

**2020Comments - Statewide Conservation Plan -**

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**From:** "Bob Baiocchi" <rbaiocchi@gotsky.com>  
**To:** <2020comments@waterboards.ca.gov>  
**Date:** 5/6/2009 8:08 AM  
**Subject:** Statewide Conservation Plan -  
**CC:** "Tam M. Doduc" <TDoduc@waterboards.ca.gov>, "Vicky Whitney" <VWHITNEY@waterboards.ca.gov>, "Don Koch" <Dkoch@dfg.ca.gov>, "Secretary Mike Chrisman" <secretary@resources.ca.gov>, "Rod McInnis" <Rod.McInnis@noaa.gov>, "Michael Warburton" <michael@rri.org>, "Brian LeNeve" <LeNeve@redshift.com>, "Tom Smith" <tsmithtile@aol.com>, "Mike Fitzwater" <mdf@csus.edu>, "Roy Thomas" <liWINOS@aol.com>  
**Attachments:** 2020 Conservation Plan.doc

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**State of California****Before the 20X2020 State Agencies Team**

**Governor's Water Conservation  
 Statewide Implementation Plan**

**Workshop - Sacramento, California  
 May 29, 2009**

**Comments by the California Salmon and Steelhead Association**

**In February 2008 the Governor called for a 20% percent reduction in per-capita water use by 2020 and asked for state agencies to develop a more aggressive plan of conservation to achieve the goal.**

**The purpose of the workshop is to solicit public input on the draft of the final report, entitled "20x2020 Water Conservation Plan. This will be the final workshop to solicit comments from the public on the conservation plan.**

**The following are the comments of the California Salmon and Steelhead Association:**

- 1. The draft and final conservation plan lacks legal authority pursuant to California water law. Secondly the plan has members of the team that have conflicts of interest in developing the conservation plan.**
- 2. The California State Water Resources Control Board has the legal authority over all water right permits and licenses in California. The California State Water Resources Control Board also has the duty and responsible to protect the people's public trust fishery resources affected by the use of water under all water rights permits and licenses the Board has issued for the use of water in California. Consequently there must be a evidentiary water rights hearing held by the State Water Board to determine the reductions to water users based on evidence and also the effects to the people's endangered and threatened anadromous fisheries and other fish species of California.**
- 3. The California Department of Water Resources does not have any authority over the use of the people's water in California. The California Department of Water Resources has a conflict of interest because it represents the State Water Contractors. DWR can testify at the hearing.**
- 4. The California Energy Commission does not have any authority over the use of the people's water in California. The California Energy Commission can testify at the hearing.**
- 5. The Public Utilities Commission does not have any authority over the use of the people's water in California. The PUC can testify at the hearing.**
- 6. The Department of Public Health does not have any authority over the use of the people's water in California. The Department of Public Health can testify at the hearing.**
- 7. The Air Resources Board does not have any authority over the use of the people's water in**

- California. The Air Quality Board can testify at the hearing.
8. The CALFED Program does not have any authority over the use of the people's water in California. CALFED can testify at the hearing.
  9. The US Bureau of Reclamation does not have any authority over the use of the people's water in California. The US Bureau of Reclamation has a conflict of interest because it represents diverters and users using water from the Central Valley Project. The USBR can testify at the hearing.
  10. The California Urban Water Conservation Council does not have any authority over the use of the people's water in California. The California Urban Water Conservation Council can testify at the hearing.
  11. Collectively the 20/2020 Team does not have any authority over the use of the people's water in California. We reference the California Water Code and other applicable state and federal statutes.
  12. The California Department of Fish and Game must testify at the hearing because of their duty and responsibility to protect endangered and threatened anadromous fisheries and other fish species and their habitat from continued harm and damage caused by the approved use of water in California by the State Water Board.
  13. The US NOAA Fisheries must testify at the hearing because of their duty and responsibility to protect threatened and endangered anadromous fisheries from continued harm and damage caused by the approved uses of water in California by the State Water Board.
  14. The US Fish and Wildlife Service must testify at the hearing because of their duty and responsibility to protect threatened and endangered anadromous fisheries from continued harm and damage caused by the approved uses of water in California by the State Water Board.
  15. The State Water Quality Control Board must testify at the hearing because of their duty and responsibility to protect water quality in all watersheds affected by conservation measures and the use of the people water approved by the State Water Board.
  16. The public must be allowed to participate in the hearing because of their due process rights to protect their interests.
  17. Strict conservation measures must also be implemented by the State Water Board on all uses of water for irrigation purposes such as water being diverted and used for the Central Valley Project service areas by the US Bureau of Reclamation.
  18. The State Water Board must comply with the California Environmental Quality Act and its Guidelines and prepare a detailed Environmental Impact Report with full disclosure and full public participation. Said CEQA document must be a combined CEQA/NEPA document because the USBR Central Valley Project directly affects the state's water supply and is a party to these proceedings.
  19. The State Water Board must deny all Petitions for Extension of Time until the State Water Board approves the State Conservation Plan.
  20. The State Water Board must deny all Applications for Water Rights until the State Water Board approves the State Conservation Plan.
  21. The State Water Board must deny all Petitions for Changes until the State Water Board approves the State Conservation Plan.
  22. The Statewide Conservation Plan must comply to all state and federal statutes related to the people's fisheries and the environments of the people's rivers and the people's Bay Delta Estuary. i.e. Public Trust Doctrine; California Water Code; Clean Water Act; federal Endangered Species Act; state Endangered Species Act; California Fish and Game Code 5937; all applicable state and federal statutes; and case law.

That concludes the comments of the California Salmon and Steelhead Association. Please provide an answer to our comments. Thank you.

Respectfully Submitted

Signed by Bob Baiocchi

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**Dated: May 6, 2009**

**cc: Interest Parties (e-mail communications)**