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SCDA-58

6 Attorney for Protestants Save the California Delta Alliance, et al.

7 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

9 **IN RE CALIFORNIA WATERFIX**
10 **CALIFORNIA DEPARTMENT OF**
11 **WATER RESOURCES AND U.S.**
12 **BUREAU OF RECLAMATION**
13 **PETITION FOR CHANGES IN**
14 **WATER RIGHTS, POINTS OF**
15 **DIVERSION/RE-DIVERSION**

PROTESTANT SAVE THE CALIFORNIA
DELTA ALLIANCE, ET AL.'s WRITTEN
TESTIMONY OF FRANK MORGAN
REVISED AS PER THE SWRCB ORDER OF
OCTOBER 7, 2016.

1 I, Frank Morgan, do hereby declare:

2 My name is Frank Morgan. I am 55 years old and I have lived in a waterfront home in
3 Discovery Bay, California for the past 16 years. ~~I have boated throughout the Delta on a regular~~
4 ~~basis since I was 15 years old. However, my testimony doesn't start there, it started many years~~
5 ~~earlier in Buena Park California where I was living with my parents at the young age of 15.~~

6 ~~At age 15 I was a highly motivated young man and earned enough money pulling weeds,~~
7 ~~mowing lawns, and delivering newspapers to purchase my first ski boat for \$1700 which was a 17-~~
8 ~~foot Esquire with a 115 horsepower Mercury outboard engine. I was so excited to own my own~~
9 ~~boat I almost waxed the gelcoat right off the boat. However, I did have one major problem, I wasn't~~
10 ~~old enough to drive nor did I have a car so getting my boat to the water was always challenging.~~

11 ~~When I was lucky, my 18-year-old neighbor who did have a car with a tow hitch, would pull~~
12 ~~my boat to the Marina in Long Beach California so we could launch my boat in the ocean and ski~~
13 ~~within yards of the Queen Mary.~~

14 ~~I didn't think like to get any better but it did when one Sunday morning in 1975 when a~~
15 ~~well-dressed man presented a slide show and talked about a water ski camp his son ran on the~~
16 ~~California Delta.~~

17 ~~For the previous 15 years of my life I had no idea we had a California Delta nor did I know~~
18 ~~it had hundreds of miles of waterways to ski and best of all, it was freshwater without oceans wells.~~

19 ~~At the end of the presentation I was sold, I made arrangements to attend the water camp on~~
20 ~~the Delta and started counting down the days until it was time to pack my ski and go. Attending the~~
21 ~~camp was better than I could have ever imagined, I loved every minute of it and returned the next~~
22 ~~year driving my own car and pulling my own boat so I could be the new ski instructor for the camp.~~

23 ~~In between scheduled camps and on my free time, I had time to take my boat and explore~~
24 ~~many parts of the Delta with the slough, cut, and channel more spectacular than the one before it.~~

25 ~~Little did I know at the time but my life was changed forever. Every chance I got in all the~~
26 ~~following years, I would rent large houseboats and put together Delta houseboat trips with friends~~
27 ~~so I could share what I called "The Promised Land."~~

28

1 In 2000 at the age of 40, I was able to fulfill a lifelong desire and land a job in Contra Costa
2 County which afforded me the opportunity to move my wife and four daughters from Buena Park to
3 Discovery Bay.

4 After looking for a home on the Delta for several years, we decided on Discovery Bay for
5 many reasons but at the top of that list was the small town feel and sense of community when your
6 own children end up in the local newspapers for participating in a community event.

7 I also loved the idea our family could participate in local events by boat such as concerts at
8 the Marina, dinner at numerous restaurants along the Delta, and unique events like music festivals
9 and more.

10 I consider Discovery Bay to be not only the place I live and raised my family, but I consider
11 it a close knit community that's culture promotes all the great aspects of life that people look for
12 when deciding where to locate their family and call home.

13 As a result of my love for the Discovery Bay community and the Delta region as a whole, I
14 started a Houseboat charter tour business in 2012 called Captain Morgan's Delta Adventures, LLC.
15 which provides various types of boat tours which lets others experience what I have experienced for
16 the past 40 years.

17 On October 12th 2012, I received my certificate of inspection from United States Coast
18 Guard for the "Rosemarie" which is a 55 foot Fun Country houseboat converted into an approved
19 passenger vessel. The Rosemarie's homeport is the discovery Bay Yacht Harbor in Discovery Bay
20 Ca. The Rosemarie can accommodate up to 35 guests and four crew on any given tour.

21 Starting a Charter Boat business on the deltas not hard, but operating a successful Charter
22 Boat business on the Delta is. In our first year of operation we did a total of 12 cruises both private
23 and public cruises combined. As we developed our business model over the past four years and
24 became a significant partner in the Discovery Bay community and surrounding Delta areas, we have
25 been able to grow exponentially to the point of 135 cruises in 2015.

26 A lot of our tour business focuses on educating the public about human uses of the Delta,
27 including flood control, water supply in the Delta and for export, and the ethnic and cultural history
28 of the Delta including environmental justice issues.

1 We educate the public about the Delta's levy system and from the deck of the Rosemarie
2 you can see how much farmland in the Delta has sunk below the level of the surface of the water.
3 This shows how important it is for the levees to hold back the Delta's waters. We believe that these
4 tours improve public understanding of flood control and can improve flood control by gaining
5 public support for flood control public spending.

6 We educate the public about farming in the Delta and how Delta farms draw water from the
7 Delta to irrigate their crops. We explain how problems with water quality in the Delta hurt our
8 farmers.

9 We also explain how water is exported from the Delta to central and southern California and
10 explain the conflict between exporting water and maintaining water quality in the Delta for our
11 Delta farmers.

12 We believe that educating the public about the Delta's role in California water supply will
13 help solve California's water problems because politicians respond better to an educated public than
14 they do when only special interests are lobbying and making contributions for one side or the other.

15 As a result of huge community support, Captain Morgans Delta Adventures has been able to
16 branch out and we now offer overnight water and land adventures called "Discovering the Delta"
17 which markets the Delta region throughout the state of California. In fact, we have groups as far
18 away as Torrance California being bussed to Discovery Bay to enjoy 4-day and 3-night Delta
19 Adventure throughout the Delta region.

20 During our Discovering the Delta tours, guests learn all about the Delta's water system,
21 levees, bridges, ~~wildlife~~ and much more. This unique opportunity spends each day with half the
22 time on the Rosemarie cruising the many waterways of the east Delta, and the other half of the day
23 exploring some of the Delta region's most hidden treasures such as the electric train museum in
24 Suisun City. We make a special point of explaining the environmental justice issues surrounding the
25 California WaterFix. We tour the only operational Japanese bathhouse left in the country located in
26 Walnut Grove, and visit ~~to~~ the town of Locke for the history of the Chinese who built the levee
27 system, and much more.

28

1 Along the way, our passengers are able to observe the many ethnic fishermen and women
2 who fish in the Delta as a source of daily food. I believe that the tunnels will make it much more
3 difficult for these people to catch their daily food supply. I can say that there are many people who
4 earn their daily food in this way. I see them. I hope that our educational efforts will help the public
5 understand that the needs of subsistence fishing people should be considered when making
6 decisions about the Delta.

7 In addition to the cruises listed above, Captain Morgan's Delta Adventures is a huge
8 supporter of community events. In 2015 I donated 87 free cruise packages (\$320 value each) to
9 local nonprofit organizations so they can raise funds for worthy causes such as Breast Cancer,
10 School computers, Homeless shelters, Brain tumors, etc. As a result, nonprofit organization
11 throughout the East Bay area have been able to raise tens of thousands of dollars for their causes
12 from tickets we donate each year.

13 As you can see from my comments above, the Delta region and its water systems ~~are more~~
14 ~~than just a recreational opportunity for me, it is a~~ are a way of life for me and my family and one
15 that I share with as many people as I can so they too can be inspired to love and preserve the
16 California Delta.

17 In my view the California water fix does nothing to ensure that all of the reasons I fell in
18 love with the Delta are preserved for generations to enjoy in the future. I am asked literally on
19 almost every cruise, "How do you feel about the tunnel project", and my answer is always the same,
20 "What good does the tunnels do for the Northern California Delta"?

21 I have yet to hear a compelling answer. The next question I get is "how is the drought
22 affecting the Delta" and then I give them the simple explanation, "The height of the water is not
23 affected since we are at sea level, however if we don't get enough run off from the Sierra Mountains
24 or we don't get enough rainfall, then the fresh water flow from the north will slow and if it slows to
25 the point the incoming salt water from the ocean over comes the fresh water running down, then the
26 ocean salt water will push inland and once that salt water reaches the sloughs of the Delta, the Delta
27 will be changed forever." Our Delta farmers will be ruined. If the tunnels go through and water is
28 taken from the Sacramento River upstream according to the plan, then in times of drought these

1 problems will be made worse by the tunnels, not better. We offer freshwater tours and keeping the
2 Delta as fresh water is crucial to our business. If the Delta becomes salty it will hurt my business
3 and fewer people will come to learn about the Delta on our tours.

4 The hour meters on the Rosemarie are currently reading 2277 hours. That means I have been
5 cruising a lot over the past two years when I installed the hour meters. I cruise the delta waters at all
6 times of the day, night, and year and probably spend more actual time on the water than any other
7 person in Discovery Bay. I understand that we face many difficult issues with maintaining a clean
8 water supply for wildlife, plants, fish, farmers, and homeowners, but reducing the flow through the
9 Delta will make water quality worse in places like Discovery Bay.

10 I do realize the proponents of the tunnel project say the water flow through the Delta will not
11 be reduced with the construction of the tunnel project, but I also know this is the same government
12 that said our insurance premiums would go down with the new healthcare law. Mine did not! People
13 don't trust the California Water Fix to take a sip in lean times and a gulp only times of plenty.

14 Clean fresh water moving through the Delta is essential for the health of the Delta way of
15 life, including our farmers, and my livelihood as a boat operator.

16 In the past two years the Delta has dealt with two major issues, the first was the huge
17 outbreak of water hyacinth, I remember just last year having to call the Discovery Bay Harbor
18 Master so teams of workers in boats could help move the water hyacinth from in the marina because
19 I had scheduled cruises and the Rosemarie was locked in her slip with water hyacinth. The issue
20 created a huge community outrage, housing prices fell in Discovery Bay and the problem continued
21 for months and months.

22 I believe that the tunnels will make the water hyacinth problem much worse and outbreaks
23 will be more frequent. I believe that the Discovery Bay marina and other Delta marinas may
24 become unusable due to the tunnels worsening the hyacinth problem and problems with other
25 invasive weeds. It will also make it much more difficult to navigate in many areas of the Delta. I
26 may not be able to get my vessel out of the harbor for weeks or months at a time. Many areas of the
27 Delta may become un-navigable because of the weeds. My business and livelihood will be severely
28

1 hurt. The public's education about flood control and water supply will suffer because I will not be
2 able to get my boat out of the harbor.

3 The most recent issue for the Delta is the Blue Green algae issue.

4 Clearly people should not swim in water that has elevated blue green algae levels, however,
5 the areas affected by the algae were between the docks and the levee and only a few bays in
6 Discovery Bay where water turns over less frequently. Out on Indian slough, Old River, and Middle
7 River where I cruise numerous times per week, there was no noticeable algae areas. In spite of the
8 fact there were only a few areas affected by the algae in Discovery Bay, the news media made it
9 sound like sharks were in the entire Delta and people should not swim in any of the "Delta."

10 I believe that the tunnels will make the algae much worse. Summers are getting hotter and it
11 seems like that is going to continue. Less fresh water and warmer Delta waters because of the
12 tunnels will certainly exacerbate the blue-green algae issue because it is precisely the continuous
13 flow of fresh water that keeps the Delta flushed out and keeps the algae in check. With the tunnels
14 cutting off fresh water flow, the health and safety of children and pets in Discovery Bay will be put
15 at risk and the delicate eco system balanced.

16 We have already had much negative news coverage over the small algae outbreak this year.
17 Some people have already been scared away from the Delta. If the tunnels go through and make the
18 algae problem worse, I believe it will scare everyone away from the Delta and I will have to close
19 down my business and lose the income from my business.

20 We MUST protect the California Delta for human uses and legal users of water. I realize
21 that this issue is very complex and there are many competing interest with opinions on what should
22 be done. However, we will not get a do over once the Delta flows are reduced and the ocean salt
23 water infiltrates the rivers and sloughs of the Delta and puts an end to farming in the Delta. No
24 excuse like "unfortunately that was not in our modeling" or "that was an unusual event that we did
25 not have an our study" etc., will ever replace the "Promised Land" that we call the Delta today.

26 Executed October 17, 2016, at Discovery Bay, California

27

28 By_s/Frank Morgan

STATEMENT OF SERVICE

**CALIFORNIA WATERFIX PETITION HEARING
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)**

I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

PROTESTANT SAVE THE CALIFORNIA DELTA ALLIANCE, ET AL.'s WRITTEN TESTIMONY OF JANET McCLEERY REVISED AS PER THE SWRCB ORDER OF OCTOBER 7, 2016.

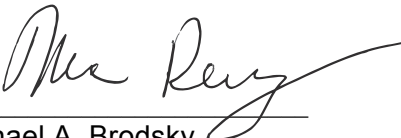
PROTESTANT SAVE THE CALIFORNIA DELTA ALLIANCE, ET AL.'s WRITTEN TESTIMONY OF MICHAEL BRODSKY REVISED AS PER THE SWRCB ORDER OF OCTOBER 7, 2016.

PROTESTANT SAVE THE CALIFORNIA DELTA ALLIANCE, ET AL.'s WRITTEN TESTIMONY OF FRANK MORGAN REVISED AS PER THE SWRCB ORDER OF OCTOBER 7, 2016.

PROTESTANT SAVE THE CALIFORNIA DELTA ALLIANCE, ET AL.'s CASE IN CHIEF EXHIBIT INDEX REVISED

to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated October 6, 2016, posted by the State Water Resources Control Board at http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml

I certify that the foregoing is true and correct and that this document was executed on October 17, 2016.

Signature: 
Name: Michael A. Brodsky
Title: Attorney

Party/Affiliation:
Save the California Delta Alliance, et al.

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