

September 4, 2008

Mr. Alfred Montna, President
California State Board of Food and Agriculture
1220 N Street, Room 400
Sacramento, CA 95814

Dear President Montna:

We applaud the commitment of agriculture to California's future and share your interest in a vibrant agricultural sector in this state. We are frankly perplexed by both the tone and the assertions of your recent letter.

Governor Schwarzenegger's Executive Order S-17-06 directed the Delta Vision Blue Ribbon Task Force to "develop a durable vision for sustainable management of the Delta" with the goal of "...managing the Delta over the long term to restore and maintain identified functions and values that are determined to be important to the environmental quality of the Delta and the economic and social well being of the people of the state."

The Executive Order did not dictate special treatment of any sector or region of the state and the Governor asked us for our 'independent recommendations', which will be reviewed and considered by the Delta Vision Committee and the Administration. The Task Force is confident that its adopted Vision of 2007 and the strategic plan to be adopted in October will provide a solid policy framework for a successful California, of which agriculture is an important part.

Your letter expressed strong exception to the third staff draft strategic plan based on three specific complaints, none of which fit our understanding of what has been said.

First, you asserted we have called California's water rights system "archaic." A computer search of the first, second and third staff drafts found no use of the term archaic in any context. A search of adopted Delta Vision (2007) also finds no use of the term. We did, however, find use of the term "archaic water rights" in testimony of Tim Quinn of ACWA, who advised against using such terminology. We accepted his advice.

Second, nothing in the Vision or our draft Strategic Plan sets a fixed amount of water for agriculture. We read your gratuitous reference to "...Soviet or Chinese style command planning..." as the usual bluster of political argument in California.

1416 Ninth Street, Suite 1311, Sacramento, CA 95814 Ph. 916.653.5656 Fax 916.653.8102 <http://resources.ca.gov>



Third, the adopted Delta Vision and the staff draft strategic plans do assert that the California Constitution provisions dictating reasonable use, and prohibiting wasting of water, together with the long-standing constitutional principle of the public trust doctrine are likely the fundamental principals that will allow policy-makers to wend their way through the complex water future of this state.

We understand that you believe both the state constitution and the public trust doctrine (which has been declared of constitutional status by our Supreme Court), are of less legal importance than various statutes, water rights or water contracts. This seems an odd position to assert, since the state Water Resources Control Board includes these considerations in their decisions and the principles are well-established in court decisions.

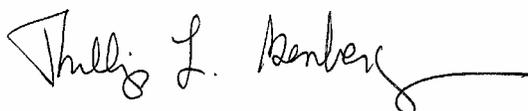
Neither the Task Force in its adopted Delta Vision nor the staff draft strategic plan claims that beneficial use/no wasting, or the public trust doctrine automatically trump other elements of water use policy. However, we have insisted that these principles be included in decision making. For example, the adopted Delta Vision concludes discussion of this issue with the statement "These principles [reasonable use and public trust] do not guarantee any specific decision about water uses but are the foundation for public policy making..." (page 11)

The language of the third staff draft strategic plan on water rights was developed in cooperation with the Office of the Attorney General. The Task Force knows that the legal framework for water use is highly contentious; we believe it sensible for us to rely on the advice of the state's chief legal office for guidance on these important issues.

Our staff is now developing the fourth staff draft strategic plan and the Task Force will adopt its recommended strategic plan in October. Knowing that the issues involved are complex and contentious, we are welcoming comments on successive versions of the staff draft strategic plan to help us develop the best final product. As an example, our outreach sessions in Chico, Ryde and Stockton, did reveal that wording of some recommendations was raising alarms as the wording was not clear. In particular, the staff draft performance measures for agriculture and land use did not adequately recognize the value of continued agricultural production in the Delta. The staff will revise those recommendations to clarify our intent.

As your reading of the Delta Vision and the third staff draft strategic plan is very different than our intent, we would very much appreciate your identifying specific portions of the work which you believe to be in error or at variance with the charge given to Delta Vision. Your specific recommendations for changes in the staff draft will be considered carefully.

Sincerely,

A handwritten signature in black ink that reads "Phil Isenberg". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Phil Isenberg, Chair
Delta Vision Blue Ribbon Task Force

Alfred Montna
September 4, 2008
Page 3

cc: The Honorable Arnold Schwarzenegger, Governor
State Capitol
Sacramento, CA 95814

Mike Chrisman, Secretary
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

A. G. Kawamura, Secretary
California Department of Food and Agriculture
1220 N Street, Room 400
Sacramento, CA 95814

Lester Snow, Director
California Department of Water Resources
1416 Ninth Street, Suite 1115-1
Sacramento, CA 95814