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December 14, 2010

Karen Scarborough, Undersecretary
California Natural Resources Agency
1416 Ninth Street, Suit 1311
Sacramento, CA 95814



Re: Bay Delta Conservation Plan (BDCP) Public Release Draft

Dear Ms. Scarborough:

Butte County and the northern Sacramento Valley region have an interest in the overall health and stewardship of the Delta and the outcome of the BDCP process. The northern Sacramento Valley region is the Area of Origin for much of the water that flows through the Delta and therefore, our region is a major source for California's overall water supply picture. Our surface water resources include the crown jewel of the State Water Project (SWP) located at Lake Oroville, as well as a network of creeks and rivers that are tributary to the great Sacramento River which feeds into the Delta. Our region's water resources are more than the water supply for the Delta and the state. They provide the life blood for our agricultural-based communities, economy and environment. Much of our local water supply comes from the various groundwater basins throughout the region that are recharged through these creek and rivers.

The BDCP process offers a great opportunity to remedy many of the challenges facing the Delta ecosystem and uncertainty over the state's water supply system. Balanced against those benefits is the potential that the BDCP effort could result in unintended impacts to Butte County and much of the northern Sacramento Valley region. As the BDCP process has progressed, Butte County and others in the region voiced concerns about the direction of the BDCP and offered constructive comments. Unfortunately the BDCP Steering Committee chose to ignore our comments, leaving the November 18, 2010 Progress Report on the BDCP ambiguous, legally suspect and potentially harmful to northern Sacramento Valley.

Butte County's concerns with the BDCP regarding water rights, funding, impacts/obligations of parties

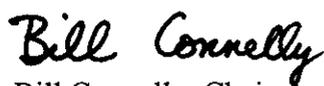
outside of the Plan Area are best articulated in the letters from the Northern California Coalition (November 4, 2010) and Somach Simmons & Dunn on behalf of the Glenn Colusa Irrigation District (September 3, 2010). These concerns arise from the BDCP's failure to provide a clear description of its scope and a full assessment of its potential impacts. During the BDCP process, Butte County and others in the region sought clarity about potential impacts but were given vague reassurances. For example, contrary to the expectation that the BDCP would remain within the geographic scope of the Delta (i.e. Plan Area), statements exist in the BDCP that the Plan Area may be expanded during implementation if needed (Chapter 1, page 21). The notion of expanding the Plan Area at some future date creates enormous concern and questions the integrity of the BDCP process.

The concerns over the lack of clarity are not isolated to those relegated as outsiders. Recent controversies and disagreements among the BDCP Steering Committee members illustrate the lack of clarity of the BDCP. The internal controversies raise a heightened concern that when push comes to shove among the BDCP participants on balancing the "co-equal" goals, the politically expedient step will be to shift the impacts and burdens outside the Plan Area and to entities not seeking regulatory permits.

During the BDCP scoping process in 2009, Butte County raised concerns about the impact of the BDCP on Lake Oroville. Unfortunately, the draft BDCP acknowledges that it will potentially affect the operation of the State Water Project facilities, including Lake Oroville, but a specific assessment of recreational, ecologic and economic impacts were not conducted. Lake Oroville is more than a part of the SWP system. Lake Oroville is an integral to our recreation, economic and ecosystem for those in its Area of Origin. The Butte County remains in dispute with the State of California over its failure to meet its obligation regarding the Lake Oroville facility. Actions through this BDCP that further erode Lake Oroville's economic, recreation and ecosystem benefit cannot be dismissed or ignored. The BDCP must include a detailed analysis on the specific changes to the operation of Lake Oroville and assess those impacts in the Environmental Impact Statement/Environmental Impact Report.

We understand the challenges facing the Delta and the importance of a successful BDCP. However, we believe that the BDCP must address the concerns raised by Butte County and others in the region. In doing so, the BDCP proponents will take a meaningful step to recognize and provide for protection for the upstream portion of the Delta watershed while achieving the goals of the BDCP in a legal and moral manner.

Sincerely,


Bill Connelly, Chair

Cc: Butte County Board of Supervisors
Paul Gosselin, Butte County, Department of Water and Resource Conservation