

Municipal Services Agency
Paul Hahn
Agency Administrator



County Executive
Terry Schutten

County of Sacramento

October 28, 2009

Bay-Delta Conservation Plan – Other Stressors Workgroup
Ms. Karen Scarborough, Undersecretary
Mr. Richard Roos-Collins, Co-chair, BDCP Implementing Structure/Governance
Workgroup
Mr. Roger Patterson, Co-chair, BDCP Implementing Structure/Governance
Workgroup
c/o Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Comments of the County of Sacramento on BDCP's Draft Governance Principles

Dear Ms. Scarborough, Mr. Roos-Collins and Mr. Patterson:

The County of Sacramento appreciates the opportunity to provide comments on the draft Governance Principles being considered by the Implementing Structure/Governance workgroup. The County's comments are set forth below.

1. Implementation Entity

This principle indicates that the implementation entity must have "adequate oversight and control of all actions required by permits and authorizations issued under the federal ESA, the NCCP, and the California ESA." (Emphasis added.) Generally, the County of Sacramento has no objection as to how the signatories to the Implementing Agreement organize the implementation of the plan. The County would object to an implementing structure that sought to usurp the County's land use authority, but the County is encouraged by and supports the cooperative language included in Principle 5 (see below).

2. Involvement of Stakeholders in Implementation

The County of Sacramento agrees that the involvement of stakeholders is critical to the success of the BDCP. The County urges that "stakeholders" should not be defined as narrowly as is suggested by the language of this principle. For the BDCP to be successful, all of the affected stakeholders, including many entities that have not been included on the Steering Committee, must cooperate in the implementation of a reasonable and feasible plan.

Since the isolated conveyance facilities will be located within the County of Sacramento and the water will be diverted from the river at those locations, the County is a stakeholder. As the BDCP is implemented, the implementing entity should coordinate with the County.

3. DWR Administration of Isolated Conveyance

The County of Sacramento has no objection to DWR administration of the proposed isolated conveyance facility. The County of Sacramento trusts that DWR recognizes that, to the extent that the isolated conveyance facility or facilities are located within the County of Sacramento, operation of the facilities should be undertaken in coordination and cooperation with the County.

4. DWR and BOR Coordination with Stakeholders

Please see comments on Principle 2, above. When the implementing entity's decisions have the potential to affect the County of Sacramento, the implementing entity should coordinate with the County.

5. Creation of a Specialized Entity Such as a New Delta Conservancy

The County of Sacramento strongly agrees that, if a new Delta Conservancy is established to help address the problems in the Sacramento/San Joaquin Delta, the role of that agency should be to "orchestrate, enable and coordinate with, rather than supplant" existing local institutions with jurisdiction over the Delta.

6. Alternative Dispute Resolution (ADR)

The County of Sacramento and its sister counties are well-aware of the courts' crowded dockets and the need to foster out-of-court resolution of disputes. The County of Sacramento supports the concept of alternative dispute resolution and has no objection to the signatories of the Implementing Agreement agreeing to an ADR process, provided that the results of that process are not binding on the County. The County notes that it is much more difficult and problematic to attempt to divert disputes to ADR when the parties to the dispute have not previously agreed to that method of dispute resolution.

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Roger Patterson

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The County of Sacramento appreciates your consideration of these comments. We look forward to working with you as the Governance/Implementing Structure Workgroup refines its proposal in the coming weeks.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul J. Hahn", written over the word "Sincerely,".

Paul J. Hahn
Agency Administrator

cc: Sacramento County Board of Supervisors
Terry Schutten, County Executive
Delta Task Force (internal county members)

JTB/PJH/ds