



May 6, 2011

Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, California 95814

Re: State Water Contractors Comments on the Third Draft of the Delta Plan

Dear Chair Isenberg and Council Members:

The State Water Contractors (SWC) has reviewed the Third Draft of the Delta Plan and would like to offer comments related to a specific portion of Chapter 4 related to the Reporting and Transparency. In addition to the comments provided here, the SWC has participated in and fully supports the May 6 coalition letter signed by the State and Federal Water Contractors Agency (SFCWA) and in the separate May 6 comment letter of the SFCWA.

The discussion on Page 52 of the Third Draft of the Delta Plan misrepresents the process related to contracts involving water from the State Water Project. As characterized in the document, "These documents are not developed through an open and transparent public process." In fact, DWR issued "Principles Regarding Public Participation in State Water Project Contract Negotiations" in July 2003¹, which establishes the following requirements related to SWP Contract Negotiations:

1. "Negotiations will be conducted in public.
2. The public will be provided with advance notice of the time and place of the negotiations.
3. The public will be provided the opportunity to observe negotiations and comment in each negotiating session."

¹ <http://www.water.ca.gov/swpao/docs/notices/03-10.pdf>

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As stated in the May 6 comment letters of SFCWA and other agencies, our overarching concern is that the Third Draft of the Delta Plan generally contains inappropriate regulations that are beyond the authority of the DSC and, in this case, unnecessarily duplicative of principles and requirements that are already well established. We support the recommendations in the May 6 coalition letter signed by SFCWA and SFCWA's May 6 comment letter for modifying the Third Draft of the Delta Plan to make it a productive component of an overall Delta solution. If you have any questions about our comments, please contact me at (916) 447-7357.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "T. Erlewine". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Terry L. Erlewine
General Manager