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CHAIR: GOVERNMENTAL ORGANIZATION
AGING AND LONG-TERM CARE
AGRICULTURE
ENVIRONMENTAL SAFETY AND
TOXIC MATERIALS
CHAIR: SELECT COMMITTEE ON RAIL

March 17, 2017

Felicia Marcus
Board Chairwoman
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95813-0100

Dear Chairwoman Marcus:

I wanted to take the opportunity to make additional comments on the Bay-Delta report and the hearings you have held. Thousands of residents from my area have written you, have attended your Christmas holiday hearings, and have remained engaged in this process. Your report essentially dismisses their concerns.

Attached please find over 1,000 additional signatures from petitions calling upon your board to reject this proposal. This brings the total number of signatures from Stop the Regulatory Drought and my office to over 5,000. Those are in addition to the petition signatures gathered by Save the Stan, Worth Your Fight, and the proponents of the Merced SAFE Plan. Also attached are recent letters from local government agencies throughout my district opposing your plan.

My letter of January 3rd and my testimony at that hearing as well as the meetings in both Merced and Modesto raised many concerns. But, some points must be stressed again:

- 1) You contend that impacts to groundwater will essentially be dealt with in the Sustainable Groundwater Management Act (SGMA), years from now, and to estimate impacts now would be "speculative." We all know that our groundwater basins already are at high risk, but your proposal promises to make a bad situation much worse. That is not speculation. That is just fact.
- 2) Your report states the impacts to drinking water in disadvantaged communities will also be addressed under SGMA, and that these impacts are too "speculative" to quantify at this time. But you, your board colleagues, your staff, and all who have

participated in this process know your recommendations will make the health and safety challenges facing the drinking water of thousands of Californians much worse. Again, that is not speculation that is just fact.

- 3) You have spent countless dollars and time seeking to quantify the benefits to fish in your report. Frankly, those studies, and their findings that the biological increase in salmon would be either 1,104, 2,059 or 7,637 depending on which analysis and assumptions you use, is much more "speculative" than your description of impacts to groundwater and drinking water. In fact, after admitting the use of the model was flawed, your staff now states that there is no quantifiable number of increased salmon since that depends on so many other factors including predation, control, and habitat restoration. Your plan does nothing to make those needs a reality. In effect, your plan, if implemented, will give us an increase of 1,103 salmon, maybe 7,600, or maybe no increase at all. That is the definition of speculation.
- 4) Your economic analysis has so many shortcomings it should be discarded. Your report seriously understates and misrepresents the direct and indirect costs of the proposal. Even non-experts understand that ignoring impacts on groundwater, drinking water, hydropower, and greenhouse gas emissions significantly lowballs the costs.
- 5) Last month, your board released a composite list of every public drinking water source in the State with specific indicators of water quality. Why isn't that information part of the Bay-Delta analysis? Two of the communities cited in your report, Turlock and Ceres, will be directly impacted by the flows recommendation. Not only are they fully dependent on groundwater, their ongoing plans to have conjunctive use of Tuolumne River water would be destroyed by your action. The SED ignores all of this, and says to wait until SGMA is implemented to determine impacts. It is difficult to discern the role your drinking water quality division experts played in the development of the SED. They may have information that might address community concerns. You should make that available to the public.
- 6) Every public meeting on the SED update began with the statement that the board's role is to balance beneficial uses. But, we have yet to hear anyone discuss in detail what this is likely to mean to groundwater and drinking water in disadvantaged communities. In fact, the vast majority of the discussion has revolved around the modeling and methodology utilized for fish counts as if a few hundred more fish justifies devastating drinking water supplies. Public confidence would be better served with more robust and specific discussion on groundwater and the proposal's impacts on providing safe, reliable drinking water.
- 7) The chair has foreclosed on any discussion at these hearings of the California WaterFix (CWF) project. CWF is the largest water project in the State of California in

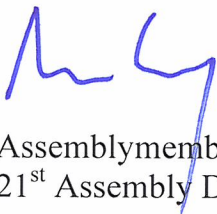
the last fifty years, and it will have a profound impact on the Bay-Delta. Ignoring the data and information developed in the CWF process is to abdicate the board's responsibility under CEQA. The public has a right to know what the Bay-Delta will look like with CWF and the WQCP.

- 8) Your staff began the January 3rd meeting with a 53-slide presentation on significant issues that had been discussed previously and needed clarification. Most of the presentation was devoted to various justifications for the fish counts, for the additional water requirement posed by carryover storage, and further explanation of understated economic impacts. One slide dealt with groundwater, and one dealt with disadvantaged communities. Like the SED itself, this presentation was not balanced or reflective of the community's concerns.
- 9) The SED does not meet the test of balance. It does not meet the test of reason, and it does not meet your obligation to be transparent. It should be rejected, and you should let serious discussions on settlements proceed without its distraction.

Rarely have the residents of any area banded together with such unity in opposition to a project. My area has done so because we know that if adopted as proposed, the SED will create a new description for one of California's youngest and fastest growing regions. We will become known as "The Valley of Despair," where there is no opportunity, no hope, and no resources. This will be your legacy.

I urge you to reject the SED and direct your staff and consultants to start over. I ask that this letter, and the attached petition signatures, be made part of the record.

Sincerely,



Assemblymember Adam C. Gray
21st Assembly District