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# Assembly California Legislature



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November 24, 2015

Les Grober  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Dear Mr. Grober:

I wanted to thank you for taking the time to come to Modesto and meet with several of the people and agencies that have groundwater concerns relating to the State Board's increased flow proposal included in the Substitute Environmental Document for the San Joaquin River Flows and Southern Delta Water Quality Plan. I have spoken with several of those who attended the meeting and they have expressed their appreciation for your willingness to meet, as well as your openness to address questions that were not asked because of time constraints. I told them I would be willing to forward the attached questions to you for your response.

Beginning with these questions, we hope that you will continue this dialogue with us as you continue working on the upcoming draft. We encourage the Board to heed their mandate to achieve balance. As mentioned in the meeting, the agencies and jurisdictions that were present are willing and able to assist you in analyzing the very real impacts to our area that would result from the implementation of the proposal as presently drafted.

We look forward to your response in writing. Thank you.

Sincerely,

*[Handwritten signature of Adam C. Gray]*  
Adam C. Gray  
21<sup>st</sup> Assembly District

*I really appreciate  
you coming to  
my district.*

2015 DEC -2 AM 11:00  
SACRAMENTO

Cc: Felicia Marcus, Chair, State Water Resources Control Board  
Dee Dee D'Adamo, Member, State Water Resources Control Board  
Walt Ward, Manager, Stanislaus County Water Resources Program

### Follow-up Questions for the State Water Resources Control Board

- 1) In your presentation, you indicated that Phase 2 of the Delta Plan (addressing the rivers north of Sacramento) was ongoing and is estimated to be completed within three years. Is this a realistic timetable? Has the State issued a draft report on Phase 2?
- 2) Several of the agencies expressed concerns over the drinking water impacts of the flow proposal, since most of the jurisdictions in this area utilize groundwater for human consumption. The State Board's drinking water quality division regulates and monitors all public wells utilized for human consumption. Has your groundwater staff and/or consultants contacted them to further inform your groundwater impact analysis? It seems that would provide you with a precise baseline, at least at it relates to drinking water. In addition, it would seem appropriate to make this impact, and the overall groundwater impacts, available to the entities doing your economic impact analysis, since this will be central to the costs of the flow proposal.
- 3) The modeling assumption used in the 2012 report was not discussed in full. Can you explain how you determined the growth projections and clarify the assumption that any increase in new urban or industrial water use would not be from groundwater, but rather from diverted developed water? Many assume that it means that any growth in the area would come at the expense of surface water currently used for irrigation purposes. Is that, in fact, what it means? What does this do to the already approved plans to double the size of the UC Merced campus, and to develop economic opportunities in Turlock, at the Castle Air Force Base, and on the I-5 corridor? For example, would the expansion of the UC campus require even more land to be fallowed?
- 4) You mentioned in the meeting that the proposal, in effect, amounts to a "regulatory" drought. In this current natural drought, we see cutbacks in water use throughout California. Obviously, a "regulatory drought" would mean that the water use reductions and controls that all of California currently faces will continue in our area even after the rains return. It seems highly prejudicial to take water from those local agencies that paid for the storage, only to provide it to others, while requiring the local communities to maintain drought restrictions. Can you assure us that the additional flows will be made available only to those areas that also will have to contend with continued drought restrictions?
- 5) Your comments indicated that if the Water Board took a more thorough look at groundwater impacts, it could only be determined to result in even more significant impacts than currently stated in the report. As a result, it appears that you will not analyze all available information regarding potential impacts as a part of your Phase One analysis. You indicated that the water districts and jurisdictions utilizing groundwater for drinking purposes will simply have to develop the means to respond to whatever impacts result from the Board's ultimate decision. Since that is the case, a more detailed and refined analysis of impacts is unnecessary, since, for the State's purpose, the only fact that matters is that the impact is "significant but unavoidable." In effect, you are saying we know the impact will be bad, and you "local districts" will have to deal with it. Is that a

correct assessment? In addition, how can any economic analysis of the flow proposal be valid if it does not contain a comprehensive analysis of its costs to the communities who depend on it for survival?

- 6) To the extent that the 2012 Plan measures the impacts on groundwater, the stated anticipated result is fallowed agricultural land. It makes no mention of the much more significant health and economic consequences on the 800,000 residents who depend on the groundwater basin for their drinking water. Frankly, a cursory dismissal of those consequences that the local jurisdictions will have to deal with later in the implementation phase is an abdication of the Water Board's responsibility and it avoids an honest discussion of the issue. Is it not the mandate of the Water Board to balance beneficial uses?
- 7) During the meeting, you strongly suggested that local irrigation districts could reach "settlements" with out of district parties that ultimately stand to benefit from the water diversions. To many, it sounds as if the Board's real motivation is to provide water to users outside of the area, instead of making the water available to those who financed the storage facilities and currently use it as an essential method of recharging the groundwater basin. Can you please respond to those concerns?
- 8) The United States Department of the Interior did a scientific investigation in 2010 that indicated that 58% of the recharge into the Modesto basin was the result of irrigation water. The significant curtailment of irrigation water contained in your Board's proposal directly threatens the quality and quantity of people's drinking water. We believe the Water Board should explore this issue comprehensively from a public health standpoint. This is the first time in our experience that we have seen a state agency contend that a "significant but unavoidable" danger to the health and drinking water supply of 800,000 residents did not merit a full investigation. Does the Board have any intention of fully investigating and addressing the public health impacts of the current proposal? Why would implementation of this flow regime be considered without a full understanding, let alone mitigation, of the damages it will cause to the 800,000 people who live here?
- 9) You indicated on several occasions that you have extensive information on groundwater as it relates to human consumption gathered from the jurisdictions responsible for maintaining water quality and quantity. Why wouldn't this information and a subsequent analysis of those impacts, along with possible mitigation of those impacts, be part of your report? You have spent millions of dollars on studies of fish, recreation in the Delta, offshore fishing and other factors. Shouldn't the most immediate and direct impact on 800,000 people warrant such in depth analysis?
- 10) Finally, you specifically told the group that the City and County of San Francisco, which operate Hetch Hetchy, were not exempt from the flow proposal. Another water expert who was present declared that, in fact, Hetch Hetchy is exempt since your boundary exempts the upper San Joaquin and is also drawn west of Hetch Hetchy. Please specifically demonstrate that your proposal does not formally or informally exempt Hetch Hetchy from the flow requirements.