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July 27, 2018

Felicia Marcus, Board Chairwoman
State Water Resources Control Board
1001 I St 24th Floor
Sacramento, CA 95812
E-mail: LSJR-SD-Comments@waterboards.ca.gov

RE: Comment Letter – Revisions to Proposed Bay-Delta Plan Amendments

Chairwoman Marcus and Members of the Board:

In my last comment letter to you, I concluded my comments by recommending that you “send this report back to your staff and your consultants with a directive to start over.”

You did not take my advice.

Instead you have continued to move forward with your Bay-Delta Plan amendments and dismissed the thousands of concerned comments regarding the objectivity, accuracy, and applicability of your modeling and conclusions. Without honest transparency, your plan lacks any legitimacy and becomes nothing more than a water grab in the minds of those you are asking to make sacrifices. Unfortunately, your plan continues to obfuscate and conceal legitimate impacts.

For example, there was significant resistance to modelling the effects of a 40% unimpaired flow requirement from February through June. It was only in response to comments that you agreed to model this period stating “for illustrative purposes only, an additional modeling example was prepared at the request of the public that shows the potential effect of implementing flow objective without carryover storage guidelines.”

Since a 40% unimpaired flow requirement is the stated goal of the plan, shouldn't this have been the first model run to analyze the project? Why would you resist modeling the very circumstance you claim to be requiring? When asked, your own staff member Les Grober gave the answer when he came Modesto and stated, “That wouldn't be very interesting. Reservoir storage would be devastated and water temperatures would increase.”



Instead of transparently showing the true impacts, your plan immediately jumped to mitigating adverse impacts by setting carryover storage guidelines and other gimmicks you do not disclose.

Let's take a look at what your plan actually proposes:

1. Water must be released for instream flow releases from July-January.
2. Minimum flows which will exceed 40% unimpaired flows are required on the tributaries.
3. Minimum flows exceeding 40% are also required at Vernalis February-June.
4. The plan permits even higher 50% flows.
5. Carryover storage is not considered as part of the 40% unimpaired flow. This is "hands off" water which must be kept in the reservoir and is not allowed for either irrigation or municipal use.
6. Refill criteria to put more water in storage is also not accounted for in the 40% unimpaired flow objective.

These factors singularly or together will cause in some years 100% of the unimpaired flows to be forfeited by local water users. It is completely unacceptable to suggest your plan adopted a 40% unimpaired flow requirement when it is plainly significantly more.

It is time for you to be honest, direct, and forthright with the public. Come clean about the devastating impacts your plan will have on the northern San Joaquin Valley.

In 2015, Water Board staff described this plan as the imposition of a permanent "regulatory drought" for 1.5 million residents who live in the region. But it is also a death sentence to our economy, our quality of life, and any hope for increasing opportunities for an entire disadvantaged region of the state.

This plan guarantees a decade of litigation. It will accomplish nothing, waste public resources, and poison any possible cooperative relationship you could have developed with the residents of this area. I will give you the same advice I gave you last time: acknowledge the deficiencies with this plan, send it back to your staff, and tell them to start over.

Sincerely,



Assemblymember Adam C. Gray
21st Assembly District

From: Assemblymember Gray <Assemblymember.Gray@assembly.ca.gov>
Sent: Friday, July 27, 2018 10:52 AM
To: lsjr-sd-comments@waterboards.ca.gov; WQCP1Comments
Subject: Comment Letter - Revisions to Proposed Bay-Delta Plan Amendments
Attachments: SKM_284e18072710310.pdf

Categories: Red Category

Please see the attached comment letter regarding the Bay-Delta Plan.

Thank you,

Adam C. Gray
Assemblymember, 21st District