BEFORE THE

STATE WATER RESOURCES CONTROL BOARD

In the Matter of:	)
	)
	)
Amendment to the Water Quality Control	)
Plan for the San Francisco Bay/	)
Sacramento-San Joaquin Delta Estuary:	)
San Joaquin River Flows and Southern	)
Delta Water Quality and on the Adequacy	)
of the Supporting Recirculated Draft	)
Substitute Environmental Document (SED)	)
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VOLUME II

PUBLIC HEARING

Merced Theatre
301 W. Main Street
Merced, CA 95340

Monday, December 19, 2016

2:21 p.m.

Reported by:
Peter Petty

APPEARANCES

Board Members Present:

Felicia Marcus, Chair
Frances Spivy-Weber, Vice Chair
Tam M. Doduc
Steven Moore
Dorene D'Adamo (via webcast)

Staff Present:

Thomas Howard, Executive Director
Eric Oppenheimer, Chief Deputy Director
Les Grober, Deputy Director of Water Rights
Will Anderson, Water Resources Control Engineer
Jason Baker, Staff Services Analyst
Tina Leahy, Senior Staff Counsel
Erin Mahaney, Senior Staff Counsel
Yuri Won, Senior Staff Counsel
Daniel Worth, Senior Environmental Scientist

Public Comment (Volume I):

Anthony Cannella, Senator, 12th Senate District
Adam Gray, Assembly Member, 21st Assembly District
Bill Lyons, Former Secretary of Agriculture
Larry Morris, District Attorney, Merced County
Dave Long, President, Merced Irrigation District
Bob Giampaoli, Le Grand Community Services Water District
Scott Koehn, Vice President, Merced Irrigation District
Jim Price, Mayor, City of Atwater
Daron McDaniel, Supervisor, Merced County
Barbara Levey, Assessor, Merced County
Mike Murphy, Mayor-Elect, City of Merced
Paul Creighton, Council Member, City of Atwater
Steve Tietjen, Superintendent, Merced County
Tony Dosetti, Council Member, City of Merced
Scott Silveira, Council Member, City of Los Banos
John Pedrozo, Supervisor, Merced County
Josh Pedrozo, Mayor Pro Tem, City of Merced
Jerry O'Banion, Supervisor, Merced County
Patricia Ramos-Anderson, Santa Nella County Water District
Anthony Martinez, Council Member, City of Merced
Alex McCabe, Council Member, City of Livingston
Rodrigo Espinoza, Supervisor-Elect, City of Livingston
Jim Costa, Congressman, 16th Congressional District

APPEARANCES (Cont.)

Public Comment: (Volume 1 Cont.)

Michael Belluomini, Councilman, City of Merced
Lloyd Pareira, Supervisor, Merced County
Deidre Kelsey, Supervisor, Merced County
Cole Upton, Chairman, Chowchilla Water District
Robert Kelley, General Manager, Stevinson Water District
John Sweigard, General Manager, Merced Irrigation District
Phil McMurray, General Counsel, Merced Irrigation District
Lee Bergfeld, MBK Engineers
Hicham ElTal, Deputy General Manager, Merced Irrigation District
Jim Lynch, Merced Irrigation District
John Larson
Jeff Marquis, Board Member, Merced Irrigation District
David Ortiz
Tim Goodson, Calaveras Trout Farm
Jasmine Flores, Atwater FFA
Dan Dewees, Advisory Committee Member, Merced Irrigation District
Jeff Hawks
Gary Tessier
Martin Gothberg
Roger Wood
Marcus Metcalf
Helio Brazil, Superintendent, McSwain School District
Diana Westmoreland Pedrozo
Susan Walsh, Merced College
Rose Marie Burroughs
Nicola Adams

Public Comment (Volume II):

Hubert Walsh, Chairman, Board of Supervisors, Merced County
Ron Rowe, Merced County Public Health Department, Division of Environmental Health
Scott Stoddard, UC Cooperative Extension
Stan Feathers, General Manager, Delhi County Water District
Steven Gomes, Superintendent of Schools, Merced County
Joe Scoto, Merced Farm Bureau
Gino Pedretti, III
Simon Vander Woude

Public Comment: (Volume II Cont.)

Tony Toso
Breanne Ramos
George Burkhardt
Doug Forte, Kellogg Supply
Dr. Michael Martin, Merced River Conservation
Fernando Aguilera, Merced Soccer Association
Steve Bertram
Dr. Luke Miller, Vierra Dairy Farms
Alan Peterson, Merced County
Spreck Rosecrans, Restore Hetch Hetchy
Brad Samuelson, Best Crane Orchard
Tom Roduner
George Park, Love Tree Mutual Water Company
Mike Plum, McClure Boat Club
John Borba, Jr.
Frenchy Meissonnier
Allison Jeffery
Tim O'Laughlin, San Joaquin Tributaries Authority
Dennis Yotsuya, Water District
Sonia Diermayer
Robert Dylina, Merced Chamber of Commerce
Loren Scoto
Andrew Skidmore
Jason Scott
Scott Ruduner
Mary Michel Rawling, Golden Valley Health Centers
Adam Shasky
Maxwell Norton, Central Valley Farmland Trust

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P R O C E E D I N G S

DECEMBER 19, 2016 2:21 P.M.

(On the record at 2:21 p.m.)

CHAIR MARCUS: We're now going to go to the next panel, which is the Merced County Panel. And then, we will go to some of the speaker cards before going to the other presentations. And Tim O'Laughlin, from the San Joaquin Tribs, has graciously volunteered to go a little later because he presents to us all the time. And John has to leave, so I already promised him that you would give him, his own personal presentation at some time, that you two can arrange. I think I'm safe in doing that.

MR. O'LAUGHLIN: Yes.

CHAIR MARCUS: Thank you very much, sir.

Thank you, looking forward to the Merced County Panel. Thank you very much.

MR. WALSH: Good day.

CHAIR MARCUS: Good day.

MR. WALSH: Good day to you, and the Water Board. I'm Hub Walsh, and I am Chairman of the Merced County Board of Supervisors. Thank you for the opportunity for Merced County, and our colleagues, to provide you some information on the potential impacts of

this proposed update to the Bay-Delta Water Quality Control Plan to Merced County.

I want to welcome you, again, to Merced County. While you're here, hopefully, and I don't know it looks like a full agenda but, hopefully, you'll have an opportunity to get to know us, and know the community, the treasures that we have here, and the unique place we all call home.

Things like UC Merced, the Hilmar Cheese, Foster Farms, and our over one million acres of field nuts, fruit, and vegetable crops.

While we've been working hard to build our community into a thriving, desirable place to live, we also want to understand, and hopefully, you understand, that Merced County faces some daunting challenges. Over 81 percent of our population, in this region, lives in areas designated as economically disadvantaged, or severely disadvantaged.

Merced County has held kind of an unenviable position, during the great recession, of being one of the top ten metropolitan areas with the highest foreclosure rates in the nation.

Though the unemployment rate in Merced County has gone down and we anticipate, hopefully, for the future it to continue in that trend, it is, at 9 percent,

twice what the State average is and what the national average is. It's still a dismal number.

Even now, Merced County is only slowly recovering from the great recession. And, obviously, from this morning you got a sense. We may be poor economically, but we're not poor in spirit. And you probably got a sense of that spirit this morning.

Under the proposed SED, our region and these disadvantaged communities are facing even bleaker outlook. We know that you've done an economic analysis that shows an economic impact of about 433 job losses, and $64 million to the regional economy, over three counties.

However, our economic analysis, and that information's just being made available, and we will share it with you, shows that the SED dramatically underestimates the economic impact. These independent analyses that show over 900 jobs lost, just in Merced County, alone. And the economic impacts of closer to $231 million, just in our community.

According to Stratacon, Inc.'s economic analysis, San Joaquin County, Stanislaus County, and Merced Counties could be facing long-term impacts of over $7 billion, over the 50 years. And much of this could be related to the fact that the loss of water impacts the

value of the land that folks have, and then the economic impact in terms of to our local government.

Over the past five years, the communities in the San Joaquin Valley have been weathering one of the worst droughts in California history. Responses to the drought conditions have led to increasing groundwater pumping, wells going dry, the lowering of groundwater levels. At the same time, our water management agencies, in the Merced Groundwater Subbasin, a high priority, critically overdraft basin, has come together to address these issues under SGMA.

Additionally, the County has implemented a well ordinance and a transfer ordinance of water, groundwater out of our community in attempting to address that issue.

However, should the SED be implemented, surface water recharge, one of the most important tools for bringing the subbasin into sustainable condition, will be greatly reduced. Leaving, really, the only option, which is fallowing of property.

All of the benefits of this take are identified as potentially -- and I, frankly, was using the 1,100 figure, but I'll take MID's number, which was 400 fish out of the Merced area.

The purpose of this panel is to give you information. I think you've got a sense of the passion

from our community, and education regarding the local groundwater situation, and its effect on our community.

Ron Rowe, the expert from Merced County Public Health Department, Division of Environmental Health, will go over groundwater and subsidence issues for Merced County.

And an overview of the draft's SED impact to agriculture will be presented by Scott Stoddard, from the UC Cooperative. And they are more focused on our small water district, who relies solely on groundwater, and serve disadvantaged communities, will be shared by Stan Feathers, General Manager of the Delhi County Water District.

Later, Merced County Superintendent of Schools, Steve Gomes, will explain the potential devastating impact to our schools, and children, who rely on wells.

I'll now hand it off to Ron Rowe, who will provide information on groundwater subsidence, flood control, and harm-free algae blooms, which have been requested by the Water Board Members at the November 29th meeting here, at Merced.

Ron.

CHAIR MARCUS: Thank you very much.

MR. WALSH: Thank you very much.

CHAIR MARCUS: Supervisor.

MR. ROWE: Good morning, Chairman, Members of the Board, and staff for the Water Board, thank you very much for your time today.

As Supervisor Walsh indicated, on November 29th, the State Water Board requested a little bit more information from us regarding land subsidence potential, and water quality impacts related to unimpaired flows.

First, I'd like to give a tremendous amount of credit to Michelle Snead (phonetic), and others at U.S. Geological Survey, for many of the images and the texts that you'll see.

So, a very brief explanation of land subsidence. Where there's pour space between particles, especially where they're clay, these clay-like particles are shaped like small plates. When there's pumping that occurs, it reduces the pour pressure between those plates, and those plates tend to collapse on top of one another, reducing the overall volume available for storage and reducing yield.

The ultimate impact is the land deforms at the surface and creates a tremendous number of problems for us. And the largest problem that we have, where we would have the lack of surface water, would be groundwater storage capacity reductions.

This image, also from U.S. Geological Survey,

shows soil texture from borehole logs, throughout the Central Valley. The most dominant feature here is the blue tone, which clearly indicates that much of the soil beneath us, where our groundwater is derived, has a high clay content and is very susceptible to subsidence.

Flood protection and infrastructure is in question. Natural resource impacts, also problematic.

This particular slide shows trends over time that, in essence, even in periods of non-drought conditions, subsidence can continue and does continue.

These are satellite images, again from U.S. Geological Survey, between 2003 and 2010. The circle to the south is historic subsidence where, through surface water deliveries in the mid-1900s, late-1900s I should say, it resolved some of that subsidence problem through the Delta-Mendota Canal, in particular, as agricultural deliveries to the Tulare Basin.

New subsidence has been observed, particularly in the last five years. And one of the problems that we have, and that we would be looking for, hopefully, in additional assessment in the SED, would be to look at subsidence on the eastern side of Merced County. As you can see, there's a large void there.

So, it's a rather busy slide, but I think the important issue to take note is within the black box.

That in the south central part of our County, near El Nido, the U.S. Geological Survey's recorded land subsidence of at least 21 inches in a two-year period. And that's a substantial amount of subsidence. It's affected our eastside flood bypass control structures. And it's impacted many surface water deliver, and other infrastructure conveyances, et cetera, in a negative manner.

So, that same black box, if we take a little bit closer look at that, we've converted the metric to -- in the larger color image, those values there are in inches. So, you can see along the axis of A to A prime, going from north to south, you can see a fairly significant deformation in the bypass. And what that basically means is we no longer have the flood control that we had, previously. And trying to keep up with that is a costly endeavor, no doubt.

As it relates to surface water delivery, work was done in 2003 to 2008, in the lower sections of the Delta-Mendota Canal. And, more recently, between '07 and '10. And the significant take home message here is where subsidence has impacted the Delta-Mendota Canal, that loss of capacity there, in essence water can't run uphill, even though it's a very small amount of subsidence, only about 15 millimeters. That loss in

storage capacity restricted flow to the San Luis Reservoir and water delivery was unavailable.

The future of land subsidence is probably the most interesting piece of this discussion, related to specifically the land subsidence in general. This is relatively new information from U.S. Geological Survey. And what the color map basically indicates is those tones that are lighter in pink, particularly along what we'll call the Chowchilla Alluvial Fan, and the Fresno Fan, which the Chowchilla is adjacent to us, to the south, where the Chowchilla River -- excuse me, the Madera and Merced County boundaries adjoin.

That because of those fine grain materials in that area, with just a small amount of pumping influence, those areas are exceptionally vulnerable to further subsidence. In the absence of surface water deliveries, the likelihood of more subsidence is quite high.

And, so, over the last century, estimates are that we've lost probably close to 200 million acre-feet in storage.

Economics. This one is very difficult to estimate because, oftentimes, as work is performed they don't connect it to subsidence, itself. But in looking through some data, again provided by U.S. Geological Survey, Santa Clara

Valley had costs to $375 million that was documented.

The San Joaquin Valley, to date, maybe $145 million. Probably much more. And Long Beach, historically, over $600 million.

So, it's further broke down for the Santa Clara Valley. They did a great job of connecting subsidence to specific types of work, damage, and repair. When we add those up, to date in California, it's in excess of a $1 billion impact from just the recorded subsidence, alone.

The question mark is what is the current cost in the San Joaquin Valley and what will it be in the future with lack of surface water, and additional pumping?

Harmful algal blooms and other components, biological components in surface waters are becoming more and more prevalent. Although they're referred to as algal blooms, the materials that we're seeing the San Luis Reservoir, for the first time this summer, at very, very high concentrations, are associated with a 25-year low in the San Luis Reservoir storage elevation.

And the values that we saw out there for

Microcystins, which are actually a cyanobacter -- excuse me cyanobacteria, are probably very close to 16, almost 17 times the action level for human health and animal exposure. So, the result of that was posting at the San Luis Reservoir, and some other local surface waters, where contact sports, swimming, animal exposures were not just dangerous, but toxic. And it's quite alarming to see that this is a possibility for surface waters were elevations in storage reservoirs are lowered and it is very concerning from a public health perspective.

CHAIR MARCUS: Much of that posting came as a result of our orders. I don't know about San Luis, particularly, in our monitoring program, so it is --

MR. ROWE: It did. The data that was presenting earlier was from the statewide monitoring efforts, from DWR and others.

A little advancement issue. So, I can -- I only have one slide left, for some reason it won't forward but --

CHAIR MARCUS: Yeah, if someone can help? Great.

MR. ROWE: So, a summary. Loss of

surface water. Reduced opportunities for surface water-reliant groundwater recharge. Without surface water we can do recharge in a predictable manner.

Increased dependence on stressed groundwater resources, and deterioration of groundwater and water, not just groundwater, but surface water quality, is also a possibility and a concern of ours. And land subsidence impacts to all kinds of conveyances, transportation, a variety of different infrastructure. We see many more wells that are groundwater wells, and other types of wells in the subsurface, that are being either compressed, or fractured by subsidence-related physical forces.

And, ultimately, we talked about this the last time we were here, the disproportionate impacts to disadvantages communities is of great concern to us.

The image on the lower right is one of many residences in the County that receive tanked water, and it's a potential site, you know, could possibly see again, that we'd really like to avoid.

And, so, the real question for the staff

is, if you have an interest, we would be more than happy to share more information on land subsidence, and water quality, and the impacts that it has had to our community, and the potential impacts, and data that we have, that we can share with you. That I think we could make, potentially, a better product in the SED.

Thank you for your time.

CHAIR MARCUS: Thank you very much, Mr. Rowe, appreciate it.

MR. ROWE: And I'd like to go ahead and pass it on, now, to Scott, with UC Cooperative Extension.

MR. STODDARD: Thank you, Ron. Okay, well, again my name is Scott Stoddard, Farm Advisor with University of California, Cooperative Extension, here in Merced County. I work predominantly with farmers and consultants who work with the vegetable crops. So, most of my presentation seems to be geared towards that type of commodity.

However, obviously, we also grow a lot of almonds, in orchards, and other things in the County, as well.

The main purpose of my presentation today

is essentially to probably remind you of something that you already know. But I think that it's important because soil salinity is not just an issue that only occurs on the west side of the valley or in the south valley.

Sacramento does not have nearly the issues with soil salinity, even Stockton area. It starts to pick up significantly in and around Merced County. As you can kind of see by this map that's there, that's showing the percentage of saline-impacted soils. As you go from north to south in the San Joaquin Valley, it starts to become fully red by the time you get down, you know, closer to Bakersfield. But it's starting to get yellow and red in our community, as well.

Now, this is kind of zooming in more on just the east side part of the County. As you can see, the black lines here would represent Highway 99, kind of going in that diagonal, north/south direction.

And then, Highway 140, going towards the west, from Merced to Gustine, for those of you who know where I'm talking about.

The soil types in this area, to under that line are very saline. And we have a lot of

issues with salt as a result of that. There are some soil types, to the north of that line, that also have some saline issues, though not nearly to the extent.

So, it's not limited to just west side, west of the river, this kind of thing. Even though, of course, they have their saline issues, as well.

So, even though we are predominantly a granitic type of geology in this area, and we have access to good quality surface water, when it is available, we do have some soils that have the potential for having a high -- a lot of salt.

This is important because crops are -- salt is bad. Basically, just like you and I can't drink ocean water, plants don't like salty water, either. Depending on the crop, some are more sensitive than others.

Again, this is just predominantly showing vegetable crops. We know this information for trees, as well, and for grapes, and for the agronomic crops, like corn, and alfalfa, and things like that. But they vary. So, there's very different kinds of tolerance to salinity, as you're probably well aware. Of which, some of

the vegetable crops tend to be more sensitive than like corn, or alfalfa, or cotton.

So, what we have is kind of -- this would be a general equation for talking about crop water use. And you can even relate this to your efficiency of crop water -- or water use. As in agronomy, or in agriculture, it would be the amount of water applied versus the amount of yield that you get. Okay?

And, so, the depleted moisture, essentially, is our crop evapotranspiration. Though we haven't -- we need a leaching requirement in western irrigated agriculture.

Then, you have your application efficiency. You divide this by your application efficiency which is, essentially, the way we water. That's our irrigation system. That's the way we deliver water. So, there are different efficiencies.

What we have done, since this drought began, for all intents and purposes, is we've eliminated the leaching requirement from this equation, in order to save water.

So, you have essentially entered into, for many crops in our area, and others throughout

the State of California, you've gone to a system where you're deficit irrigating, more or less. Not everywhere, not always. We try to -- we have several tricks up our sleeve to try to make this work, where you deficit irrigate at only certain times during the year, and things like that, to make this less impactful on yield, on how well the crop is growing.

So, we've essentially eliminated that leaching requirement and we've just been going by ET, and we're trying to use as much efficient irrigation as possible. We've had a big increase in the amount of drip-irrigated use. Processing tomatoes in the past, when I started in 1998, we were probably at around, I'll say, 25 percent of the acres. Now, we're at over 90 percent.

Okay. So, the problem is, is that all this deficit irrigation that we've been doing, or eliminating the leaching requirement, is starting to cause effects even in areas that do not have saline soil types.

For example, on east side of Merced County you get orchards, now, that are starting to develop high loads of sodium, and other salts in their leaf tissue, which is a reflection of,

essentially, not being irrigated with enough good water.

You see this? Welcome to Merced County. We're the area in the United States that produces sweet potatoes. And for everybody else, too, we are the area of the Western United States where you will get your sweet potatoes from, if you eat sweet potatoes. It's a big crop here. And it's one of the more sensitive crops to salt, not only from the direct impacts of during the growing season, but since this is a stored product it also affects how well they store. And you get this kind of deterioration. This is an abiotic disorder. This is not being caused by some kind of disease or something like this. This is actually cellular death, within the product, as a result of too much salt in the plant tissue.

Okay. So, anyway, so we know that we can use good water as a way to leach salts out of the soil. So, basically, there are three ways that we deal with salts in agriculture, and leaching is one of them, and as you probably all know.

This leaching requirement, leaching works a lot better when you have good quality surface water.

As you can see from this diagram, which is just basically showing -- this would be EC, which is electro connectivity, which how salty the soil is. And then you apply some good quality water, in this case through a drip irrigation system, and the whole profile turns blue, which means that you've gotten rid of your salt. That's a good thing. That's what you want, if you want to have any kind of long-term sustainability of the agroecosystem.

Now, we've done a lot of work. Not me, specifically, on this particular slide. This is done by an irrigation specialist from UC Davis, by the name of Blain Hanson. He's done a lot of work on many different crops. Just an example in that, you know, if you can't leach, you get yield reductions. If you can leach, then you improve your yield. And, therefore, you improve your efficiency of your use of water.

So, I'm just going to wrap this up. Just a reminder that --

CHAIR MARCUS: No, it's a good reminder.

MR. STODDARD: I'm sorry?

CHAIR MARCUS: No, it's a good reminder.

MR. STODDARD: Okay. Salinity is not

just a south, a Southern California or a west side issue --

CHAIR MARCUS: Or a Delta issue.

MR. STODDARD: Yeah, that's right, it's a Delta issue, too.

CHAIR MARCUS: We've heard chapter and verse on this in the Delta.

MR. STODDARD: Yes, yes. And I knew that you probably all realize this. But we use our deficit -- we over-apply water to deal with this salt issue. Which is, in and of itself, you know, just another layer of the nitrogen management issues that we have to deal with at the same time. It's just another thing we have to kind of think about.

But the lack of canal watering is going to result in increased well water use. Increased well water use or deficit irrigation is just going to increase the amount of salinity in our soil. Which means that it just is this -- it's just this vicious snow effect that's taking place. A vicious circle that we find ourselves in. We can't deal with the salinity unless we can irrigate. And we have to irrigate with good quality water. And we're not going to get that

from a lot of wells, because the wells are salty, now, because they're not having the leaching. And it just goes on and on.

So, low EC canal water is necessary for long-term crop productivity and long-term sustainability. We are seeing the impacts of not having enough surface water, even in our low-saline soils that are more common in the east side, east of the river here, in Merced County.

Okay. And with that, I'll pass the torch.

CHAIR MARCUS: Thank you.

MR. STODDARD: Thank you.

MR. FEATHERS: Great, thank you. My name's Stan Feathers. I'm the General Manager for the Delhi County Water District. And, actually, the part-time General Manager, a three-day-a-week job. But I come with, basically, 30 years of governmental experience. Everything from working in a CEO's office of a county, to being the budget manager for a large city, to being an assistant city manager and a city manager. So, I bring a little different depth of experience, I think, to this position.

CHAIR MARCUS: I can respect that, as a

former public works director.

MR. FEATHERS: Of course. Thank you for the opportunity to provide some thoughts.

The Delhi County Water District is the largest -- well, it's a district, it's a water and sewer district, and it serves the largest unincorporated area in Merced County, about 10,000 people. Less than 3,000 customers is the base.

You know, obviously, it's enterprise fund. We try to run it like a business. We have a long-range, you know, capital operating and financial plan, that we update every year for the District.

The primary focus, of course, is fiscal, operational viability over time, and the continuity of service for the community.

We're the ones that don't want anybody to turn on the faucet and see sand coming through it, you know, as was mentioned by one of the previous speakers.

One of our major concerns is the impact of uncertainty, of a huge issue like this, for the District. And we're kind of where the rubber meets the road. And we've dealt with, you know,

the drought. We've adapted to that.

We think, really, from a long-range planning perspective, SGMA is great for the State. You know, we're heavily participating in that and a lot of support of that.

But, you know, we're like any district, we deal with water quality issues, problems with aging infrastructure, increasing operational demands. I mean, this stuff never gets easier. It always gets harder.

We're like most small districts, we kind of face the problem of limited resources. You know, case in point, although very successful, our conservation measures that we've taken during the drought, have had a significant impact on our revenues. Because a lot of our revenues in the past had come from over-charge -- charging for over-use of water. Well, the community was great, they complied with our conservation measures and now we're losing out on the revenue. And we're losing out on that revenue and we're still in the midst of a five-year rate study, with rate increases every year, and we're not meeting our expectations in those areas. So, that's concerning to us.

Most small districts operate with very limited reserves. Basically, we have reserves for cash flow purposes, for contingencies and exigency situations. And then, the remainder of our reserves are completely earmarked for infrastructure and capital replacements.

And for anyone to have a viable business in the long term, you have to replace the infrastructure, the equipment. You have to keep your capital acquisitions in good shape. And there are certain segments of funding that they're sort of a different color of money. We can't spend our impact fee money for replacement of existing equipment and assets. That's earmarked, basically, for items that are related to growth and development. And we, like most small districts, are very cognizant of that factor.

We're really concerned that this proposal will impact a decade of capital and operational planning that has been ongoing. I have projects right now that are underway, that I'm sort of second guessing myself on them. The Board, our Board, is rethinking those projects. We're concerned because producing -- finishing a

project that doesn't provide long-term value for the community, that's -- I mean, that's sacrilege for us, you know, I mean and we're concerned of that.

We also feel that we've already increased our rates. You know, we think that there is the potential for other, additional huge rate increases. If there is an economic impact in the area, our area is heavily supported by the agricultural sector.

So, what happens is, if we get businesses that basically exodus, that leave the area, then we have -- and we have residential customers that leave the area, too, and we have additional operational and capital costs brought on by this proposal, that the remaining customer base will essentially be -- have the prisoner's dilemma, you know. They're going to get higher rates. There's going to be fewer customers to pay those higher rates and that's just going to drive the costs up, and may make the area just financially, operationally unviable for the future.

That's kind of one of our biggest concerns. And not only on the operating end, on water, then basically that there's a peripheral

impact on the wastewater operation, too, if those customers leave. So, you know, those are huge concerns, you know, for us.

And then, just kind of as a side note, I've worked for cities that we had plenty of staff. When we had a problem, we could muster the troops and put a team together, and tackle a problem and deal with it. Well, the scaling of staffing and the -- on a small district basis is a totally different dynamic. I mean, you do not have the staffing capacity. It's not because you don't have really good staff, you know, it's because you just don't have the capacity to deal with it.

And right now many small districts are over-taxed, just dealing with the drought, dealing with SGMA, dealing with regulatory issues, as it is now. So, you know, that's a -- it's a financial issue, but it's also an operational issue, too.

So, with that, I'd like to thank you for allowing me to give you some of my concerns and thoughts. And with that, I'll pass it on to Steven.

CHAIR MARCUS: All right, thank you.

That adds to the picture. And you all have gone over, but you've done a very good job of pointing out the issues that we need to focus on, and I appreciate that.

So, can we set -- is five minutes okay, Superintendent Gomes. What did you --

MR. GOMES: So, you'll just owe me a minute, is that --

CHAIR MARCUS: You can have six, if you want.

MR. GOMES: Okay.

CHAIR MARCUS: You can have whatever you -- I know you're very concerned about this issue, so I've been looking forward to hearing from you so --

MR. GOMES: I think I can keep it to five minutes.

CHAIR MARCUS: Yeah, five or six.

MR. GOMES: Okay, thank you very much for the extension of time. We don't know where that time --

CHAIR MARCUS: No, it's hard to do, so thank you.

MR. GOMES: Well, I just wanted to start talking about -- about 90 years ago, my great-

grandfather brought his cows, with a covered wagon, and moved his cows from Centerville, which is Fremont, now, to Gustine, on the west side of our County. And he came here because Crocker Huffman had put in the irrigation system. And he noticed that he could get five, to six, seven cuttings of alfalfa with irrigation versus, depending on rainfall, which didn't happen much in the summer, so getting one or two cuttings of alfalfa. And my family's been here ever since. I'm a 66-year -- I've lived in the County 66 years, which is all my life.

And I am, as you said, I'm Merced County Superintendent of Schools. I'm retiring in a couple of weeks and capping off 44 years in education, to students in this County.

But I'm really pleased to be able to talk to you. I know I've written you a couple of times. I appreciate Mr. Howard writing back to me.

But I also want to say that I'm representing the 70,000 pre-K-12 grade children, and students attending schools in our County. Of that 70,000, about 20,000 students are on campus, and get their water for drinking, for sanitation,

and for restrooms from a well on their campus. And under the Board's proposal, I'm confident that these wells are going to go dry, and I'll talk about that in a second, in, certainly, the near future.

But before the groundwater becomes nonexistent, I think school districts will probably spend millions of dollars of taxpayer money, intended to be spent on educating those students, on drilling new wells, bottled water, and Porta Potties. Because we know that, as a well goes dry, they're going to drill new ones and have to mitigate whatever they can do to get by.

And I know that you're already in possession of this information from your Division of Drinking Water, outlining existing water challenges facing Merced County schools. Some of our schools have received notices, from your Division of Drinking Water, acknowledging single sources of water and requiring the schools to, and I quote from your letter, "Develop a drought contingency plan to deal with possible shortages and outages."

In light of these notices, it is clear

that the Board knew of existing threats to the water supply and, nevertheless, proposed a plan that will make the challenge more difficult, especially in these drought years.

Reducing the amount of surface water increases groundwater pumping and drops the groundwater levels. And I wanted to cite an example from Le Grand Elementary, and I think Superintendent Hurtado is not here.

But in 2004, Le Grand Elementary drilled a new well. And at that time, the water level was 174 feet. And, so, they had a new one and an old one. The old one went dry in 2015. And when they went to hook everything up to the new one, they realized that that water level was down to 271 feet. And as the slide clearly shows, in 11 years that groundwater level dropped 97 feet. That's almost 9 feet a year.

Now, I know that in the San Joaquin Valley, over the last 30 to 35 years, maybe except for the drought, the water levels have been dropping about a foot a year. So, for this to be nine times that, during a very short period of time, really underlines the problems that we're facing in the Le Grand/Planada area.

So, I'm thinking that it is important to know that that groundwater is going to disappear. And then, what do we do with those schools? Because that's what I'm going to talk about today. You've had a lot of testimony on all the other things, and so I'm going to restrict my conversation to that.

In one of the letters I sent to you, from our legal counsel, it said, "While recognizing significant, but unavoidable environmental impacts within our client schools and students, the Plan fails to discuss mitigating these impacts in order to be in compliance with the California Environmental Quality Act."

Further, I consider your actions, thus far, as discriminating against mostly minority and low-income children. Dr. Tietjen talked about that a little bit, earlier on. He's going to be my successor.

And, as well as an infringement on their right to a free public education, guaranteed by Article 9, Section 5, of the California Constitution.

Please, make no mistake, and I want to be on the record that we are prepared to vigorously

protect our schools and children, and will take any legal action necessary to do so.

As an example of the reduction of water, I cite the Le Grand Elementary School. One of the other things that -- and my concerns, I've just got a couple more minutes so I'm going to -- but my concern, really, is one of the schools in our County, between Livingston and Atwater, out in the country, there's 114 schools in our County, but I am especially concerned about the Shelby School, used for severely handicapped or medically fragile students.

I can't replace that school. They're on a well. They're surrounded by orchards, all irrigating with wells. And that well is -- the level is dropping. Not as bad as Le Grand, because they're in a better water position, but it is dropping, and I think will eventually go dry.

And, so, again, I said that I wanted to focus on my part of the world to let you know, and I wanted to put a face on what those students look like. These are the students that are in that Shelby School. And they're severely disabled and, of course, severely handicapped.

And they also, of course, are medically fragile.

Even if I -- if their well went dry, if they ran out of water, and I wanted to move them to, let's say, Stanislaus County, or somewhere else, I can't because most of these students can't be on a bus for more than 30 minutes. Most of them come to school with a full-time nurse.

So, that's what -- that's some of the difficulties I'm going to be dealing with, or my successor will deal with, as we continue to -- if we continue down this path and we run out of water.

So, in conclusion, I would just -- there are just three questions or thoughts I'd like to see you answer in your final proposal. And those really are, you know, specifically, what is the impact of the water take in this proposed plan going to have on groundwater in the near future?

What can we expect? Are we going to have half of our County go dry? Twenty years from today, where are we going to be if this goes forward?

With groundwater levels dropping, nine-feet-a-year, like it did in Le Grand, what is the plan when schools run out of water? Your, is it

1,500 pages, I think it is, plan, doesn't address that. And how will that be mitigated? How are we going to do that? I don't know. I have no clue.

How does this address -- and then, I'd like to know how it addresses the California Environmental Quality Act guidelines?

The superintendents and boards of education would like an explanation, detailing how 1,100 salmon, and I realize that that's not a good number --

CHAIR MARCUS: That's a lot of -- that's understandable. People have been told that's not --

MR. GOMES: Okay.

CHAIR MARCUS: But it's not -- it's not correct but, still, I understand why people --

MR. GOMES: I'll amend that by saying any amount of salmon have --

CHAIR MARCUS: Well, that's kind of worse.

MR. GOMES: Okay, whatever you'd like to live with.

CHAIR MARCUS: Yeah.

MR. GOMES: You know, how do they have --

at what point do they have a higher priority to interrupting the educational process of our County? Is it like half of them, or if we can quadruple the number we have now? I don't know what that is. Is it we're going to increase that, provide more water, increase the amount of salmon at what cost? What will be -- where is it that the Board would draw the line and say, no, we can't go past that line. That's going to be too devastating to students that you just saw on there, or on other students throughout the County, or all of the other things as well.

I think that that would be important for us to know so that we can continue to do long-range planning.

And, so, I leave you with those thoughts and questions. And I will, of course, send you -- I know your address well, and so I will send you my written comments. Thank you.

CHAIR MARCUS: Thank you, sir.

MR. WALSH: Thank you, Madam Chair, for the extension of time to my colleague. I, also, appreciate you and the Water Board's hearing the four S's of concerns for us, subsidence, salinity, services and students. And we look

forward to the further discussion as this matter moves forward in the future.

CHAIR MARCUS: Thank you, very much, and thank you, Supervisor, for your years of great leadership. Appreciate it.

MR. GOMES: Thank you.

(Applause.)

CHAIR MARCUS: All right. Now, we're going to take a number of public comments. I suspect some people, unfortunately, may not still be with us. I am going to name off -- some of these said they were going to leave early, but I just want to double check to make sure.

I'm going to go read off the next 15, and I may actually go to 20 because many of you have been waiting all day. Our panels went longer than we thought they would, and we had more elected officials, which is totally fine, than we had anticipated.

So, if you don't mind coming and sitting closer to the beginning, so you can tell -- we've got Colleen Medefind. She said she was going to have to leave early so she -- oh, but she attached a letter, that's helpful.

Followed by Joe Scoto, from Merced County

Farm Bureau. Followed by Gino Pedretti, III. Followed by Simon Vander Woude, Tony Toso. Someone with great handwriting wrote all of these. Breanne Ramos, also in the Farm Bureau. George Burkhardt. Chris Chavez. Great. Doug Forte or Forte, Kellogg Supply. Michael Martin, from the Merced River Conservation Committee. Fernando Aguilera.

Oh, we've seen you before, Mr. Aguilera.

Roy Hart. Steven Bertram. Luke Miller. And Shiella Shamblin.

Okay, we'll see how many we have left. Please, if you'll state your name. Hopefully, you're in that order, and if you'll state your name so I can find your card, that would be terrific.

Ms. Medefind? Mr. Scoto? You don't feel like you won a prize, do you? Thank you for staying with us, I appreciate it.

MR. SCOTO: Oh, no, I was going to stay.

CHAIR MARCUS: Great.

MR. SCOTO: After -- yeah. Anyways, excuse me for being late, but I went and got water, so I wasn't here for a while.

CHAIR MARCUS: That's quite all right.

MR. SCOTO: But, anyways, okay, my name's Joe Scoto, third generation Merced County farmer. A School Board member, McSwain School Board member, Merced Irrigation District Advisory Committee member, past 4-H leader, Cub Scout leader, past Merced County Historical Society President and, currently, Merced County Farm Bureau President.

So, the point I'm trying to make is we, in agriculture, not only me, but all my neighbors, friends, we're all involved with this community. And as business owners, we're all involved, and we're here for ourselves because we believe in our community and the future of our youth.

This could never have been achieved without our past generations' hard work and the vision of a community and County revolving around water and agriculture.

Our forefathers built infrastructure, schools, businesses and towns, making sure our future generations could help our communities grow.

The State Water Resources Control Board's proposed unimpaired flow requirement would

literally collapse our community, dismantle our economy and destroy our sustainability. Frankly, our future is the fifth largest County, in the United States, in total value of agricultural products sold would vanish.

Under your proposal, we would have a severe shortage of water 50 percent of the time. That's not sustainable for us to farm, and grow crops and raise livestock.

To replace this loss of surface water, your document states that we will be able to increase pumping groundwater by more than 1,000 acre-feet per year. At the same time, you are demanding we implement sustainable groundwater management policies.

We all know, as common sense individuals, that surface water is the biggest tool that we have to preserve drought-stressed aquifers.

Merced County agriculture is the number one economic driver in this County, will over $3.5 billion in gross revenues. If implemented, both the flow proposal and the Groundwater Management Plan, you will definitely destroy this County and all its communities. This would be the largest water grab in this State since the

Metropolitan Water District robbery of the Owens Valley water.

Are you doing this because we are a small, poor, agricultural-based community? Are you doing this to benefit others? If we were Los Angeles, would you be taking our water?

This devastation could all happen with a decision made by you, an appointed Board that would be not held accountable for your actions.

There has never been a time in our lives when we have felt so threatened with our future. We all work so hard at keeping our youth involved in activities that would have a positive outlook on their wanting to stay and better our community. If this Board has a conscience, and is truly concerned about this State and its communities then you, the Board, should look at other alternatives that would benefit and not destroy this County.

The Merced Irrigation District, the Merced Safe Plan would be a positive alternative to the Bay-Delta Plan. And, also, looking at building reservoirs in dry canyons, off-stream, and getting water diverted in wet years to them. That way, it wouldn't impact the salmon. Thank

you.

CHAIR MARCUS: Thank you, sir.

(Applause.)

CHAIR MARCUS: Actually, this Board did take back a lot of water from the City of Los Angeles, in one of our seminal, early decisions, on the Public Trust Doctrine. So, that was the first place we actually acted.

Gino Pedretti, III. Followed by Simon Vander Woude, followed by Tony Toso. I think we're going to have to go to two minutes, so I'm going to ask people to really stay on the time, just because I'm worried about folks having to be here very late into the evening. I know we'll be going into the evening, I guarantee it but --

MR. PEDRETTI: I'll just try to read mine fast, ma'am.

CHAIR MARCUS: That would be just fine. And to the extent you agree with what's already been said, it's helpful to say so and then add the other things we should be thinking about.

MR. PEDRETTI: Good afternoon, ladies and gentlemen of the State Water Resources Board. My name's Gino Pedretti. I'm a fourth generation dairyman and first Vice-President of Merced

County Farm Bureau.

My great-grandpa bought our dairy property after immigrating from Italy in 1939. Three generations of my family still work on our operations today. There's, also, great-great-grandchildren, now, that are young and have the possibility of becoming involved with our family operation. We're a small, family operation with 17 full-time employees.

I learned many years ago that you need to treat your employees right if you want to be successful. For that part, I'm proud to say that many of our employees have been with us for 10, 20 plus years. They have seen me grow up and I've watched their families grow. Many of them are first generation immigrants. They've come to America, wanting to provide a better life for their family. Because of their hard work and their dedication, their kids have gone on to college and most have come back to the Merced community, working various jobs.

Because of the parents' hard work and the opportunity to work in the ag field, these kids have gone on to be productive members of the Merced community.

My family, my employees, and I have one question for you today. How are we supposed to live our American dream if we lose 40 percent of the flows of water? We use this water to farm and provide jobs for the community.

Your own studies show 1,103 salmon, and I know you disagree with that, would be saved from the 40 percent flow, at a cost of over 1,000 jobs, and in excess of $262 million to the Merced community. You're asking for 40 percent flows, but your own studies show, according to MID, 20 percent would have the same result.

This last year, 1,950 Chinook salmon have returned to the Merced River Hatchery. Your flow targets have already been met.

Our ranch is 15 miles south of Merced, in a small community called El Nido. Only a few hundred people live in El Nido, so our drinking water comes from the ground. Over the years, groundwater levels have been dropping and the problem's only been magnified from the drought.

Groundwater levels have dropped below where pumps are set for many domestic wells. This causes a hardship for many people in the community, who do not have the tens of thousands

of dollars to drill a new well.

Another problem in our area is land subsidence. Land has been sinking six inches a year at my house, and a few miles to the south over a foot per year. Land subsidence in our area has made national news. I've been on tours with the subsidence with members of your own Board. Everyone understands it's a major issues and one of the reasons SGMA was put into law.

I have a hard time comprehending how the Merced Subbasin would be able to support SGMA and support the loss of flows.

CHAIR MARCUS: You should probably wrap just --

MR. PEDRETTI: It's just a bit more, ma'am, sorry. You have to ask yourself at what cost is it to save the thousand salmon? One job per every salmon, at over $250,000 per fish? Is the ground going to sink six inches a year because we do not have surface water? The surface water helps recharge the groundwater basin and reduces the amount of groundwater used for irrigation.

Has the Board even thought of the cost of subsidence and management? How are the housing

communities going to be affected when homeowners start seeing cracks in their walls? Or, farmers see their casing crack on their wells and have to re-drill wells? Will there be any mitigation to help these costs?

I do not want to see the salmon go extinct, but there is a better way of coming to a solution. Please support the Merced Irrigation District and try their SAFE Plan. We want to work together with you, but losing 40 percent of our flows is not working together.

Thank you for the chance to work together, with you. Have a good day.

CHAIR MARCUS: Thank you, sir.

(Applause.)

CHAIR MARCUS: And I just want to clarify, the staff proposal is not 40 percent off current, it's 40 percent total. It's still significant. I'm not saying it's not significant, but it's not 40 percent off current. It's addition.

(Off-mic comments.)

CHAIR MARCUS: It still does, yes. Absolutely.

Great, Mr. Vander Woude, followed by Mr.

Toso, followed by Ms. Ramos.

MR. VANDER WOUDE: Good afternoon, my name's Simon Vander Woude. I thank you guys for coming to our turf. I've been on your turf a few times. And I don't have to wear a suit and tie here, so I'm grateful for that.

My family owns, and we daily operate, a dairy here, in Merced County. To that end, we employ 29 Merced residents, who support their families and the local economy through their wages.

I'm also a husband and a father of six children, ranging in age from 19 to 4. I sincerely hope there is an ag economy here, in Merced County, in which they may be able to participate someday.

I'm also very involved in my community, church and school. Our children attend Providence Christian School and Stoneridge Christian High School.

I currently serve on the Building Committee for a new campus for these schools. We're building a $25 to $30 million Christian school campus here, in Merced. All of this money will be privately raised through generous

supporters of Christian education.

We're building this school to educate young men and women to not only be civic leaders, but to also be those who will conduct their lives with honesty and integrity. Most importantly, we strive to provide a Christian faith as their foundation on which to base their lives and future decisions.

A large portion of our funds raised are from the ag community, even though our student population represents the community demographics, as a whole. A negative impact to this group of donors puts negative pressure on our fundraising abilities.

At our new campus, we get our drinking water from a well, from a private water company, Meadowbrook Water. It's all groundwater. If they have to go deeper for drinking water, it will not only cost more but, as you know, as you get into different strata, there's different quality issues in the water.

This is the drinking water for our students. Please don't place this increased river flow impediment as a hurdle to what we are trying to build for future generations of Merced

families.

I beg you to consider the students of our communities. I am told that 70 percent of the property tax base in Merced County is from agriculture. By taking this additional water, our ag economy will be directly impacted, and I fear the population and, therefore, our student body will be adversely impacted.

I'm also very involved in the SGMA process in our subbasin. By the diversion of surface irrigation water out of our subbasin, the math for groundwater sustainability will not work, without even more cutbacks or stoppages to agriculture.

We have participated, in good faith, in the SGMA GSA process. We have a large enough task in front of us, already, without this added burden of even less water for our valley. Please don't pull the rug out from underneath us, as we try to create a sustainable model for water in our basin.

The ramifications of these decisions will have long-lasting effects on not only the jobs lost in agriculture, but also the community as a whole. Thank you.

CHAIR MARCUS: Thank you.

(Applause.)

CHAIR MARCUS: Mr. Toso, followed by Ms. Ramos, followed by Mr. Burkhardt.

MR. TOSO: Good afternoon.

CHAIR MARCUS: Good afternoon.

MR. TOSO: My name's Tony Toso. I'm a cattle rancher in Mariposa County. I am also a fee appraiser, with the firm of Edwards Lien & Toso. In Hilmar, I serve as the California Farm Manager's Rural Appraiser's President. I also am on the Ag Advisory Committee, in Mariposa County. And I am the second Vice-President of California Farm Bureau Federation.

I appreciated the opportunity to address this Board, pertaining to the SED, today. And I'd like to challenge you, today, by taking a step back from following the agenda, and recommitting to the mission statement I observed on your website the other day. Which, in a nutshell, is to do what is best for California in regards to water. Forty million Californians and the sixth largest economy in the world depend upon that.

And the impact that California

agriculture plays is none less staggering when you consider that.

I'd like to respectfully remind you that your decisions will have a vast and far-reaching impact on California. And to draw a parallel, in my own endeavors, this is something that I understand very well. Because every decision I make, in my responsibilities as an appraiser, can greatly impact the lives and the wellbeing of those people.

To form an opinion and conclude a value for a property, it's critical that I understand as much about that farm or ranch, as possible, to perform my responsibilities, and water's a huge part of those considerations. My unbiased research and conclusions must be credible, accurate, and reasonable, a key word today, for obvious reasons.

We've heard many differing opinions and viewpoints in the other hearings today, and the other hearings, but have you truly considered the potential impact on property values by this loss of water?

No one wants to deplete the salmon populations or put them in peril, but it does

make sense, and it is reasonable to be so -- is it so reasonable to be so focused on fish that we lose sight of one of our most important resources?

And I'm just going to wrap this up.

CHAIR MARCUS: Thank you.

MR. TOSO: The math simply does not add up. When you contrast the potential impact on California farmland and agricultural products that are in the billions, versus 1,100 salmon, this proposal just collapsed under that enormity.

So, I would challenge you today to step back, take another look at that, and I would implore you to put this one aside and look at other, more reasonable, more well-thought solutions to this problem. Thank you.

CHAIR MARCUS: Thank you, Mr. Toso.

(Applause.)

CHAIR MARCUS: Ms. Ramos, followed by Mr. Burkhardt, followed by Mr. Chavez.

MS. RAMOS: Chair, Members of the Board, good afternoon. My name is Breanne Ramos, and I'm the Executive Director of the Merced County Farm Bureau, representing 1,200 farming, ranching, and dairy families from throughout the

community, many who have sat behind me today.

I come before you to share our great concerns with the proposal you have presented. By scheduling the meetings during the holidays, you've not only impacted the lives of my members, but also those they employ. Most of whom travel to family, at a great distance.

On the heels of our California Legislature raising not only minimum wage, but also altering agricultural overtime, this governing body is bringing to question if that even matters. As without water, those same employees will no longer be employed here.

Many of our communities are disadvantaged, yet this proposal will remove fresh drinking water from our families. As you know, the Merced Subbasin, and it's been mentioned today, has been declared critically overdrafted.

While our leaders are coming together to solve the issue and work to comply, this plan will cease all progression. Removal of surface water from our river will not only allow us to offset the loss that has occurred, essentially, you are declaring our GSPs inadequate before they

are written.

New Exchequer Dam was built on the backs of many of the families that still call Merced County home. And I'm happy to say that Merced County Farm Bureau played a large role in the beginning stages of the Dam. Since its initial operation, Merced Irrigation District has managed the Merced River as good stewards.

We encourage you to review and select the Merced River SAFE Plan, instead of the proposal that was presented today. Time and time again, agriculture has bended. We have adapted to new technology and practices so that more can be done with less.

As we are approaching our one hundredth year of service, I would hope that MCFB is able to celebrate another 100. Our economy, agricultural makeup, and community will be drastically impacted should you elect to adopt this proposal. Thank you for your time.

CHAIR MARCUS: Thank you, very much.

(Applause.)

CHAIR MARCUS: Mr. Burkhardt, followed by Mr. Chavez, followed by Mr. Forte.

MR. BURKHARDT: Good afternoon.

CHAIR MARCUS: Good afternoon.

MR. BURKHARDT: I'm George Burkhardt, Vice-President of the Connor Estates Homeowner Association. This is a community on the shores of Lake Tulloch, in Calaveras County, Copperopolis.

Today, I journeyed here with a couple other folks who are homeowners on the shores of Lake Tulloch. One of those individuals is the Vice-President of the Poker Flat Tulloch Shores Homeowner Association.

The brief comments we'll make will be new information, not a repeat of anything you've heard today.

In your introductory slides, I saw the term "reasonable" put up there multiple times. My understanding is you have a regulatory requirement that the decisions you make be reasonable. I think your plan, that's based on inaccurate and incomplete information is completely unreasonable. But worse, I think your plan is totally unnecessary.

Now, you many wonder how I come to that conclusion? By this scientific report, I have in my hand, and I'm just going to read just a couple

of quotes from the report.

First of all, I want to tell you where the report comes from. It is the written testimony of Doug Demko. Doug Demko is a fisheries scientist. He is also a principal of the firm called FISHBIO. FISHBIO is a world-renowned scientific fisheries research organization. It has done fish studies all over the world, including the United States. FISHBIO has done the most studies on the Stanislaus River of any other organization.

The document I have in front of me is the written testimony, dated February 10th, 2016, provided to the United States House of Representatives, Subcommittee on Water, Power and Oceans.

Could I see by a show of hands how many members here have either heard the presentation or have read this document? One has, okay. Two.

CHAIR MARCUS: No, we've met with Mr. Demko.

MR. BURKHARDT: And you've all read this document? Two.

CHAIR MARCUS: I haven't. I need to read that document.

MR. BURKHARDT: Okay, I have copies for you. All right.

CHAIR MARCUS: But if you can wrap, because we do have a lot of other people.

MR. BURKHARDT: I will.

CHAIR MARCUS: But submitting things is really helpful, as we can read it in our time.

MR. BURKHARDT: Absolutely, I will. But I think the audience will be extremely interested in just the couple of items I'm going to quote.

CHAIR MARCUS: A couple quotes is fine and then, yeah.

MR. BURKHARDT: Okay, thank you.

"California resource agencies sink tens of millions of dollars every year into a failing effort to protect native and endangered fish species, while also bolstering introduced, top-level predators that are decimating the very fish they are required to maintain."

"The Central Valley Project Improvement Act of 1992 actually requires protecting and improving both introductory predatory striped bass and salmonids, an illogical contradiction of science and policy."

"Increased flow appears to be the popular

red herring for recovering native fish populations, but scientific studies continue to indicate that water releases from dams are no silver bullet: more water doesn't equal more fish. Or, it's impact on survival is small enough as to be difficult to establish."

"The problem, ignoring unnatural and excessive predation of native fishes."

In the spring of 2015 --

CHAIR MARCUS: You, actually, really should wrap because you're going quite long, not just a little over.

MR. BURKHARDT: All right. Okay. "A predation study in the Lower San Joaquin River, near Mossdale, was conducted by NOAA Fisheries. Predators were found to outnumber Chinook salmon by a ratio of roughly 200 predator for every one Chinook salmon." "Simple and straight forward changes to California sportfishing regulations should be implemented to remove harvest limits and size limits on stripe bass and other non-native predators."

One last quote --

CHAIR MARCUS: Only if it's short, without an introductory story.

MR. BURKHARDT: It is short. These are quotes. "February 10th, 2016: Despite continued pressure on California Department of Fish and Wildlife through various mechanisms, which are research, monitoring studies, and through the litigation sediment and sediment process, no action has been taken to address predation or predation impacts in any meaningful manner. Perhaps more importantly, striped bass sportfishing regulations have remained unchanged."

Thank you.

CHAIR MARCUS: Thank you.

MR. BURKHARDT: And there's more.

(Applause.)

CHAIR MARCUS: There is more and it's a very complex issue that we absolutely want to address.

Mr. Chavez, followed by Mr. Forte, followed by Dr. Michael Martin.

Nobody there? All right. Oh, thank you.

MR. FORTE: Madam Chair, Board --

CHAIR MARCUS: Hi.

MR. FORTE: -- staff, thank you. Thank you for coming to Merced and allowing us to have

the opportunity to address the issues that we have here.

CHAIR MARCUS: No, there's been a lot that's been very useful. Thank you for coming.

MR. FORTE: I represent Kellogg Supply. We're a local hardware equipment dealer. I haven't seen a lot of local businesses here. But what you're -- and I'm not going to go over what everybody else has. I agree with what everybody has said here.

One of the things that we have come up with -- I have been in this business since I was 14, in Merced County. I've been dealing with friends and family. Everyone that you see here, I've probably done business with.

One of the things that I want to talk about is exactly what Mr. Rowe had a slide up here, a while ago with, was the water issue of dry wells. As a member, as a family that depends on a well, our store, in 2015, supplied over 200 2,500-gallon tanks and systems to people that had woke up in the morning and had a dry well. We supplied the pumps, the whole system. In fact, at this point in time, I believe that all of us here, if we're paying our taxes like we should

be, are supporting, still, the people because we're supplying them with the water for those.

Up to this year, we've supplied almost a hundred more tanks. This issue is not going away.

By reducing the amount of water that these gentlemen are able to use, is not only going to affect my business, my employees -- we had a conversation about this last week, as to if this moves forward, how it's going to affect our company and the number of employees. My employees have been there for 10, some 20 years. I would hate to go to them and say because these gentlemen can't do their jobs, can't farm the ground, that I'm going to have to reduce staff. But that's exactly what you're -- with this water issue, is what you're saying is going to happen.

I applaud what MID is doing and I would ask that you continue to work with them and see if there's another solution, than what is proposed today. Thank you.

CHAIR MARCUS: Thank you, sir.

(Applause.)

CHAIR MARCUS: Dr. Martin, followed by Mr. Aguilera, followed by Roy Hart.

DR. MARTIN: Good afternoon, Madam Chair Marcus --

CHAIR MARCUS: Hello.

DR. MARTIN: -- Members of the Board. I'm Michael Martin. I represent the Merced River Conservation Committee, a local Mariposa County volunteer organization that's been interested in the Merced Watershed and its future.

I'm an avid fly fisherman. I've been fly fishing for 65 years and still standing. I'm a retired California Fish and Game Scientist, for 35 years, and retired university professor. I've fished all over the world chasing trout, chasing salmon, and the Merced is my favorite.

Its anadromous fish stocks are on the edge of extinction and I'm worried about them. And that's why I'm here.

My main points. Firstly, there is no scientific evidence that flows less than 50 percent unimpaired will achieve salmon and steelhead doubling targets for the San Joaquin River and the Merced River ecosystem.

Secondly, even at these higher than historic baseline flows, salmon doubling is possible only if accomplished -- only if

accompanied by very precise management of flows, plus huge investments in physical restoration of habitat in the lower Merced, and in the San Joaquin.

Thirdly, rearing habitat restoration is required under all alternatives, but flows less than 50 percent unimpaired require proportionately higher restoration acreages, thus inflating cost.

And, finally, high temperatures limit egg incubation and juvenile rearing habitat, at flows less than 50 percent. This affects the Merced River's carrying capacity and reduces its ability to shape -- it reduces your abilities to shape flows without serious negative effect.

Can we reduce flows and simply construct habitat? My scientific, professional opinion is negative. There are a number of non-flow measures that will improve salmon population conditions, screened, unscreened diversion, reduce the proportion of river flow directly diverted, reduce predator abundance, increase geomorphic flows through shaping, increase large, woody debris, and provide access to habitat above the existing project.

I recommend that you adopt a flexible 50 percent unimpaired flow standards, with options to increase flows should fish population targets not be met. Science says 60 percent is required to meet the salmon doubling goal.

Board-mandated, non-flow measures to compensate for flow reductions are necessary, as well, for the restoration in salmon and steelhead. Thank you very much.

CHAIR MARCUS: Thank you, sir.

(Applause.)

CHAIR MARCUS: The flavor of what we heard in some of our other hearings.

I have an elected who's come, Alan Peterson, Superintendent, Merced Union High School District. Do you -- thank you, sir, appreciate that.

Hello, Mr. Aguilera.

MR. AGUILERA: Hi, Board Members, audience. My name is Fernando Aguilera, and I'm the President of Merced Soccer Academy, Merced Atlas. Having been a resident of Merced for over 35 years, and a volunteer coach for 20 years, I'm also a downtown small business owner.

During this time, as volunteer coach with

kids from 5 to 18 years old, we have had a dream of building a soccer complex, like other cities. And to now, we have not been able to do. And with what you are proposing, it will be harder.

I want to make sure you understand that those over 800 signatures I delivered to you, in Sacramento, are an example of some of the hardworking people of Merced County. I am here, today, to again let you know that the 4,500 parents, soccer players, and families in the Soccer Academy Merced Atlas are against your proposed plan. Most of those families work all day and are not able to come here today.

You make decisions without taking us account. We are here, today, because we do count. And your proposal is going to impact us a lot. Our trees right now are dying, and many other living things are being affected by the lack of water. Thousands of trees have died. They continue to die because there is not enough water right now in our community.

So, you are directly affecting the standard of living of our community with this proposal. In essence, what you are doing is taking from Peter to pay Paul. Taking water

from our community to pay to other communities. In the long run, you are adding to the problem.

Therefore, I am asking you to reconsider your proposal and find other ways that will not damage the future of our youth. You might even consider the MID SAFE Plan.

Thank you for allowing me to speak.

CHAIR MARCUS: Thank you.

(Applause.)

CHAIR MARCUS: Thank you for the students.

Mr. Hart, followed by Steve Berchard [sic], followed by Luke Miller.

All right, do we have Mr. Hart? Mr. Berchard [sic]? Great. Oh, Bertram, sorry. Well, I just was thinking about the last, the earlier speaker.

MR. BERTRAM: Okay. Just a couple of things that I wanted to say.

CHAIR MARCUS: Great.

MR. BERTRAM: I'm a small, family farmer from the town of --

CHAIR MARCUS: Oh, move it closer.

MR. BERTRAM: I'm a small farmer from the Town of Firebaugh. Family farm, second

generation going on, now. But when you look at it and the problems that you guys have to deal with, there's a question to me as to why their ammonia, by all the cities, counties, sewage departments around the Delta and the rivers. You're looking at tens of thousands of tons per day.

CHAIR MARCUS: Yeah, those are being updated. Particularly, we did a decision, what, almost two years ago, and Sacramento is upgrading theirs, and they were absolutely the largest. So, that's in process. That's a good point.

MR. BERTRAM: Sacramento, as of this month, is still at 10. According to Costa they're fining them. We're not doing anything with that.

CHAIR MARCUS: No, they're upgrading right now, but it will take a while, but it's in process.

MR. BERTRAM: Yeah, they've gotten years to do it. Farmers are given two years, three years, tops, before we have to change our tractors, before we have to update our equipment, change the closed systems to keep the County happy. We don't get that.

You have one of them, you've caught, you've caught Sacramento. There's still 299 others that are still untouched.

CHAIR MARCUS: Uh-hum.

MR. BERTRAM: Why can't we get something -- you guys have contact with your Legislators. Why not contact them and have them start working on that, instead of working on the farmer that's trying to make a buck.

Thank you.

CHAIR MARCUS: Thank you.

(Applause.)

CHAIR MARCUS: No, ammonia is a big deal.

Dr. Miller, followed by Ms. Shamblin, followed by Mr. Peterson.

DR. MILLER: My name is Dr. Luke Miller. I manage dairy in Northern Merced County, by Hilmar. Economics covered. Groundwater covered. In your own document.

CHAIR MARCUS: Uh-hum.

DR. MILLER: Science, you used closed-door, nontransparent studies. You didn't allow any input from the agencies that have been doing the studies on these rivers for over a hundred years, managing these rivers, and those were not

allowed for input.

I don't understand why no one, who's been running a river for a hundred years, and have kept it alive, shouldn't be allowed to have -- they have their say, but hasn't been involved in the whole SED process.

One of your points is you said your number one priority is a stable, viable water source for California. How is two out of three years, with a zero inch allotment, considered a stable water source for California? And that's what we would have had, as a TID District member, is zero allotment in 2014 and 2015. We could not continue. If we did, we're back to the groundwater issue, again. We don't have enough wells to do that on our 700 acres. And I know the majority of the people that I deal with on a daily basis, as peers, do also not have enough wells to cover their ground. That means TID has to pump and that really sucks the groundwater out of the ground, and we're back to light wells.

You will have your names attached to this SED. You will have your names go down in a legacy as possibly helping along the ruination of ag this year, in California, if this is allowed

to continue. This is an economic decision, as well as an agricultural decision.

And you talk about listening. But I went to meetings four years ago in Stockton, and I spoke at those meetings, and I spoke in front of your experts at that time, of flawed science, of the items that were brought to me at that time. And everybody said, gave back answers about vague, scientific answers. And they gave reference to poorly cited scientific procedures and scientific results, as well.

What did you do for the last four years? You were tasked to go back, by the people that you sat in front of last time, to come back with an arrangement that was more manageable, more livable, and better. You returned four years later with a 15 percent increase over what you had come with the last time. That's irresponsible.

I'm so disappointed in the politicians that we've seen come up here today, that not one of them held anybody up there accountable. And all they want to do is work forward, and try to manage and disaster manage what's going on, now. Not one of them said, what did you do with our

tax dollars for the last four years, to make a document that's worse than what it was?

CHAIR MARCUS: To be fair, there are a lot of improvements in the document. Maybe not enough. We looked at what everybody submitted, we'll see. We're now here, hearing. But staff has not been working on it four years straight. We all have been consumed with the worst drought in modern history, and it was all the same people. And we finally got staffing to be able to continue this process.

So, if staff didn't get it right, if stuff was submitted that was ignored, that's important to tell us and we'll -- we're back at it. It's an interruption, not four years' worth of work.

DR. MILLER: I think we've heard that there are several flaws in the science and people have mentioned that. That's why I'm not going down that road at all. This is merely someone who was in front of you before, watched this go away, watched it came back. And the groundswell that you're seeing now is far greater than the groundswell you saw four years ago. Because the detrimental aspect of this new document is so

much greater than it was four years ago. Thank you.

CHAIR MARCUS: Thank you.

(Applause.)

CHAIR MARCUS: Ms. Shamblin. And, now, Superintendent Peterson. Thank you for your --

MR. PETERSON: Thank you, Madam Chairman and Board. I've been a Merced County educator for 24 years. I am a fourth generation farmer in this County. My grandfather came to Hilmar and started a dairy in 1905.

You've heard a lot of frustration in the room today, and I guess that's what I would like to express to you. The economic impact on our County, on our students, on our schools, after we've come out of this great recession, which has taken all the last six to eight years to recover from.

I'm thankful for the process our State put in place on the education side. The LCAP process, and local control, community input, that builds trust. That's what we need in this room, today.

And it's up to you, as leaders. Because as leaders, our decisions matter. And the

process that you create, whether or not you reach out to our local Legislators, whether or not you reach out to our irrigation district leaders to come up with a proposal that will work for everybody, I really implore you to do that.

But thank you for being here today.

CHAIR MARCUS: Thank you, very much. That's what we've asked for but unclear whether that's been heard.

(Applause.)

CHAIR MARCUS: Thank you very much. We'll now move, briefly -- Tim, if you don't mind, Spreck is just ten minutes, so can I just take -- is that all right? Great.

Spreck Rosecrans, from Restore Hetch Hetchy, ten minutes. And then, we'll go back to a few more cards before we come back to Mr. O'Laughlin.

MR. ROSECRANS: Thank you very much, it's a pleasure to be here. I'm Spreck Rosecrans, from Restore Hetch Hetchy.

And our issues are upstream, but we do have some relevant comments downstream. First, let me say it's a pleasure to be here in Merced. I'm not from here, I'm from the Bay Area. But it

was a few blocks from here where I began courting my wife 36 years ago. Although, she didn't know it at the time.

It's also ironic that we are also downstream from probably the most famous mountain valley in the world, Yosemite Valley, and tomorrow you'll be in Modesto, downstream from its sister valley, Hetch Hetchy Valley, which was dammed and flooded a hundred years ago.

Our mission is to restore Hetch Hetchy Valley and deal with the San Francisco water system. We think we can do it without them losing any one drop of water that they would be taking from the Tuolumne, whatever comes out of this process, and we hope to have the chance to show that to you.

Hetch Hetchy Valley is just north of Yosemite Valley, on the Tuolumne River, as I said. It's the only time in American history we've allowed one of our national parks to be so destroyed. And, now, it's an important part of San Francisco's water system. And we'd like to show that they can get their full Tuolumne River supply by diverting it further downstream, using their other reservoirs and recharging groundwater

better.

But back to today. We support the State Board in its very difficult and very challenging effort to balance beneficial uses. We don't take a clear position or a precise position on exactly what that decision is, but we respect the Board, and the staff, and the very difficult challenge ahead.

We are very interested in the solution and we believe that a solution, particularly on the Tuolumne, in our case, might make it easier, actually, for us to show that it's economically in our interest to restore Hetch Hetchy Valley.

So, I'm going to basically focus on three things right now. I'm going to show a little bit of a different perspective on how the Tuolumne is managed. I'm going to talk about some missed opportunities of San Francisco, and its customers, to develop local water supplies, and just touch on that.

And then I'm going to talk, be a little critical of what San Francisco said three years ago. And I don't know what they're going to say January 3rd, when you see them in Sacramento, or what they're going to put in writing.

So, first of all, water rights on the Tuolumne in wet years are almost evenly divided between San Francisco and the Turlock and Modesto Irrigation Districts. But in drought years, almost all the water goes to the irrigation districts.

Storage is also about evenly divided San Francisco has Hetch Hetchy as well as Cherry and Eleanor Reservoirs upstream. San Francisco has about a third of the Don Pedro Reservoir dedicated to a water bank. And Turlock and Modesto are always very clear that it's water pre-delivered to them, so it's really their water. It's a complex issue, I won't get into that anymore. I see it a little differently. San Francisco did pay for half the cost of constructing Don Pedro.

And then, if we just look at a couple of year examples here, what happens between February and June in terms of diversions. Some water is diverted directly to cities and farms for consumptive use. Other water's diverted to storage.

Here's what happened with Turlock and Modesto on the left, and San Francisco on the

right, in 1991. '92 was a different story. San Francisco actually lost a little bit of storage.

In '93, if you look after the six-year drought, San Francisco diverted almost a million acre-feet of the river's flow into storage. So, that's water that otherwise might have gone down the Tuolumne, if you think about what the State Board might be doing, in a year like 1993. Again, '94 different story.

Moving on, and I am respectful of everybody's time here. San Francisco, in the last couple of years, actually have done some good things locally with groundwater. They've started -- they've reestablished their west basin withdrawals annually, about 4,500 acre-feet. That's something they were doing, actually, about 80 years ago, and that's a good thing. That comes out every year and helps them with Golden Gate Park, and not have to use Tuolumne River water for that. So, kudos to San Francisco, they did something right.

And, also, they've done a great thing with essentially groundwater banking just south of the City, in Colma and Millbrae, where they've established another 62,000 acre-feet, basically,

of storage. Those people take surface water in wet years and in dry years, everybody gets to access that. So, those are positive things the City has done.

Some of their customers, in particular, have not done such things. I'm going to pick on Palo Alto for a minute. Palo Alto, when they started getting Tuolumne River water they said, hey, this is great, we can shut down our wells. We don't need to manage our groundwater anymore. And that's right in there -- I guess it's the 2010 Urban Water Management Plan.

Hayward, the same thing. There's 21 other cities, some of them don't say it quite so clearly, as blatantly as this. But I think if you look, you would find, that once they started getting that Tuolumne River Water they shut down a lot of their efforts to retain their local supplies.

And, now, they're kind of scrambling to try and figure out how they can do better. But I would recommend the Board put pressure on them to do that.

Finally, when we did have the first part of this year, three years ago, I sat stunned in

the boardroom, in Sacramento, when I heard San Francisco's presentation. It was a hydrologic presentation, done by -- oh, I'm sorry, Dan -- Dan somebody. And then, an economic presentation by Dave Sunding. And it was a draft Brattle Group Report. I don't think it's quite been published.

But their estimates of impacts were astronomical, way beyond the pale of anything that I've heard in my almost 30 years of involvement in California water issues. They said that there could be economic impacts of $49 billion per year, which broke down to about $415,000 an acre-foot of water.

And we wrote a detailed letter to the State Board, at the time, and I don't anticipate they'll come back with that sort of assertion on January 3rd. I'm interested to see what they will hear. But I would suggest that the State Board look at whatever those assertions are very, very carefully.

With that, I'll close. Thanks, Tim, for letting me go first. And I appreciate your time. Thank you.

CHAIR MARCUS: Thank you, very much,

appreciate it.

Question?

UNIDENTIFIED SPEAKER: It is your anniversary, correct?

MR. ROSECRANS: Yeah, I am getting home. This is my 34th anniversary. And my son and four-month-old granddaughter are visiting from New York City, so I get to go back and have dinner with them, before they have to go back. So, I appreciate it, thanks.

CHAIR MARCUS: Thank you.

I'm going to call 15 folks and see who's still here. Hopefully, they are.

Greg Thompson, from Joseph Gallo Farms. Followed by Brad Samuelson, from Bert Crane Orchards. Followed by Mike Gallo, from Joseph Gallo Farms. Craig Arnold, Arnold Farms. Tom Roduner, Roduner Farms. George Park, Lone Tree Mutual Water Company. Mike Plum, McClure Boat Club. John Borba, Jr. Raul Diaz. Rod Webster, Merced Group of the Sierra Club. Arlan Thomas. Gloria Conlin. Tim O'Neill. Frenchy Meissonnier or Meissonnier, depending on the pronunciation. Allison Jeffery.

We'll see how many of you are still here

and we'll go on, if there are more.

Greg Thompson? Brad Samuelson?

MR. SAMUELSON: Members of the Board and staff, welcome to Merced. Thank you for the opportunity to provide comment on the Bay/Delta Draft Revised Substitute Environmental Document.

My name is Brad Samuelson, and I'm a farmer and environmental planner for Provost and Pritchard Consulting Group.

My comments, today, are on behalf of Bert Crane Orchards. The Crane family has farmed in Merced County for seven generations, and were some of the early pioneers that financed and built the original Crocker Huffman infrastructure. The eighth generation is in their early twenties and are working on the farm, and plan to pass the ranch to their children.

The Cranes are diversified, with crops such as oats, walnuts, almonds, cotton, grapes, as well as cattle. Their ranches are located both within and outside the Merced Irrigation District and have tens of millions of dollars of investment.

Currently, my environmental planning practice is consumed with helping Merced area

farmers comply with SGMA. I'm sure you know that the end goal of SGMA is to achieve a groundwater balance by 2040.

One thing you have not heard today is that the Merced Subbasin currently operates at a deficit of approximately 120,000 acre-feet per year.

I can tell you that the vast majority of farmers, including the Cranes, are taking SGMA seriously and are hard at work planning, and implementing conservation and recharge projects to help achieve the groundwater balance.

Conservation, alone, won't solve our groundwater pumping deficit. The agricultural community and the municipalities will be relying on the surface water provided by MID to both offset groundwater pumping and recharge of the aquifer.

The SED's analysis of groundwater impact is severely flawed. The economic analysis within the SED is also grossly flawed. The analysis makes minimal mention of those hit the hardest, our disadvantaged communities.

Now, I say this without trying to sound dramatic, or be dramatic, but it is absolutely

true, from someone who was born and raised in this community. The SED will cause children to go hungry. It's that simple. If you go into our rural communities, these are people who are living on the edge.

Remember that the pioneers built our system, with the State's encouragement, and in full compliance with the laws and regulations at that time. Our livelihood and our children are more important. I'm going to grossly overstate and go ten times the number, 10,000 salmon predicted with the SED's flawed model.

The Crane Family supports the Merced SAFE Plan. The Merced SAFE Plan is comprehensive. Actually, I'll skip all this because you guys know about the SAFE Plan.

CHAIR MARCUS: Yeah, if you don't mind, because you're out of time to --

MR. SAMUELSON: I will. All right, well, I've been here since eight o'clock this morning, right.

CHAIR MARCUS: I know.

MR. SAMUELSON: All right. Well, I would tell you that we would encourage settlement, with no more downstream flows than the final FERC EIR.

Thank you.

CHAIR MARCUS: Thank you, sir.

(Applause.)

CHAIR MARCUS: Mr. Gallo, followed by Mr. Arnold. Followed by Mr. Roduner.

Mr. Gallo? No.

Mr. Arnold?

Mr. Roduner?

MR. RODUNER: Thank you, good afternoon. I'm just going to read this.

CHAIR MARCUS: Sure.

MR. RODUNER: I'm against a State Water Resources Control Board that will increase the flows to the Delta. This plan will have negative impacts on the entire San Joaquin Valley. It will lead to thousands of acres of productive farmland, which will be fallowed. Which, in turn, can lead to greater soil erosion and the reduction of air quality in the Valley.

This plan will greatly reduce the thousands of acres of wetlands and the wildlife habitat that they provide, all through the use of surface water. This includes both National and State Wildlife Refuges, many conservation easements that are currently in place, as well as

many private duck clubs in the area.

I do not believe your Board and staff have taken the realistic view of my concerns because there has been no mention of them in any of the documents that I've seen, or comments in the previous meetings.

There will never be enough water until you fix the real problem of not enough storage in the State, and for all the parties that are concerned. Thank you.

CHAIR MARCUS: Thank you, very much.

(Applause.)

CHAIR MARCUS: Mr. Park. Great.

MR. PARK: Good afternoon, Madam Chair and Board Members. My name's George Park. I'm the Manager of the Lone Tree Mutual Water Company. We are managing 12,000 acres of irrigated land on the southwest corner of the Merced Subbasin, which we are adjoining to the El Nido Division of the Merced Irrigation District.

Most of what I'm going to say has already been said, but I want to emphasize some issues. Mainly, that the unimpaired flows will seriously reduce the groundwater recharge, both within the Merced Irrigation District and the surrounding

areas of the Merced Subbasin.

These reduced surface water deliveries to the District landowners will result in greater groundwater draw down, both within and outside of the District. The lack of recharge and that subsequent draw down in groundwater levels will threaten the domestic water supply and quality to the El Nido community, and all the other unincorporated communities in the Merced Subbasin, which rely on individual domestic water wells.

It will also affect the municipalities' and other community water districts' quality and quantity of water derived from groundwater wells.

The SED states that it anticipates an average increase of 105,000 acre-feet of groundwater pumping as a substitute for the increase in unimpaired flows. Yet, at the same time, the State mandate's groundwater sustainability be achieved.

And I believe that your Board is the enforcers for if it's deemed to have failed.

The loss of recharge will significantly impact the Merced Subbasin's attempt to meet the requirements of SGMA to develop a workable GSP

that will not require a massive fallowing of farmland, and the resulting economic damage to the local economy.

This economic damage will be widespread and be felt throughout the subbasin. A damaged economy will also be reflected in greater damage to the social fabric of the communities in this area.

Lastly, the State Water Board should take attempts to improve salmon populations by encouraging cooperative partnerships, like the Merced SAFE Plan, rather than taking actions that leave much actual harm in their path, while gambling on results. Thank you.

CHAIR MARCUS: Thank you, very much.

(Applause.)

CHAIR MARCUS: Mr. Plum?

MR. PLUM: Good afternoon.

CHAIR MARCUS: Good afternoon.

MR. PLUM: I'm Mike Plum and I represent the McClure Boat Club.

CHAIR MARCUS: Great.

MR. PLUM: Which is a community of 63 people on the shores of Lake McClure. The residents of the community are predominantly

retired, and the age ranges all the way up to 97 years old. The Club operates a State-licensed water treatment facility, and the lake is our sole source of water.

The drought causes us to look for alternative sources and there are none. We live on a rock and a well is infeasible.

A press release in September made claims that the Plan would provide protection for drinking water, for irrigation water, and for the fisheries.

I'm here to tell you that none of those protections are provided. The Plan will cause permanent drought conditions on the Lake. Those conditions are such that the Lake will be significantly lower. With that low water level, the Lake will fluctuate more frequently. This leads to a couple of nasty problems. The turbidity rises significantly, the temperature rises significantly, and with that temperature rise the algae blooms get out of control.

So, we're talking about a storage facility, and the quality of the water that we're putting into the rivers is degrading tremendously.

So, these increase in turbidity and algae greatly complicate the process of producing drinking water. And even when properly treated, our water takes on a swamp-like quality. This is in a million acre-foot storage facility. Think about what it does downstream.

So, also, our water treatment costs grow tremendously with the algae and turbidity. This is a big hardship, financially, on such a small community. The hardship was recognized by the State Water Control Board during the drought, and we were awarded a grant to deal with these problems that are going to be inflicted on us full-time. We can't afford to live in that situation. Is the Water Control Board willing to finance, you know, fund us permanently?

The increased temperatures to the Lake hurt the local fish population. You know, too little has been said about what happens with the Lakes in this scenario. The Chinook may benefit, but the steelhead don't. And, clearly, the Lake fish don't.

The plans, with the Lake levels dropping, really minimize accessibility of the Lake. That tremendously hurts camping. It tremendously

hurts many water sports. There are many boat manufacturers in the Valley, and less water means less boats, means less jobs.

There's alternatives. The SAFE Plan, good start. Incomplete, though. Water flows don't fix everything. Infinite water flows wouldn't fix this problem. So, any plan needs to be far more complete, has to take into account more tributaries, needs flow rates specific to each tributary, and it needs to be far more rounded.

In conclusion, the Plan fails to deliver the stated protections. I implore you to honor those claimed protections and come forth with a plan that provides protections for our drinking water, for our irrigation, for our fisheries and, most importantly, for the people.

Thanks for this opportunity to speak today.

CHAIR MARCUS: Thank you, sir. And I let you go a little longer because we hadn't spent as much time on the Lake --

(Applause.)

CHAIR MARCUS: -- today, and I know we need to understand the interplay of the Lake, and

everything around it. We've danced into and out of it during emergencies. You shouldn't do it right now, because there are a lot of people. But, hopefully, you'll submit a lot of that.

MR. PLUM: The Lake is, and all the lakes, are very unrepresented in this plan.

CHAIR MARCUS: All right, thank you.

Mr. Borba, Jr.? Good. Followed by Mr. Dias, Mr. Webster, Mr. Thomas, Ms. Conlin, Mr. O'Neill, Frenchy Meissonnier, and Ms. Jeffery.

Sir?

MR. BORBA: I'm John Borba, grower and cattleman. I have used Merced River water for 66 years. I'm going to cut this down. Exchequer Dam, our containment and river rights are pre-1914, and in accordance with the law of the land. You have suggested water increases for southern Delta to improve quality. Well, a water flows across our watershed and down our river, it accumulates salt. Thereby, more water provides more salt and the salt concentration index remains the same.

MID constructed and paid for Exchequer Dam containment. If Exchequer Dam were constructed today, the costs would be one and a

quarter billion dollars.

We have a cattle ranch, which is also a private fish and wildlife reserve, with no fishing or hunting allowed. I have seen two-thirds of this ranch three feet deep in water, and the large creek within overflow waste deep for 2,000 feet.

The creek, for 80 years, has always had water at lease six-foot deep. In the last three years, this water has dried up intermittently, but it's a cycle. And it will return to abundance. You must be patient, as we are.

MID irrigating a hundred thousand acres, also influences with underground recharge, another 400,000 acres. One-half million acres, with a crop value of three-quarters of a billion dollars. To do this, we need all inputs we now have, land mass, climate, infrastructure, manpower, and most of all water.

The most efficient, effective, sensible, compatible and decent method of enhancing the life of the fish would be the Merced River SAFE Plan. Thank you.

CHAIR MARCUS: Thank you.

(Applause.)

CHAIR MARCUS: Mr. Diaz?

Mr. Webster?

Mr. Thomas?

Ms. Conlin?

Mr. O'Neill?

Mr. Meissonnier? Tell me if I've pronounced that correctly?

MR. MEISSONNIER: Very close, Ma'am. In English, Meissonnier. In French, Meissonnier.

CHAIR MARCUS: Meissonnier, thank you. I don't know French, but it sounds great.

MR. MEISSONNIER: I like the French better, but no one else could pronounce it that way.

My name is Frenchy Meissonnier. I'm a third generation rights farmer in Merced, California. My grandfather and his brother came here from France, and bought land in Merced, in 1897. My grandfather was the first man to grow rice in Merced County.

I'm able to farm rice because of the Merced Irrigation District and the water that is stored in Lake McClure. I do not pump groundwater. So, without this stored water from the Lake, I would be out of business.

You have heard and will hear more about all of the crops that are grown here. Some of these crops are grown nowhere else in the world, or only a small amount in other places. Therefore, I will not belabor that point.

Instead, I would like to talk to you about what I call the untold hidden benefits. I would address three points, economic, recreation, and environmental.

Of course, you're aware of the obvious economic benefits of farming, but you probably do not notice the hidden benefits. Every year, thousands of people come here to hunt and fish on private farmland. This farmland is here and productive because of the water supplied by Merced Irrigation District, and the water that is stored in Lake McClure.

The people that come here also buy here, and support local businesses. They buy gas, they buy food, they stay in motels. I have a friend that comes here from Oakland, California, and comes here at least twice a month in the summer to fish for crawdad. You may know crawdads by other names, such as crayfish, crawfish, or little lobsters.

Of course, when my friend comes here, he spends money here. He loves to fish for crawdads and eat them. However, other people catch them to use for fish bait.

I have a man that comes here from Los Angeles to trap crawdads and sell them for bait. In some lakes, you cannot use minnows, but you can use crawdads. He sells his mostly to Pyramid Lake. Think of how much money he spends here. I also have lots of local people that come and catch crawdads to fish for bass in the Merced River.

Just think, a crawdad that was caught in my rice field goes to catch a bass, which is the largest predator of trout, steelhead, and salmon. Because of my rice farm, that I would not have without stored water, more salmon will live and return to the ocean, and then return here to complete their lifecycle.

We also provide habitat for a large array of birds and mammals. No one thinks much of mice, gophers or other rodents. However, these rodents, that are abundant in farm ground, are a critical part of our ecosystem. The Red-tailed Hawk, the fox, the coyote, are just a few of a

very large group that need rodents to survive.

A study by the California Rice Commission found that rice fields are home to 230 wildlife species, and we provide nearly 60 percent of the food for millions of ducks and geese.

We are farming next to the National Wildlife Refuge. The Refuge does not have enough land or food for the birds, so the birds move onto private farmland. That land is made possible because of the stored water in Lake McClure.

During the drought, when there was not enough water to farm, the birds were forced to crowd together in the Refuge. This caused a large outbreak of disease because of overcrowding.

However, now you can see them flying in my rice fields early in the morning. They stay and eat all day, and they fly out in the evening.

If we are forced into another drought because the water cannot be stored in the Lake, but instead flows out to the ocean, where it serves no purpose, the birds and the people will suffer.

The Merced Rice Farmers have also

partnered with the Nature Conservancy to provide critical habitat and nesting area for shore birds. We re-flood our rice fields after the rice has been harvested, and allow water to stay there all winter. This re-flood water is made possible because of the water from Merced Irrigation District. If our water is not stored properly and, instead, allowed to flow unimpaired, none of the benefits I have listed here would be realized.

Remember that every man, woman, and child, regardless of how much money or power they have, still eat three times a day. Please do not take away our ability to feed this great nation and the world. Thank you.

CHAIR MARCUS: Thank you, sir.

(Applause.)

CHAIR MARCUS: Ms. Jeffery?

MS. JEFFERY: Good afternoon. My name is Allison Jeffery. And like a lot of the people here, I wear many hats. That's not actually uncommon in small towns, like ours. And I have come from a family where my father was ditch tender in both Stanislaus and Merced County, for several years, and my grandfather is a rancher.

But today, I'm actually here on behalf of the Community Health Centers within our area. I do work for a local Community Health Center, which sees about 18,000 patients a year. Sixty percent of our patient base is agriculturally-based. People who report, through self-reporting, that they work in the agricultural field.

Removing Valley water does not only affect the farm economy, but also the health economy of our area. Those families rely on work availability within the field system in order to go back to local businesses and spend money. By changing the economy, by changing the water flow, you will see the same effects that we had during the drought. Families relying on an increased amount of Medi-Cal, food subsidy programs, drought relief boxes, and other programs to allow them to sustain life.

Our Health Clinic is in a small town that is supported, mostly, through local businesses. All of which are primarily agricultural based. Those local businesses also support our schools, our nonprofit organizations, our community organizations, and each other. Their hard work

ethic and sense of community responsibility often reflects itself in the town around us.

We are here, today, to urge you to not only look at water rights and water needs for salmon, but also to look at the health risks and public health needs that could come across, not only from bad drinking water, but also from a reduction in economy and available jobs in an area where the economy and available jobs are already limited. Thank you.

CHAIR MARCUS: Thank you, very much.

(Applause.)

CHAIR MARCUS: All right. It's 4:21 and I think we should take at least a 10-minute break. Is that all right with you, if we just do 10? I know, I'm brutal. I apologize. We'll take a 10-minute break and then we'll come back with Mr. O'Laughlin's presentation, and then we'll resume the public comment.

(Off the record at 4:21 p.m.)

(On the record at 4:34 p.m.)

CHAIR MARCUS: Tim was going to try and go quickly, but I'm sure it will be intensely valuable.

(Laughter.)

MR. O'LAUGHLIN: Intensely.

CHAIR MARCUS: And, Tim, I appreciate you -- I don't know if you asked for this time. I appreciate you coming here since tomorrow has so many panels, I'm not entirely sure how we're going to juggle panels and people tomorrow, given the sheer numbers that we've gotten.

MR. O'LAUGHLIN: Does my PowerPoint show up on this thing?

CHAIR MARCUS: It should, soon, as opposed to looking at me.

MR. O'LAUGHLIN: Oh, there we go.

CHAIR MARCUS: Excellent, thank you.

MR. O'LAUGHLIN: Thank you. Tim O'Laughlin, representing the San Joaquin Tributaries Authority. I was going to have a panel today, but given the time constraints, so we lowered it down and you're stuck with me. A pleasure to be back in front of you, again, on this issue that we've been talking about since 2006, and that I've been working on since 1988.

I want to talk about two issues. The first one is what the project is and what the project isn't. And then, I want to talk about fish, briefly.

And I think the important take home message, if I could, from my presentation today, is the communication that has been occurring in this process so far. We seem to be passing, like ships in the night, and we're not communicating clearly and concisely to each other. And until we can communicate clearly and concisely with each other, and get on at least the same page, it's going to be very difficult to move this process forward, either in this regulatory process, or in a settlement process.

So, I have two examples that I wanted to bring up, briefly. So, the first one is the Plan. The Water Quality Control Plan that you've put forth has, on Table 3, objectives for fish and wildlife. It's 30 percent to 50 percent, 7-day running average, February through June, and 800 to 1,200 CFS of Vernalis February through June.

You then also have a new narrative objective. This is in addition to the doubling objective that you have in your plan, already, that talks about moving fish through what I call the migration corridor, from the tributaries through the Delta.

And the problem here, that I'm having, and that my clients are having, is we are looking, and trying to understand what the impacts of the Plan are. Because the Plan is only those three components. I know there's a doubling goal, but I'm assuming that the doubling goal is either subsuming these other ones, or is assumed in these other ones.

And what's happened is the SED is silent. There is no analysis of 30 to 50 percent UIF in the SED. And at a CEQA project level, you have to begin with what your project is.

CHAIR MARCUS: But it's a programmatic.

MR. O'LAUGHLIN: Even if it's a programmatic project.

CHAIR MARCUS: Okay.

MR. O'LAUGHLIN: Your component here, when you go and get this adopted, and it goes in front of the APA people, you have three components. You have the unimpaired flow, the minimum flow, and the new narrative. That's what you have. And those are the regulatory objectives that we will be required to meet.

So, what's happened here is, in the analysis it talks about more constraints are

needed to assure feasibility that reservoirs are not drained entirely, carryover storage was done. And if you look at those first couple bullet points, which go along with your Delta Flow Criteria Report from 2010, the project, as proposed, recognized that there were going to be immediate impacts to storage and water temperature.

Now, what's interesting is there's nowhere, in your environmental document, that you've set out showing those impacts to reservoir, storage and water temperature. So, think about it. You've already made the jump in the analysis.

So, what happened here, as far as I can tell, is that in the Delta Flow Criteria Report from 2010, it recognized that more water was going to be made available, mass balance of water has to come from somewhere. So, if it comes out of storage, water temperatures would elevate.

So, what was modeled in the SED was how it might happen, but not how it will happen. And the problem with that is that you have a modeling result, on paper, of a snapshot of what might happen in a program of implementation at a later

date and time. But you haven't disclosed to the public what the actual project is.

So, in this scenario, what happens is that the Plan is on the left-hand side, very straight forward. What the Plan isn't, it's not a block of water or a budget of water. I've heard that numerous times in these proceedings, and before, from staff members, and it drives me crazy.

Because if you go back to Table 3, it doesn't say block of water. It doesn't say budget of water. It says 40 percent unimpaired flow -- well, it says 30 to 50 percent unimpaired flow, 7-day minimum average. So, literally, every seven days we will be releasing 30 to 50 percent water on a particular river, at a particular time.

That is what the State Water Resources Control Board cases required.

So, when Robie -- Mr. Cliff Lee, you can talk to your attorney about this. When Cliff and I did this case, coming out of the 1995 Water Quality Control Plan, we got in this huge discussion because the San Joaquin River Agreement flows were not the same as the 1995

Water Quality Control Plan flows.

So, I told Cliff, the Board had to make a finding of equivalency. Mr. Lee had other ideas about how the Board would structure its argument.

But what was funny was, whether it was his way or my way, the response from Judge Robie was very clear. No, when the State Board adopted the 1995 Water Quality Control Plan, and the flows set forth therein, those are the flows that will be required to be met. Nothing else, and nothing more.

So, one of the problems I'm having --

CHAIR MARCUS: But just, I don't mean to interrupt you.

MR. O'LAUGHLIN: No, you can interrupt.

CHAIR MARCUS: Isn't that because that's the way the Water Quality Control Plan was written? I may be -- I think the attempt here, at least, was to create the flexibility to get people to work together, to use each molecule of water in the most efficient way possible. Are you saying that's impossible to do in a Water Quality Control Plan?

MR. O'LAUGHLIN: I'm not saying it's impossible to do in a Water Quality Control Plan.

But currently, as written in your water quality objectives, it is, because your objectives don't say that.

CHAIR MARCUS: Okay,

MR. O'LAUGHLIN: Your objectives don't say 30 to 50 percent unimpaired flow, block of water that will equal X in certain year types. It doesn't talk about carryover storage. It doesn't talk about refill. It doesn't talk about -- and this is a weird one. It doesn't talk about water temperature objectives.

And one of the things that's very fascinating to me, I think, is the last one, and my associate told me I should change this slide. The current requirements on the rivers are set. And your plan builds on those.

Now, leaving aside the operational problems about trying to figure out whether OCAP Table 2e flows should go down the river in February, or whether the unimpaired flows should go down in February, the problem is this. You have this disconnect where you take flows, at 40 percent, and then if there's not enough quantity of water based on perfect modeling, that's in your model, then what happens is you default to

these OCAP Table 2e flows or FERC flows.

Well, think about this. We're all semi-logical people. It's February 15th, it rained the first of the month, got a fairly decent flow, and you're running along at this 40 percent and you're thinking, huh, things are pretty good. It turns dry. Now, all of the sudden, the 40 percent starts to drop. And you're thinking, well, this may be less than the FERC flows, what do we do?

Well, your modeling, which is perfect, because it's in hindsight, would tell you what to do. But, what are you going to do?

And then, the other disconnect is it's based on a premise, and this goes back to the Water Quality Control Plan, as well, which is you're relying on other regulatory processes to support your Water Quality Control Plan.

So, right now, the OCAP Table 2e flows are going to be under reconsideration in the re-consultation process. So, what happens if you believe you're getting the -- oh, busted.

CHAIR MARCUS: That was great.

MR. O'LAUGHLIN: Oh, just busted. That was great, that was great.

CHAIR MARCUS: Sorry. Tim's going to tell on her because she is the queen of scalding, withering glances, when you're phone makes a noise.

MR. O'LAUGHLIN: I get a free hall pass at WaterFix next month.

Okay. So, the point being here is that under the OCAP BO, Table 2e flows are under the FERC flows, and those change, you're Water Quality Control Plan has relied on those flows, and those flows are no longer there, are you providing the reasonable protection for the beneficial uses that you've set out.

So, I think it's very important, as we go forward -- and I'm going to run through these other slides pretty quickly here, for the next couple of seconds.

So, you've seen this slide. It was shown to you in Stockton. But I want to show it again, very quickly, and get to the point.

CHAIR MARCUS: No, that's fine.

MR. O'LAUGHLIN: This is current New Melones storage, end of month September, and the current is D-1641. RPA flows, which are Table 2e, dissolved oxygen.

Now, we have similar runs on the Tuolumne and the Merced. I'm not going to regurgitate those. So, this is what it looks like today. So, if this is the hydrology over the 82 years, and if we had this program, this is what the storage would look like.

This is what storage looks like under your proposed WSE model. So, what you did was you took refill, you took carryover storage, you sent 40 percent unimpaired flow down the river, and this is what your modeling results show. And you never go below 700,000 acre-feet.

So, this is what I was talking about earlier. This is 40 percent. We ran it exactly as you ran it, with one small difference. No carryover storage, no refill, no flow shifting. We kept CVP, Oakdale, South San Joaquin, and we met DO. And as you'll see, in this document, when Les was talking the other day about this, this will drain the reservoirs.

So, the question is, if the project is going to drain the reservoir, the objectives are going to drain the reservoir, how is it, then, that you go from that project to something else, and what is your legal authority and basis for

going to something else in what -- you've basically put everything in your plan of implementation, and you're hoping that when you get around to your plan of implementation that you have the legal authority and capability, through water rights, or other methodologies, to do this.

And I'll just give you an example, on the Stanislaus. You would be telling, under your refill and carryover storage requirements, you'd be telling the senior water rights holders on the river, Oakdale and South San Joaquin, to put water into a junior water right holder's facility, a Federal facility, and that water would be used to meet CVP project purposes, under your modeling.

So, what would happen is Oakdale and San Joaquin dump, in some years, up to 300,000 acre-feet into the reservoir to maintain these carryover storage requirements. Then what happens is reclamation is releasing that water to make Table 2e flows the rest of the year, not an Oakdale or South San Joaquin Irrigation Requirement. DO requirement, not an Oakdale or San Joaquin requirement. Salinity at Vernalis,

not an Oakdale or South San Joaquin requirement.

And not only that, your carryover storage requirements also put more water into storage than is required under what you've set forth. So, on the Stanislaus, in some years, because the model has perfect foresight, it puts up to 1.15 million acre-feet in storage, when your carryover storage is 700,000. Because it knows that in the model there's going to be two or three more dry years to come.

So, we got a serious problem here. And I think, as the people who have to decide the reasonable protection of beneficial uses, you at least, first, have to understand what it is that your project is being proposed before you get to what it is you may be able to do in a plan of implementation that may mitigate for those requirements.

Okay. I love fisheries. So, benefits to fisheries, real quick.

CHAIR MARCUS: All right, we'll need to spend more time on this so I'm sure I understand it.

MR. O'LAUGHLIN: Yes, we will. Not a problem.

CHAIR MARCUS: Okay.

MR. O'LAUGHLIN: Lots more time.

Okay, so benefits to fisheries. This is a real important one. And I totally disagree with the presentation made by your staff on this one.

So, in the SED, you put down all the species in the plan area, and you'll see them on -- go back one. So, these are the species in the plan area, okay, and we cited to it in your document. You analyze one species in the SED, Central Valley fall-run Chinook salmon.

But that's interesting about this, if you look at the left-hand side of the equation, none of these fish meet your requirements. Because, remember, the fish have to migrate to and from the tributaries, through the San Joaquin, and through the Delta. And most of these fish, on the left-hand side, in fact all of them, don't do that.

So, you have a problem, which is you've described your narrative, now, as these natal streams supporting these fisheries coming and spawning, and moving out through the system. In addition, most of these fish that reside in the

Delta are not studied or examined because, in this document, you cut your inquiry off at Vernalis for the fisheries. You did not look into the Delta as to what the proposed benefits would be.

So, you looked at Central Valley fall-run Chinook salmon. Pacific Lamprey fit into this category, but there's no information. And, finally, your staff said that there was a paucity of information available on steelhead and, therefore, they were excluded from the analysis.

I know, in follow-up slides, your staff has said that Rainbow Trout were a beneficiary of this program. The problem is, Rainbow Trout don't fit into this because Rainbow Trout, resident Rainbow Trout are not migratory. It has to be the Omicas, the anadromous form, that is transitory, that would be a benefit of this program.

Okay, I'm going to -- in your SED, 1984, it does say, and you use SalSim, and you came up with 1,103 Central Valley fall-run Chinook salmon.

Okay. Now, leaving aside the 1,103, we told you, in 2012, not to use SalSim. We told

you all the problems with SalSim.

CHAIR MARCUS: Right.

MR. O'LAUGHLIN: Okay, you decided to go ahead and use SalSim. So, it's kind of like that situation where you've asked your consultant for an answer, they give you an answer, and you say, hum, that's not quite the answer we had in mind. So, you got the answer and, now, you're in a situation where you don't like the answer.

So, but what you have to put into context here is the number. So, I'm going to disagree with Mr. Lynch, who spoke earlier. I've spoken to your staff about this. In the SalSim modeling that you did, it talks about the production of fish. So, production is different than escapement. Production is the overall number of adult fish. Escapement are the number of adult fish that return to the river system.

CHAIR MARCUS: Right.

MR. O'LAUGHLIN: Okay. In the Central Valley, and we've had this, because I know your question's coming up, Mr. Moore, on this one, we put in a number that there's 707,598 Central Valley fall-run Chinook salmon produced annually, in the Central Valley.

Okay. Now, we've broken this down by years. We have different bases. We've done it in 10-year stops. We've done it the last 10 years, the first 20 years, and so forth and so on. The number does vary, I will tell you. It does go down in some 10-year periods. It never gets below 600,000.

So, even if, and I saw your staff slide where they said that they're going to get 4,000 adult fish. Even if you got 4,000 adult fish, in the context of 600,000 fish, then, now we can start talking about the weighing and balancing that's going to occur between the water demand and the impacts with the number of fish that you may get.

I'm going to skip this slide. It just talks about -- this is information from your SED about what the benefit would be on an economic basis. Basically, it comes out, and even if you multiplied it by four, which would be 4,000 fish, you'd only get about 100,000 a year economic benefit at the dock.

So, now, let's go to SalSim. So, your staff is running away from SalSim, and I understand why because the answer doesn't

coincide. But one of the things that we've talked about, in this proceeding that I've talked to you previously about, is the June question. So, if you look at this slide, this is the base case run. This tells you how many fish are leaving the tributaries in the month of June. Okay? So, look at the slide and look at the Tuolumne River. There aren't any fish coming out in June.

There are some fish coming out on the Stanislaus River, okay.

So, we then said, we'll take your SalSim model apart. We did get a response to our PRA, and thank you very much. We appreciated that.

So, now, if you look at the results from SalSim, you will see that the number of fish leaving the Stanislaus system declines by, on average, 42 fish. The number on the Tuolumne does go up by 151 fish. And that all occurs in one year, which is June of 1996.

So, in the tradeoff of the world, if 45 to 50 percent of the water cost is occurring in June, and you're getting a net result of a hundred additional fish out, you have to wonder, a hundred fish get out, survivability coming back

is about 2 percent. So, you've gotten roughly two fish back for 45 to 50 percent of the water costs of your proposed program.

So, and we have to be careful when we start talking about these numbers about what is or isn't doable. Your staff threw this up in a technical workshop. It's from FISHBIO, who does the monitoring, the rotary screw trap monitoring on the rivers. And this is being put forth, I believe, by your staff, as the proposition that there are fish present in June.

There is no disagreement by the agencies, that I represent, that fish out-migrate in June. But you have to look at the chart to figure out what's going on. And the first thing you look at, when you look at the chart, is if you look at the little blue line that's squiggling across the top, you will notice that starting sometime in March, almost all the way through May, that roughly 7,000 CFS is coming out of the Tuolumne system.

Well, that's not what you're proposing. That's not what you can propose. Those are flood control conditions. This is 2006. And, so, if you go back in the big years, if you go back in

2006, 1999, 1998, when the flood years were occurring, you will see fall-run Chinook salmon out-migrating in June. No doubt about it. But here's the problem. And the conundrum is when you're in the managed flow conditions, which is what most of your proposed plan is, you don't have these flows. They're not there. And they're not there for that duration.

And if you look in the managed flow conditions, there are zero fish coming out, in June, from the Stanislaus, the Tuolumne and the Merced. And we have all the rotary screw trap data. We've provided it for your staff. For some reason, it never made it to the report.

CHAIR MARCUS: All right. So, the point that you're making there is there are fish present in June, they're in high flow years. You can't -- the tradeoff in the low flow years isn't worth the pain, particularly in that month?

MR. O'LAUGHLIN: Well, the pain is, is that let's say it's a low-flow year, and let's say you threw down another 1,000 CFS, you're not going to get those fish.

CHAIR MARCUS: It's not high enough to get that response.

MR. O'LAUGHLIN: Right.

CHAIR MARCUS: Okay, I just want to understand the --

MR. O'LAUGHLIN: So, yes, which --

CHAIR MARCUS: It crystalized a point that people have been dancing around. And it's interesting because we also had a number of people at the Sacramento hearing, some biologists, who talked about the value of having flows for a longer period of time because you have different lifecycles and genetic diversity. But I'm hearing the response here in a more concrete way, than I had heard at that hearing.

MR. O'LAUGHLIN: Thank you. So, let's -- one real quick one and then I'll leave you. And this goes back to the last slide. And this, I spent a ton of time with your Delta Flow Criteria Report, back in 2010.

CHAIR MARCUS: Uh-hum.

MR. O'LAUGHLIN: We did not oppose the Delta Flow Criteria Report, when it was presented. And, so, in your report, you say very specifically two things that you're going to get. At average, 5,000 CFS, March through June, at Vernalis, will substantially improve fall-run

Chinook survival and abundance.

Okay, so think about that, 5,000 CFS. That's February through June. That's 10,000, that's 1.5 million acre-feet. At an average of 10,000 CFS from March through June, you can double San Joaquin Basin fall-run Chinook salmon. So, let's take that as everybody who's come in front of you has said that's the science, that's what we need. Okay?

What your staff did is they looked at those numbers and they said, if we took 60 percent of the UIF from February through June, we achieved an average of 5,000 CFS 85 percent of the time, okay, and 45 percent of the time we'll get 10,000.

So, in that scenario, you read that and it will tell you, well, if I'm going to get 5,000 CFS 85 percent of the time, I'm going to substantially improve fall-run Chinook salmon. And, if I can get 45 percent of the years at 10,000, I'm on my way to the doubling goal. Right?

So, you would say, going on the unimpaired flow paradigm, that this is where we need to go. And your staff has said, we need to

keep this up.

So, here's where the bait is. This is a very convoluted, complex graph, but it's not that difficult. There's two circles on the graph, and they depict where the 5,000 and the 10,000 are. And they tell you when these flows occur in wet, below normal -- above normal, below normal, dry and critical years.

Okay, we've redone this graph and we're going to present it to you at a later date. And what it will show is that you will never meet what these circles are. And here's the reason why.

Here's the switch. The Delta Flow Criteria Report utilized the entire San Joaquin River Watershed. The entire watershed. So, it had Stanislaus, Tuolumne, Merced, Chowchilla, Fresno, Upper San Joaquin. You even had Tulare Lake Basin outflow. You had this floor in the west side, okay.

So, if you think about it, the way I like to equate this is think about the entire basin being a 10, okay. So, just call it 10 acre-feet. And, so, to meet those achievements and those goals, you were going to have 60 percent, or call

it 6. Right? So, we needed 6 at Vernalis to meet those goals of substantially improving fish our doubling.

When the Water Quality Control Plan, that you've currently put on the table, you only used the Stanislaus, Tuolumne, and the Merced. And when you do that, what happens is you have taken roughly 40 percent of the watershed away. So, now, we're starting --

CHAIR MARCUS: Forty percent of the watershed that makes it to the Lower San Joaquin how often?

MR. O'LAUGHLIN: Well, in the scenario that your staff did, most of the time. So, that's the 10 number, because you get -- you get Kings River, you get Tulare Lake, you get Upper San Joaquin. So, they took the whole unimpaired and shoved it down into the river, the whole deal.

So, if you're at 10, now you've cut the watershed, you've cut 40 percent of the watershed off and you're down at 60 percent of the watershed.

And, then, what you did again is you said, okay, well, we're going to -- I'll use 30.

So, 30 times 6 is 1.8. So, in your Delta Flow Criteria Report, this was what Doug Obegi, was trying to say, and I agree with him entirely. He said, wait, you told us the number was 6 at Vernalis. Now, I'm going to get 1.8. 1.8 isn't going to substantially improve fall-run Chinook salmon, nor is it going to reach the doubling goal. So, the question is, then, if you're not meeting your goals, then why are you sending the water down?

So, I think it's really important, and the switch here is, if you made these requirements, think about it, so let's go and say you want to -- let's agree that the Delta Flow Criteria Report is correct. If you needed 10,000 CFS at Vernalis, to reach the doubling goal in the San Joaquin River, from these three tributaries, that would roughly equal 3 million acre-feet a year. Well, the total runoff in the three tribs is 3.7. So, you can't get to your doubling goal from here, and from these tributaries.

So, that's why there's this disconnect. It's kind of the same disconnect that we're having in June. Yeah, you can get fish out in

June, and there is a time and a place in how you can do that. But if you try to do it all the time, the water cost gets really high. And when you're trying to look at if that's truly 45 or 50 percent of the impacts, and we're going to supply you with the numbers on that. Your staff's number, I don't know how they came up with it because they talk about diversions. And I don't know if they're talking about diversions just to the canal gates, or diversions to the canal gates into storage. We should look at that and talk about it.

So, those are two instances where I think we need to start bringing our discussion to bear about how it is we're going to achieve certain goals in your plan, that you're looking to achieve, and whether or not how we're setting this up gets us there.

And then, part two is I think we should disclose to people what the impacts are. And then, based on the impacts, we can figure out how you want to move the Plan, or how we can move the Plan to provide reasonable and beneficial protections to the fisheries into the Delta. And that's the pitch.

I don't have anything else.

CHAIR MARCUS: Thank you.

MR. O'LAUGHLIN: Thank you. Thank you, all much.

CHAIR MARCUS: I know we'll have a lot of questions, but in the interest of time we'll --

MR. O'LAUGHLIN: I know. No.

CHAIR MARCUS: -- take them for follow up conversations.

MR. O'LAUGHLIN: Thank you.

CHAIR MARCUS: Thank you, very interesting.

(Applause.)

CHAIR MARCUS: All right, I'm going to move directly to public comment. Do we have more or there's somebody that needs to come up? Oh, well, then it should go to the end.

If someone spoke at another hearing, I missed a couple of them because we hadn't gone through it, I'm going to put you to the end of the line because it's one hearing. Shouldn't be having multiple speaking opportunities. It's hard to stop elected officials, I'm afraid, but I do want to prioritize folks who have not had a chance to speak to us before.

I'm going to call it in batches of ten, and then I'll do the three thing I've been doing, just so that you can prepare.

We have Daniel Chavez, from the Plenada Community Services District. Followed by Anthony DeJager, or DeJager. Dennis Yotsuya. Mark Medefind. Sonia Diermayer. I think it's Erio or Eric Sansoni. Paul Ferrario -- Ferrario, probably. Robert Dylina. Alan Waterman. Loren Scoto.

Daniel Chavez?

Anthony DeJager?

Dennis Yotsuya? Thank you.

MR. YOTSUYA: Good afternoon. My name is Dennis Yotsuya, and I'm a Board Member and the Treasurer of the Bellico Cortez Water District. And we are located in Merced County, north of the Merced River, and south of the Merced/Stanislaus County Line. Our District's approximately 7,000 acres, and it encompasses approximately 160 farms.

We are about 85 percent permanent crops and the remainder of row crops, annual crops.

We rely solely on groundwater for water supply. We have no surface water available to

us. And, historically, our groundwater has been recharged by TID, which borders on two sides of our district.

Since groundwater is basically our -- the only source of water, it's very important to us to maintain that supply. And, so, we've been involved with the groundwater management legislation in the '90s, and now with SGMA.

And we feel that if there's no surface water for a recharge, we're going to have a hard time complying with SGMA.

So, that's basically our major point. I'll skip the rest of this. And we've talked a lot about how to deal with the fish. But we do request that the Board consider the impact of the additional flows on SGMA, because we are going to have a hard time complying without surface water.

And, also, we would like you to consider working with the local irrigation districts on the salmon enhancement, because they've put a lot of time and money into researching and trying to figure out what works on their river. So, thank you.

CHAIR MARCUS: Thank you, sir.

(Applause.)

CHAIR MARCUS: Perfect timing.

Mr. Medefind?

Ms. Diermayer? I may have pronounced that incorrectly, sorry.

MS. DIERMAYER: Yeah, that's fine, thank you. Sonia Diermayer. And I appreciate your being here, good afternoon.

I've spent most of my life traveling around California, from playing in the headwaters of the Merced and Tuolumne rivers, to exploring the margins of San Francisco Bay, and the ocean beaches around the Bay Area. Traveling frequently to Southern California, through the Central Valley, now.

And through all of that, those experiences, I have learned to see that we are one interconnected California, linked together by precious ribbons of water.

The San Joaquin tributary rivers that we're talking about here, as people in the room probably know better than I, used to be two-way, mega highways for nutrients and sediment for many millennia. They carried tons and tons of sediment and nutrients downstream and deposited them in floodplains here, in the Central Valley,

and in the Delta.

And I would argue that the farmlands, that we're farming today, are in part due to the fact that the rivers created those rich, fertile soils, and provided the groundwater, over many millennia, that we've been using up, now.

And conversely, the rivers provided a means to transport huge, huge millions of salmon and steelhead upstream, and brought enormous amounts of nutrients from the ocean in that direction, which nurtured a whole ecosystem in the mountains, and the headwaters, and the foothills in between.

While I have the utmost awe and respect for farming families, and the farming lifestyle and tradition, I think we have heard a lot of language here today that obscures the truth. We've heard a lot about taking water. Well, we humans have been taking water from the environment for many, many decades.

We've talked about a created drought. Well, the whole estuary system, from the rivers through the Delta, through the San Francisco Bay, into the ocean, that system has been in a super drought in many years, out of the last 40 years,

and almost half of those years, due to diversions for storage, and pumping, and so on.

I would say that if the water system in California is broken, maybe we broke it. And by bad decisions that, at the time, maybe have seemed normal and reasonable, but we have continued to take more, and more, and more. We have planted permanent crops, where they perhaps shouldn't be planted, based on the assumption that there would always be water for them. We have planted in saline soils. We have over-pumped the groundwater. We've charged not enough for water, that corresponds to the value of that water in our ecosystem.

And it sounds oddly, to me, as though we are now blaming the salmon and the Water Board for the groundwater overpumping, and for the future subsidence that might occur, and all the other practices and choices that have been made.

And we're asking the ecosystem, and the smelt, and the salmon, subspecies to make the ultimate sacrifice of extinction so that we can continue those practices. And I would like to object.

CHAIR MARCUS: I would let you to go over

because you're a minority voice in today's session.

MS. DIERMAYER: Yeah, I do feel like I have -- you know, I've listened long and hard here, and I've taken to heart what everybody has said. And I sympathize with the economic pain. It's not all due to the fact that there hasn't been enough water. And water's the basis for life. It's not about 1,100 fish. And it's not theoretical. We're talking about extinctions.

We are all tied together, humans and the ecosystems, in one giant, interdependent web, and it's a limited pie of water, and there's not going to be any more, folks. I'm sorry, it's -- we can build dams as much as we want, but there isn't going to be any more water to put in them.

And, so, it's a limited pie and we all have to learn how to divide it up and take smaller pieces for all of us. For urbans, for rurals, for industry, for everyone.

So, I would say, I strongly support the Board's desire to try to provide more flows for the ecosystems. Please aim for the 60 percent of unimpaired flows. And let's, please, stop blaming and punishing the environment and give

back some of the water to try to create conditions for restoring the health of the ecosystems. Thank you.

CHAIR MARCUS: Thank you. Thank you for staying.

(Applause.)

CHAIR MARCUS: Mr. or Ms., if I've read it right, Sansoni?

Mr. Ferrario? There's a place for e-mail, and not everybody's put it on, so that we can follow up with folks.

Mr. Dylina? Did I say that wrong?

MR. DYLINA: Dylina.

CHAIR MARCUS: Dylina. Close, sorry.

MR. DYLINA: That's okay.

CHAIR MARCUS: It's a nice name.

MR. DYLINA: Madam Chairperson, Members of the Board, thank you for being here, in Merced, today. I know that wasn't originally part of the Plan. Appreciate you guys going out of the way to actually come to the community who will actually be impacted by your decisions.

CHAIR MARCUS: No, we should have. Happy to.

MR. DYLINA: I'm Robert Dylina. I'm the

Chairperson or Chairman of the Regular Merced Chamber of Commerce. I sit on the board for, actually, the foundation that operates the theater that you're in.

I sit on the City Planning Commission, as well as am a member of Merced Boosters, a local collection of business owners.

When I came and spoke in Sacramento, on the 29th, I left off with a cost benefit analysis that basically said we need to look at what we're gaining versus what we're giving.

I want to get a little bit more granular and zoom in, today, on Merced and the Merced River, specifically. I think what you've heard today, and seen in the presentation from MID, and others, is that the fish that come out of the Merced River represent an incredibly small portion of the holistic picture. Less than 2 percent of the salmon population comes from this river.

Yet, it's the water that comes down this river has, relative to the other systems, a disproportionate economic impact. So, my main point today was just to add on that, basically, every percent increase in unimpaired flows out of

Merced River, specifically, not out of the region, has an incredibly economic cost relative to a very, very small benefit to fish.

And that's the one thing that I wanted you to take away today. Thank you.

CHAIR MARCUS: Thank you.

(Applause.)

CHAIR MARCUS: Mr. Waterman?

Loren Scoto?

MR. SCOTO: How you guys doing?

CHAIR MARCUS: Fine.

MR. SCOTO: You know, I showed up here this morning at 7:00 o'clock, 25 degrees, on one of those tractors outside. And I thought for sure, hey, I was going to come up with some grandiose speech that I was going to give you guys. But you know what, I honestly think that I just want to talk from me to you guys.

I'm a kid that was born and raised here, in Merced, California. Me and my wife live here and we want to raise kids here. And when you take the water away, the economy goes away.

Now, I understand balance. I'm the black sheep in my family. I'm in the middle. I got all right and I got all left, and I'm right in

the middle. I want the best of both worlds. I want you guys to seriously consider MID's Plan. The SAFE Plan is the best of both worlds. It helps both the fish and it provides water for the farmers, for agriculture. And I could sit here all day and state facts. You know, I don't got the facts with me right now. I could have wrote down anything, I could Google anything, sure.

But you guys have heard it all. You guys have heard it all, all day today. You heard it yesterday. And you're going to hear it tomorrow. At what point does it become white noise?

CHAIR MARCUS: Not yet.

MR. SCOTO: Not yet. Sure.

CHAIR MARCUS: It's helpful.

MR. SCOTO: I just want to talk to you guys from the younger generation in this area. we're impoverished. We've been impoverished. We're mainly agriculture. You know, the urban areas of California resist urban sprawl, we resist urbanization. But California's got the best of every single world. If you drive an hour from here, you've got the snow. If you drive an hour -- excuse me, an hour east, you've got snow. If you drive an hour west, you've got the ocean.

And then, right, smack dab you've got the salad bowl, you've got almonds, you've got tomatoes, you've got everything.

Just please, I urge you all, seriously consider the MID SAFE Plan. It is the best of both worlds. It's balance. Thank you.

CHAIR MARCUS: Thank you. Very well done.

(Applause.)

CHAIR MARCUS: I'm going to use that. That was really good, about California. That was particularly good.

All right, I'm going to read ten more, just so you can prepare.

Andrew Skidmore. Ralph -- I can't read it. I want to say Gonzales, but I'm guessing there.

Candice Adam Medefind. Marty Kirkwood. Saw him earlier. Jason Scott. Chris McGlothlin. Salvador Sandoval. Scott Roduner. Mary Michel Rawling.

So, let's start with Mr. Skidmore. Thank you for hanging in there with us.

MR. SKIDMORE: I'm glad it's a break, so I can be here.

CHAIR MARCUS: Winter break. Oh, good.

MR. SKIDMORE: Good afternoon, almost evening. My name is Andrew Skidmore. And I'm originally grown and raised in Atwater, California. I currently come to you as a California State FFA President.

CHAIR MARCUS: Wow.

MR. SKIDMORE: A high school, agricultural education organization that has over 83,000 members statewide.

CHAIR MARCUS: Well, we're going to be seeing you for many years, I'm pretty sure.

MR. SKIDMORE: The social sustainability of the Central Valley is jeopardized by your proposal. Water and people are innately tied. Wherever water flows, people grow.

And in the Central Valley, we had the other sentiment that wherever water flows, food grows, as well.

I'm sure the Vice Chair, your experience with the Mono Lake Project can further cement that relationship between water and the success of people.

In our organization, we raise the next generation of farmers and ranchers. Through high

school curriculum, hands-on experiences, and student-led projects, we're able to cultivate the next generation. From Tule Lake, on the Oregon border, to Los Angeles, all the way down to Calexico, bordering with Mexico, each and every day high school students are able to experience with their eyes, and their hands, agro science, mechanics, soil science, hydrology, you name it. The aspects of agriculture they're taught in FFA, and in high schools across the nation are limitless.

Many of you have engineering backgrounds, and I believe even two of you on the Board. Agriculture seeks to do the same thing, use today's tools, the best science and technology to solve problems that are facing the modern world.

Agriculture tries to do the same. And our problem is feeding the world.

When I was young, I had an intrigue with how jewelry got manufactured. I remembered, distinctly, going to a manufacturing facility where jewelry was being taken, and from raw goods, with a little bit of labor and energy, they were able to transform it into a beautiful, decorative chain.

That same intrigue that I had about the jewelry industry exists about agriculture, not only statewide, but across our entire -- I mean, even right here, in our community. And the agriculture industry surrounds our community.

Please, don't let agriculture become the next novelty in our economy. Please consider the social sustainability of the valley. The individuals that we raise here, through the Future Farmers of America, we want them to have the ability to come back, return the great talent to where it was grown, and be able to return that excellent skill and passion to the same area which created it.

The critical importance, please consider the social sustainability of the valley, and the critical importance of the water in our valley to its future, so my generation can have the opportunity to step up, protect the environment, and feed the world. Thank you.

CHAIR MARCUS: Thank you, very much. Honored to meet you.

(Applause.)

Mr. Gonzales?

Ms. Medefind? I think that whole family

had to go.

Mr. Kirkwood? I don't see you anymore.

Mr. Scott.

MR. SCOTT: Good afternoon.

CHAIR MARCUS: Good afternoon.

MR. SCOTT: My name is Jason Scott. I just come here as a Californian, who loves my State. I wanted to speak with you about some of the information that we know, from the scientific perspective, and also to push back on some misinformation that's been perpetuated throughout the day.

First, the proposed flows are not just about fish. It's about ecosystems. We know that salmon are a keystone ecological species, whose presence and abundance are critical to the health of ecosystems throughout the State. By protecting our salmon, we revitalized ecosystems throughout huge portions of California.

There is strong scientific evidence that changes to the timing and amount of flow have been the most important factor leading to the decline of Delta River ecosystems. Certainly, many other problems need to be addressed to restore the health of these ecosystems. But we

cannot forget that flows are the single most important management tool that we have for their protection.

Throughout the day we've heard numerous speakers reference the 1,100 salmon number. Your staff has addressed it. I want to reiterate that this talking point is inaccurate and misleading. The SalSim model that produced this number is an extremely limited scientific model. It was not designed to forecast future salmon population levels. That's made clear in the preface and in the SED.

What we do know, through scientific consensus, is that increased flows will increase salmon populations throughout our rivers. I would like to make two recommendations, with my limited time, and then one contradictory recommendation. First, I would like to see you increase the upper range of the flow to 60 percent.

The scientific consensus that says that only 60 percent will revitalize these salmon populations. I think that should be within our toolkit and the water management portfolio to allow water managers to use that level of flow to

see if we can bring back salmon levels.

Secondly, I'd like to see the SED directly reference the salmon doubling goals. it's an existing law. I think the SED should comply with it. I think it should be built into the SED, itself.

CHAIR MARCUS: I thought it did. But we'll check.

MR. SCOTT: Okay. The third thing that I just want to say is throughout the day, as I've listened to all the speakers talk, I've been really moved by the representatives of the agricultural community. And as I've listened, I came here to really speak on behalf of the salmon. But I think what I'm walking away with is a deep desire for us to try and do both, which I know is your ultimate goal.

CHAIR MARCUS: Yes.

MR. SCOTT: But whatever we do to improve the habitat for our ecosystems in California, I really don't want it to screw over communities like here, in Merced. We really need -- we have the ability, the technology, the know how in our State to do both. And I really don't want to see a community, like Merced, turn to dust in the

name of salmon. I think we can do both.

All right, thank you.

CHAIR MARCUS: Thank you. I hope so, too.

(Applause.)

CHAIR MARCUS: Thank you for coming and listening.

Chris McGlothlin?

Mr. Sandoval?

Mr. Roduner?

MR. RODUNER: I'm going to make this a lot shorter than I originally planned. First off, thank you for the opportunity for me to come and speak in front of you. My name is Scott Roduner. My family's been farming the same piece of land for 137 years.

I work alongside my grandfather, my father, my aunt, my uncle. I've got a brother, five cousins, two nephews and two kids of my own.

By increasing the water flows down the Merced River, you're all but assuring my family's next generation will not be afforded the same opportunities that were afforded to me by the hard work of the people behind me.

In closing, there are people in this room

that do agree with this plan. I'd like to challenge each of those people tonight, when they sit down for dinner, to remember where their food comes from. Please consider our District's plan. We believe that's what's best.

Thank you and have a great day.

CHAIR MARCUS: Thank you.

(Applause.)

CHAIR MARCUS: Ms. Rawling?

MS. RAWLING: Good evening, Madam Chair, Members of the Board. My name's Mary Michel Rawling. I'm a Director at Golden Valley Health Centers. We're a federally-qualified community health center, with 28 sites throughout Merced and Stanislaus counties.

In 2015, alone, we treated over 110,000 patients in Merced and Stanislaus counties. Community Health centers are unique in that we care for all people that walk through our doors, no matter what. As such, about 80 percent of our patients are Medicaid and about 10 percent are uninsured.

More than 30,000 of our patients are what we call agricultural workers. Their livelihoods depend directly on the agricultural economic

base, here in our area.

Community Health Centers care about the whole health of our patients, including the social determinants of health, things that happen outside of the exam rooms, outside of the clinic walls.

Having said that, taking this much water from our community will disproportionately impact some of the most vulnerable populations in our State. Not only could these folks lose their jobs, but they won't be able to afford the increased water rates, locally, which will inevitably come when their water quality deteriorates, or they need to buy the bottles of water because the tap won't turn on.

As a private, nonprofit, we also have to balance the cost of business and infrastructure. If we don't have the water to connect to our health centers, especially in the rural areas where we have health centers, like Wesley, or Le Grand, because we have water piped to every exam room, every break room, every bathroom, and every dental operatory. If we can't get that, our patients will suffer decreased access to health care. Access that's already very limited.

So, thank you for being here today. I implore you to please listen to the folks that have spoken about the alternatives that are present, and please find something that works for all of us. Thank you.

CHAIR MARCUS: Thank you, very much.

(Applause.)

CHAIR MARCUS: Next, I have Casey Steed, Adam Shasky, Rob White, Maxell Norton, Jim Verboon, and Peter Kampa, who is a repeat speaker.

Casey Steed?

MR. STEED: Yes.

CHAIR MARCUS: Okay. Ooh, great voice.

MR. STEED: Not to everybody.

CHAIR MARCUS: It's really good.

MR. STEED: Hi, my name's Casey Steed. I'm a resident of Merced County, the City of Merced, in the Central Valley. I want to thank you for the opportunity to speak to you today, to this body. I pray that you have heard and that you will think about all that was said today.

Mark Twain famously once said that in California, whiskey is for drinking and water's for fighting over. I don't know if anybody's

said that today, but let me be the first.

I, myself, am a lover, not a fighter. But I feel compelled to stand here today, to speak today in opposition of this Board's plan.

We have come here with assumptions of water rights. We are told that that isn't so. It's everyone's water. It's the State's water. We are standing, literally, in the middle of the biggest garden in the world, in the middle of a desert. A great experiment that went right in the minds of those of us that live here, and for many in this room today. I feel we are good stewards of the land and of the water.

The law of conservation of energy says energy is neither created nor destroyed, it merely changes form. Water can take on potential or kinetic forms of energy, forms of work. Water is energy.

What you eventually decide on this issue will impact the energy of the valley and its people forever. Thank you for your time.

CHAIR MARCUS: Thank you. Interesting and thoughtful.

(Applause.)

CHAIR MARCUS: I liked the biggest garden

in the middle of the desert, too, that was poetic. It is a miracle.

Mr. Shasky?

MR. SHASKY: Yes, sir -- ma'am. You know, I'm a fourth generation farmer. Haven't been here quite as long as the Roduner boys that have been up here all night.

But, you know, one of the keys words I saw and heard on your PowerPoint slide, earlier, said that it needs to be viable and reasonable.

With that being said, it would be my opinion is, I mean, I think your zero fish is reasonable at this point in time. And hear me out. We've been in this part of the valley farming for, you know, my family's been here 75 years. But it was all done on the preface that, you know, our water rights that have been coming down through history were going to be there.

So, if that's going to be changed, this is something that needs to be taken into account as a true cost of this equation. You know, there's a way to do something. And the way to do that, if you're going to take this water away, you know, we need to be compensated for it.

It needs to be -- you know, they'll find

these family farms, where there's no kids or whatever, and that they are done farming. Buy their land, take their water that way. Don't just come in and, you know, pull this 40 percent out with everybody that it's just going to be a slow death to all the rest of us. You know, there's a right way and a wrong way.

You know, they've done this up in the Chico area, with the National Wildlife Refuge system, where they've bought a lot of ground along the river, you know, and made it work. You know, the Sierra Club and these guys have put money in. That's fine, if that's what you want to do.

But, you know, all of these farming families, you know, we've lived on our land, put blood, sweat and tears into it. And it's one of those things that it's unfair what you're talking about doing. You know, do the right thing. Get in there, you know, let's -- you know, instead of just giving people a slow death, give them a way out if that's what you guys -- if you guys feel the salmon are that important, you know, that's what we need to do.

The other thing I'd like to challenge you

to do is, you know, we hear these arguments back and forth about the scientific facts of whether the salmon's going to make a comeback or whether it's not.

You know, let's see some real numbers. I challenge you guys to, you know, buy waters from the farmers for six, eight, ten years, run that 100,000 acre-feet, or whatever it is, down this rivers and let's see some real numbers on what the numbers of fish actually do.

You know, I have ground that allows every year, and it's something that, you know, I'm sure there's a lot of guys out there would give you the water to prove it. You know, this smoke and mirrors, where it's 1,100 fish, it's 1,200, 2,000, doubling, whatever, you know, they're all modeling. We don't have any true numbers.

You know, let's see something long-term before we decide to change our whole way of life and, you know, the investment that we've all put in here.

You know, private industry would never do anything like that without doing, you know, some kind of research on something like that, that is a true test or experiment, you know.

So, anyway, that's my quick two cents on the matter. I thank you guys for coming and hearing us out.

CHAIR MARCUS: No, thank you.

(Applause.)

CHAIR MARCUS: Rob White? Oh, sorry. Mr. Norton?

MR. NORTON: Hi, Maxwell Norton. For 36 years I worked for the University of California, doing agriculture research and extension work here, in Merced County. I'm also here as a Board Member of the Central Valley Farmland Trust.

Now, you've heard from many people that agriculture -- for every job on the farm generates agricultural jobs off of the farm. The really big multiplier here, in California, is in agriculture and the food processing sector and you find these agricultural processing plants all over California, especially in Southern California and in the Bay Area.

So, the contributions, economically, from places like Merced County, are strongly felt in our greater urban areas.

Because of our very special combination of climate, soils, the availability of water in

the summertime, the production of the specialty crops that is lost here will not shift to another part of the U.S. economy. It will shift overseas and the jobs that are created in the processing centers, and allied industries, will be created overseas instead of in the country, domestically, because of the unique combination of climate, and soils, and water.

My colleagues and I did a calculation on the impacts of losing a single acre of land, of some of the representative crops, and almonds which get singled out, that loss would be $24,000 per acre, per year. That's the total economic activity. Sweet potatoes, $29,000 per acre, per year.

So, these are the losses. By almost any measure the unemployment rates, and malnutritioned teenaged pregnancy, this is a severely impacted area.

From the perspective of the Central Valley Farmland Trust, we assist farmers, who want to keep their farms undeveloped and end farming in open space, forever. And we do that utilizing State funds, Federal funds, mitigation funds. And as you can imagine, the loss of

surface water greatly diminishes the value of the farms. It makes it much, much harder for us to get funding for those types of projects.

And, so, the loss of fresh water here, in the Northern San Joaquin Valley, would directly inhibit our mission as a Farmland Trust.

CHAIR MARCUS: Thank you, very much.

(Applause.)

CHAIR MARCUS: Mr. Verboon?

Mr. Kampa? Is he still here?

All right, I think some of these have e-mails, so we can follow up with them to encourage them to submit written comments.

But with that, we've finished the speaker cards. I want to thank those of you who have hung with us all day. Interesting, each hearing is a little bit different. We learn things from what folks bring up. It is actually very helpful to us. We end up with a different mix in every place, people on all sides of the issue. And this one really focused very much on this area, with a few other, hearty souls who came in. But some very interesting things that we have to take to heart and think about.

I want to turn to my colleagues and see

if they have any questions or comments? You may be too cold to do that, I'm not sure. But I appreciate you, both, particularly coming.

Are you getting sick, yet?

MS. SPIVY-WEBER: Nope.

CHAIR MARCUS: Oh, thank God. I know, but I heard the court reporter sneeze and I'm really worried about that.

Les, is there anything you'd like to say to close, for today?

MR. GROBER: I just would like restate, because we've heard a lot of great discussion, comments, concerns, and some of the continuing themes that we've heard, we're going to prepare a short PowerPoint, with some additional words to be -- to respond to some of the issues and questions that we've hearing. And we're going to try to post that by about the middle of this week, after we are done with the hearing, tomorrow.

CHAIR MARCUS: So, that should help on some of the issues. My interest, there's plenty to argue about, and it's a hard enough decision. But to the extent that folks think we're doing something -- we're proposing something different

than we are, we want to save their energy so they can focus on what we are actually proposing.

And, so, thank you for responding to some of the questions. I'll take a look at that.

MR. GROBER: Exactly. And it's not going to be long, but at least for some simple explanations, discussion having to do with carryover storage, June flows, and SalSim, things like that.

CHAIR MARCUS: Right.

MS. SPIVY-WEBER: Number of fish.

MR. GROBER: Yes.

CHAIR MARCUS: Yes, number of fish. But we will need, just so that folks know, we do spend a lot of time going through all of this with staff, afterwards, and in a focused meeting. So, there's a lot of what we heard today I'm going to want to go over with you all. And I'm sure the rest of my colleagues will, as well.

The hearing, thank you, again, for your time, particularly in such a cold setting. But we really wanted -- we didn't expect it to be this cold.

This same hearing will reconvene tomorrow morning, in Modesto, at the Modesto Center Plaza,

I just want to make sure I have the right place, tomorrow. And additional information, including the times and locations on the other hearings is available in the third revised notice.

So, again, thank you very much for your time, your attention, your caring for your community, and for the ecosystem. And, really, again, want to reiterate that we appreciate all the help we can get in thinking about how to deal with this issue in a way that balances all the competing needs. I know it's challenging. And I want to just thank you for your time, thank staff, thank the video folks, thank the ironman of court reporters. And we'll see you all soon, I'm sure, and some of you perhaps tomorrow. Thank you.

(Whereupon, at 5:44 p.m., the hearing was adjourned, to be continued on Tuesday, December 20, 2016, at 9:00 a.m.)

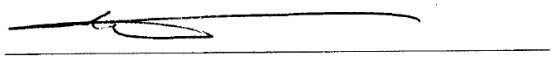
--oOo--

REPORTER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of December, 2016.



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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th of January, 2017.

Barbara Little
Certified Transcriber
AAERT No. CET**D-520