a hearing and either deny the appeal or remand the matter to the state or local public agency for reconsideration.

We, the undersigned, have sought to protect the integrity of the 2009 Delta Reform package. The historic Delta package wisely chose to set an achievable and balanced set of state policies to restore this vital estuary and improve the reliability of water supplies if they are given a chance to succeed. For all of the above reasons, we must oppose AB 1095 and urge your “NO” vote on the measure.

Sincerely,



Cindy Tuck, State Leg. Director
Association of California Water Agencies



Dan Masnada, General Manager
Castaic Lake Water Agency



Ron Davis, General Manager
Burbank Water and Power



Steve Robbins, General Manager-Chief Engineer
Coachella Valley Water District



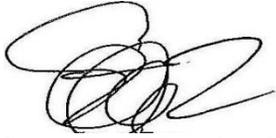
Valerie Nera
California Chamber of Commerce



Paul Jones II, P.E., General Manager
Eastern Municipal Water District

Glenn Farrel

Glenn Farrel, Govt. Affairs Manager
Friant Water Authority



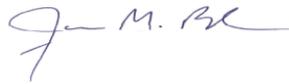
Steve Zurn, Interim General Manager
Glendale Water and Power



Thomas A. Love, General Manager
Inland Empire Utilities Agency



Paul Cook, General Manager
Irvine Ranch Water District



James M. Beck, General Manager
Kern County Water Agency



John Mundy, General Manager
Las Virgenes Municipal Water District



Jeff Kightlinger, General Manager
Metropolitan Water District of
Southern California



Kirby Brill, General Manager
Mojave Water Agency



Richard Atwater, Executive Director
Southern California Water Committee



Richard Hansen, Gen. Mgr/Chief Engineer
Three Valleys Municipal Water District



Gail Delihant
Western Growers Association



John Rossi, General Manager
Western Municipal Water District



Edward P. Manning
KP Public Affairs
On behalf of Westlands Water District

cc: Members of the Senate Natural Resources and Water Committee
Dennis O'Connor, Consultant, Senate Natural Resources and Water Committee
Steve McCarthy, Senate Republican Caucus
Assembly Member Bill Berryhill