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Assembly
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ASSEMBLYMEMBER, TWENTY-FIRST DISTRICT

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CHAIR: SELECT COMMITTEE ON RAIL

May 5, 2016

BOARD OF SUPERVISORS
2016 MAY -5 P 4:12

Board Chairman Dick Monteith
Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

RE: Stop the Regulatory Drought. Take Action Now.

Dear Board Chairman Monteith and Members of the Board:

The State Water Resources Control Board is preparing to release an updated Bay Delta Plan governing the increased flows demanded from the Merced, Tuolumne, and Stanislaus rivers. Enclosed you will find a letter to the Board from the legal counsel representing the Merced and Stanislaus County Offices of Education. Superintendents Changnon and Gomes authorized this letter to let the Water Board know that the districts will not idly stand by while the Board continues to run rough shod over the interests of the 800,000 people and 157,000 students who live in Merced and Stanislaus counties.

I urge you to let the State Water Board know that you fully and wholeheartedly endorse the Superintendents' letter by writing Chairwoman Marcus in equally strong terms.

Our communities have spoken loudly and clearly on this issue. Enclosed here you will also find letters from a number of local stakeholders who have written to the Water Board demanding answers. Last October, in a meeting organized by Stanislaus County, Water Board officials met with representatives of over 50 jurisdictions in the Stanislaus and Merced basins, which will be significantly impacted by the flows plan.

At that time, we were promised written responses to several questions. Subsequently, we were told those questions would be answered in the release of the updated report. The only certain information provided by the Assistant Deputy Director for Water Rights, Les Grober, was that our area would face a "regulatory drought."

In the four years since the State Board issued the report and in the eight years that it has been studied by the Board's staff and consultants, there has been no systematic effort to meet with the people whose drinking water would be most impacted. Instead, we are expected to react to a report which has been derived through the use of foundation data and assumptions that do not

include any information from those with the most knowledge and experience in this area. The Water Board has also failed to provide an answer to an obvious question; specifically, who is the Board utilizing for its information? Millions of dollars have been spent in staff and consultant time, but no local drinking water jurisdictions or experts have been part of these discussions.

The flow demand proposed in the last report makes groundwater sustainability almost impossible, threatens drinking water quality, challenges public school and local government financing, and will radically and negativity change the quality of life for almost one million Californians.

We have recent experience in what happens when water takes of this magnitude occur without any mitigation of impacts. Just look at the dead and dying west side communities that resulted from the broken promises of the Central Valley Project Improvement Act of the 1990's. Let's not bring that nightmare to more Californians.

Thank you for joining me in this effort and do not hesitate to contact me to discuss this matter further.

Sincerely,

Adam C. Gray

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL CORPORATION

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May 4, 2016

Felicia Marcus, Chair
Members of the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: SWRCB's Proposed Bay-Delta Plan Update and Substitute Environmental Document

Dear Chair Marcus and Members of the Board:

We write to you on behalf of our clients, the Stanislaus and Merced County Offices of Education, which are responsible for the administration and oversight of the school systems within their respective counties. This includes ensuring the education, health and safety of over 157,000 students.

It is our understanding that the State Water Resources Control Board ("SWRCB") is considering amendments to the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento–San Joaquin Delta Estuary ("Revised Plan") which call for significant increases in unimpaired flows from the Merced, Stanislaus, and Tuolumne Rivers. We also understand that the SWRCB is preparing a Substitute Environmental Document ("SED") to consider the environmental impacts of the Revised Plan, and that in an earlier draft SED, the SWRCB concluded that increasing unimpaired flows would create "significant and unavoidable" impacts to the economy, agriculture, and groundwater basins in Stanislaus and Merced Counties.

As you are aware, most of our clients' students rely on groundwater as their source of drinking water. Our clients' school facilities operate on well water or city-fed well systems, and often serve as safe places for students and community members to gather. Access to drinking water and water for sanitation is a basic requirement for fulfilling our clients' mandate of providing quality education. Already some of our clients' schools have received warning notices from the SWRCB's drinking water quality division regarding the safety and adequacy of their water supply. Adoption of the SWRCB's SED and Revised Plan would make this a reality for every school within our clients' respective jurisdictions.

Nevertheless, neither the SWRCB nor its staff have provided any notice to our clients regarding the Revised Plan and SED, and have made no attempt to meet to discuss the adverse impacts to our clients that will result from the Revised Plan. Given all of the above, it is clear that our clients are stakeholders under CEQA and the Water Code, and that the SWRCB, either directly or through staff, is required to consult with our clients. (Wat. Code, §§ 13144 & 85023; Cal. Code Regs., tit. 14 ["CEQA Guidelines"], § 15083; Cal. Code Regs., tit. 23, §659, *et seq.*)[1] Its failure to do so renders the Revised Plan and SED invalid and subject to legal challenge. (*Ibid.*) We implore the SWRCB or its staff to meet and consult with our clients' staff and truly consider the impacts of the plan upon our clients' schools and students.

Furthermore, the SED's analysis of impacts on schools and students is clearly inadequate. While recognizing "significant, but unavoidable" environmental impacts within our clients' area, the SED fails to describe the specific direct and indirect impacts of the Revised Plan on our clients' schools and students, and fails to discuss mitigating these impacts. (CEQA Guidelines, § 15126.2.) This includes the financial implications for our clients from school districts forced to provide bottled water and portable toilets, and to relocate, as wells run dry due to implementation of the Revised Plan.

If it adopts the SED without sufficiently discussing and mitigating environmental impacts, the SWRCB will have failed to proceed in a manner required by law. (*TRIP v. City Council* (1988) 200 Cal.App.3d 671, 679.) "A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process." (*Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712.)

An adequate SED "must be 'prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences.' [Citation] It 'must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'" (*Kings County Farm Bureau v. City of Hanford, supra*, 221 Cal.App.3d at 712; see also Cal. Code Regs., tit. 23, § 3777; *City of Arcadia v. State Water Resources Control Board* (2006) 135 Cal.App.4th 1392, 1422.) Omitting relevant information itself "is prejudicial if the failure to include relevant information precludes informed decision making and informed public participation." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713,722.)

Finally, the Revised Plan and SED violate both the Watershed Protection Act and the Sacramento-San Joaquin Delta Reform Act of 2009. (Wat. Code, §§ 11460 & 85054.) The

[1] We acknowledge the citations presented herein involve challenges to EIRs rather than to a SED. Nevertheless, substantial overlapping legal requirements applicable to each type of document make these important citations directly applicable here.

Watershed Protection Act ensures that water users within a watershed of origin will not be deprived "of the water reasonably required to adequately supply the beneficial needs of the watershed, area, or any of the inhabitants or property owners therein." (Wat. Code § 11460.) The Revised Plan and SED specifically call for significant increases in unimpaired flows and reduction in diversions, and will result in overdrafted groundwater basins.

The Sacramento-San Joaquin Delta Reform Act of 2009 requires incorporation of the State's co-equal goals—providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem—in any plan for the Delta. (Wat. Code, § 85054.) The Revised Plan and SED compromises these co-equal goals by favoring the protection of the Delta ecosystem over a reliable water supply for Stanislaus and Merced Counties.

We reiterate our request that the SWRCB follow the law and consult with our clients. We further request that as the SWRCB works to finalize the Revised Plan and SED, it keeps in mind the concerns of our clients expressed in this letter.

Very truly yours,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

David D. Boyer

David A. Soldani

DDB:slt

Stanislaus County
Office of
Education

Tom Changnon, Superintendent
1100 H Street • Modesto, CA 95354 • (209) 238-1700 • FAX (209) 238-4201

April 5, 2016

Felicia Marcus, Board Chairwoman
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Dear Chairwoman Marcus:

As Superintendents of the Stanislaus and Merced County Offices of Education, we write to you on behalf of the 157,000 students who live within our districts. With double-digit unemployment and poverty rates of 18% and 25% respectively, Stanislaus and Merced counties face some of the greatest challenges in the state as we endeavor to provide educational opportunities for the children of our area.

We are both concerned and disappointed that the State Water Quality Control Board is now in the process of updating the Bay-Delta Plan, but has failed to contact anyone from our offices to discuss how the plan will affect our students, who, with small exception, rely on groundwater as their source of drinking water. The 2012 draft of the plan stated that there would be "significant, but unavoidable" impacts on our area, but contained no proposal to mitigate those impacts.

Let us be clear. The detrimental impacts of the Board's plan will be felt strongly by the children that we serve. Many of our students come from socioeconomically disadvantaged households. We work hard to ensure that we remove as many obstacles as possible in an effort to ensure that all students have the opportunity to excel academically. It appears that you have done no analysis of how your plan will impact our students, despite spending millions of dollars in staff time and consultant costs to date. In your years of work on this plan, it is unclear why you have not taken the time to study the financial implications to school districts that would be forced to provide bottled water and portable toilets, or relocate schools entirely, as wells go dry.

As educators, we understand that it is imperative to provide safe and healthy environments for our children to learn. Our schools also often serve as safe places for both students and the community members to gather, especially in rural areas. Access to drinking water and water for sanitation is a basic requirement for us to fulfill our mandate to provide quality education to the children of our districts.

We take that mandate very seriously, as we believe that it implicates each student's right to an education and equal treatment under the law. We do not believe that you have the authority to unilaterally implement your proposed plan without a full analysis of the impacts to educational institutions in the affected areas, as well as a defined plan to mitigate those impacts.

In an effort to make sure you are aware of our concerns, this letter is to inform you that we have directed our legal counsel to be prepared to challenge your report, unless it contains a full and complete analysis of it impacts on the educational opportunities within the Stanislaus, Tuolumne, and Merced River basins.

As you work to finalize the upcoming draft of the Bay-Delta Plan, we encourage you to keep the children of Stanislaus and Merced counties in mind. As always, we remain open to discussing our concerns with you further.

Sincerely,

Tom Changnon

Tom Changnon
Stanislaus County Superintendent of Schools

Steven E. Gomes

Steven E. Gomes, Ed.D.
Merced County Superintendent of Schools

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CHAIR: SELECT COMMITTEE ON RAIL

July 15, 2015

Felicia Marcus
Board Chairwoman
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Dear Chairwoman Marcus:

Recently, I have received copies of a number of letters from local stakeholders who have written to you with serious concerns regarding the Substitute Environmental Document to the Bay-Delta Plan and how it will affect our area. As you know, I share their concerns. I have been very concerned with the impact of increased flows on our groundwater, which I raised during discussions about groundwater legislation last term.

To date, your Board has not explained what the "significant, but unavoidable" consequences to our area will be if the Plan is implemented as currently drafted. The letters you have now received and the conversations that I have had with stakeholders in the district demonstrate that this is an issue that goes beyond fish and farmers. It affects our students, our businesses, and our general quality of life.

I ask that you consider directing your staff and/or consultants to participate in meetings or a series of meetings with local groundwater managers for our cities, counties, and schools. I will be happy to help facilitate those meetings. I do not envision large public hearings, but rather technical discussions between your experts and our local experts, so that we can try to come to an agreement upon the facts and dimensions of the problem.

I will look forward to your response.

Sincerely,

Adam C. Gray
21st Assembly District

cc: Steven E. Gomes, Ed.D, Superintendent of School, Merced County
Jami Aggers, Director of Environmental Resources, Stanislaus County
Vicki Jones, MPA, REHS, Interim Director of Environmental Health
Chris T. Vierra, Mayor of Ceres and Chairman, Stanislaus Regional Water Authority
David L. White, Chief Executive Officer, Stanislaus Business Alliance

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Ceres, CA 95307
(209) 538-5755

CITY COUNCIL

Chris Vierra, Mayor
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Linda Ryno — Bret Durossette

STANISLAUS REGIONAL WATER AUTHORITY
P.O. Box 642, Modesto, CA 95353
(209) 577-5213 FAX (209) 577-5477

June 26, 2015

Felicia Marcus, Board Chairwoman
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-0100

Dear Chairwoman Marcus:

I write to you and your board in two capacities, as Mayor of Ceres and a Chair of the Stanislaus Regional Surface Water Authority. I want to take strong exception to your substitute environmental document for the Bay Delta water quality control plan. Since publication of this report in 2012, your board has failed to engage significant elements of this community in the discussion of the destructive nature of your recommendations and has failed to listen, learn, and modify an unreasonable and extreme report.

Your reports' introduction pages suggest that there was little discussion with the authorities in Stanislaus and Merced counties who are actually responsible for providing drinking water to the 800,000 people who live here. With the exception of part of Modesto, all the residents in this area rely on groundwater for drinking purposes. Safe and available groundwater is essential to our public health and our economic health.

You recommend a course of action that will increase groundwater pumping by 25% in the Turlock sub basin and 28% in the Modesto sub basin. You would do this before groundwater sustainability plans and programs are adopted, and you would do this before the area has even begun to recover from the drought.

Even worse, your baseline formula states that "increased demands for municipal water would be generally supplied from baseline agricultural diversions for the developed land, not additional groundwater supplies." Not only do you propose to take hundreds of thousands of acre feet of water annually from our reservoirs, but you assume even more irrigation water would be lost if our population were to grow at all.

This is one of California's fastest growing areas. We are dependent on groundwater. Your plan eliminates our best source for recharging the basin.

In Ceres, as elsewhere in our communities, we have to deal with the increasing costs of maintaining drinking water quality for our residents. You would make this challenge much more difficult.

Will you commit to sending your staff and technical experts to meet with our engineers and managers so that we can understand more specifically what you mean by "significant but unavoidable" impacts to our groundwater?

It does not strike me as unreasonable to expect a more inclusive and comprehensive outreach program.

One more point. One District (the Modesto Irrigation District) supplies surface water for drinking to parts of the city of Modesto. The Turlock Irrigation District has committed to supplying surface water to the people of Turlock, Ceres and south Modesto. Your flow proposal effectively destroys that plan and wastes the millions of dollars that have been spent in its development. Your report does not discuss this impact at all.

We cannot achieve groundwater sustainability without surface water. Your radical redirection of irrigation water condemns this area to a century of poverty, joblessness, and most importantly lack of opportunity. Please direct your staff to meet with our officials so that you can learn about the local circumstances in more detail. I look forward to your response.

Sincerely,

Chris T. Vierra
Mayor of City of Ceres
Chairman, Stanislaus Regional Water Authority

MERCED COUNTY

DEPARTMENT OF PUBLIC HEALTH

Kathleen Grassi, R.D., M.P.H.
Director

June 30, 2015

Felicia Marcus, Board Chairwoman
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-0100

Dear Chairwoman Marcus:

As the Interim Director of Environmental Health for the Merced County Department of Public Health, Division of Environmental Health, I am writing to request the California State Water Resources Control Board (SWRCB) to conduct extensive scoping meetings with Merced County, as well as other local jurisdictions in the Central Valley, that will be impacted by SWRCB's proposed flow increase in the Stanislaus, Merced and Tuolumne rivers as outlined in the 2012 Bay-Delta Plan.

Many communities in the Merced area are already experiencing well production problems and drinking water quality issues. The "significant but unavoidable impact" cited in the Plan's "Groundwater Resources" chapter as one of the results of its implementation, cannot be dismissed. In April 2015, Merced County adopted a groundwater ordinance, Merced County Code Chapter 9.27, which evaluates impacts for each well to be constructed within unincorporated areas of the County. Yet, despite this groundbreaking effort, the proposed increased flows will have significant impacts to the water supplies within local groundwater basins.

I have been in contact with Stanislaus County's Director of Environmental Resources regarding the proposed increased flows. As you are aware, Merced and Stanislaus Counties are at the epicenter of the groundwater crisis, and the drought has had an economic impact to the local agricultural industry. Over 800,000 people live in the two counties. In Stanislaus County, over 55 percent of our population is Latino, African-America, Asian, or other minority group. In Merced County, these minority groups comprise 72 percent of the population. Both counties have severely underperforming economics, job and educational opportunities. Groundwater is the primary source of drinking water for the majority of the local population.

The Bay-Delta Plan does not adequately address emergency drought conditions and "zero allocation" of surface water when considering impacts of the Lower San Joaquin River alternatives described within Chapter 9.1 of the Plan, and only notes that there may be "reduced" surface water supplies leading to potential impacts. The Plan sorely understates the devastation this recommendation will cause.

As an Interim Director of Environmental Health, I am required to ensure that safe, adequate, and dependable water supplies are available for domestic use. To best perform that function, I am requesting that the SWRCB engage Merced County on these important issues. I look forward to your response. For additional discussion, I may be contacted at (209) 381-1087.

Respectfully,

Vicki Jones, MPA, REHS
Interim Director of Environmental Health

VJ:vj

cc: John Pedrozo, District 1
Chairman, Merced County Board of Supervisors

Hub Walsh, District 2
Merced County Board of Supervisors

Daron McDaniel, District 3
Merced County Board of Supervisors

Deidre Kelsey, District 4
Merced County Board of Supervisors

Jerry O'Banion, District 5
Merced County Board of Supervisors

Jim Brown, Chief Executive Officer
Merced County

Kathleen Grassi, Director
Department of Public Health

Latino Community Roundtable (LCR)
Post Office Box 4203, Modesto, CA 95352-4203
(209) 303-2664 maggiemejialcr@gmail.com www.lcrstan.org
Tuesday: Latino Community Roundtable

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Marti Mendez

July 2, 2015

Felicia Marcus, Board Chairwoman
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-0100

Dear Chairwoman Marcus:

The Latino Community Roundtable (LCR) is committed to improving the political, social justice, cultural, and economic conditions of Latinos in Stanislaus County. Our organization grew to over 200 members in 2014 and serves as a think tank to provide direction and leadership to the entire Latino community. Over 55% of the residents of Stanislaus County are members of minority communities, with a majority of those residents being Latinos.

As citizens of Stanislaus County and as Latinos, we are very concerned about your 2012 Substitute Environmental Document to the Bay-Delta Plan. Your plan recommends a reduction in the flows available to our local community, without any proposal to address "significant, but unavoidable" impacts to our region.

As you know, our economy is largely driven by the agricultural sector, of which Latino workers play a vital role. Our unemployment rates in Stanislaus County are already consistently higher than the state and national averages.

There is no doubt that your plan will have devastating economic consequences to an already disadvantaged region. While it appears that this outcome is of little consequence to you and your Board, it is critical to many of the Latino families who call Stanislaus County their home.

The Latinos of Stanislaus County deserve to have a voice in this decision. We encourage your Board to take no further action until you have engaged the Latino community of our area in a dialogue about how your plan will affect our quality of life and how you plan to mitigate impacts.

On behalf of the LCR Board and our membership, we thank you for your consideration and look forward to your response.

Sincerely,

Maggie Mejia

Maggie Mejia
President

cc: LCR Board
LCR Membership
California Latino Legislative Caucus
Governor Jerry Brown
Senator Anthony Cannella
Assemblyman Adam Gray

Stanislaus County
Striving to be the Best

DEPARTMENT OF ENVIRONMENTAL RESOURCES
Administration

Jami Aggers
Director

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6770 Fax: 209.525.6773

July 8, 2015

Felicia Marcus, Board Chairwoman
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-0100

Dear Chairwoman Marcus:

Stanislaus County has a population of over 525,000 residents; a large percentage of which are served by groundwater as the source of drinking water. As the Director of Environmental Resources for the County, I am responsible for the administration and oversight of over 200 public water systems, approximately 2,000 retail food facilities, and countless other businesses. In addition, Stanislaus County's leading industry is agriculture, and as such, is at the epicenter of the groundwater crisis. Because of this, the drought has a greater economic impact here since this is the industry most sensitive to water shortages.

In 2012, the State Water Resources Control Board (SWRCB) released to the public a suggested range for increasing the unimpaired flows of the Merced, Tuolumne, and Stanislaus Rivers. This report went to extensive lengths to discuss impacts to groundwater and concluded that the impacts to the groundwater basin were "significant, but unavoidable." This would be devastating to the local economy and the residents of Stanislaus County who live and work here.

The report's groundwater pumping provisions include unrealistic assumptions. The assumptions state that any increase in groundwater pumping resulting from municipal or industrial use would be accounted for by the additional diversions of surface water away from irrigation. This essentially means that there could be no net increase in groundwater use unless there is a reduction in surface water irrigation use. Given that the report does not address the drought-fueled groundwater pumping increases, the devastation this recommendation will cause may be significantly understated.

The environmental review process is intended to address such issues and identify mitigation measures, yet my colleagues in Merced County and I have not had the opportunity to discuss these very real problems with the SWRCB. Given this, please be advised that we will be requesting that a meeting be held with your staff, together with our local jurisdictions, to compare information and discuss strategies to offset the impacts of your recommendations. Many of our communities already have well production problems and drinking water quality issues. If we are to reach groundwater sustainability as is now required by enacted California legislation, we must look at these issues comprehensively.

In our roles as County officials, we are required to ensure that safe, adequate and dependable water supplies are available for domestic use. We cannot perform that function if the SWRCB does not engage us. We look forward to your response. For additional information, I can be contacted at (209) 525-6770.

July 8, 2015
SWRCB
Page 2

Sincerely,

Jami Aggers
Director of Environmental Resources
Stanislaus County

Cc: Stan Risen, Chief Executive Officer
Keith D. Boggs, Assistant Chief Executive Officer
William O'Brien, Supervisor District 1
Vito Chiesa, Supervisor District 2
Terry Withrow, Chairman, Supervisor District 3
Dick Monteith, Supervisor District 4
Jim DeMartini, Supervisor District 5
Walt Ward, Water Manager
Vicki Jones, Interim Director of Environmental Health, Merced County

ALLIANCE
STANISLAUS ECONOMIC DEVELOPMENT & WORKFORCE ALLIANCE

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Fax: 209-567-4944

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Modesto, CA 95354
stanalliance.com

July 9, 2015

Felicia Marcus, Board Chairwoman
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-0100

Dear Chairwoman Marcus:

I am the new Chief Executive Officer of the Stanislaus Business Alliance, the lead economic development organization in Stanislaus County. The Stanislaus Business Alliance is charged with giving job seekers opportunities for employment. Our organization also serves the needs of entrepreneurs in Stanislaus, Merced, Mariposa and Tuolumne Counties. On behalf of our board and our Government Affairs Council, I am writing you to express our deep concern to your Substitute Environmental Document for the Phase One of your Bay-- Delta Water Quality Control Plan. The proposal on the table would hurt our efforts to grow and diversify our local economy and therefore have a long term negative impact on our citizens who are in most need of economic advancement.

Water is the lifeblood of our economy in Stanislaus County and throughout our entire region. UC-Davis conducted a study this past year and stated that Stanislaus County trails only Los Angeles County in the entire state in food production. Food production is a multi-billion dollar industry in our county and adds tremendous value to the State of California, the eighth largest economy in the world. Tens of thousands of people are dependent on jobs in agriculture, food processing and its related industries. Our businesses pay millions of dollars in taxes each year to sustain our state government.

We are a county that has struggled to enjoy the economic recovery that most of the state has enjoyed for quite some time. Stanislaus County consistently has one of the highest unemployment rates in California. Our unemployment rate stills hovers around 10 percent. More than a quarter of our citizens fall under the poverty line. In a serious drought where the entire state's economy is being threatened, we think it would be prudent to safeguard those industries that provide jobs and economic value to the state.

There has been little collaboration and discussion with those who would be most impacted by the Board's Phase 1 flow objectives to this point. We are proud citizens of this state, and we would like our voices to be heard and our opinions to be considered, so that we can find mutually acceptable solutions to the water usage in the Bay--Delta region.

Your current recommended course of action would increase groundwater pumping by 25 percent in the Turlock sub basin and by 28 percent in the Modesto sub basin. This would happen in a severe drought situation and before groundwater sustainability plans and programs are adopted. Moreover, your

formula states that "increased demands for municipal water would be generally supplied from baseline agriculture diversions for the developed land, not additional groundwater supplies." That statement alone makes it almost impossible for our counties to grow, or more people and companies to move here or open up new businesses. In a county that desperately needs new jobs, this is unacceptable.

We implore you to send staff to meet with us and come up with a commonsensical approach to this situation. We have worked hard to be good citizens and lower our water usage in the face of this drought. In fact, the Central Valley has led the state in water conservation efforts while some regions have actually increased their consumption. We have been open-minded, respectful and amicable in the Administration's goals to conserve and enhance our waterways while maintaining and supporting a vital industry in our state – agriculture and food processing.

Like others have said, we cannot achieve groundwater sustainability without surface water. We ask that you please consider our needs in the Central Valley with others' needs and wants. We are part of this state. We add value to this state. And we ask that you listen to and respect our challenges and opinions. Please let me know how we can convene a meeting of those interested parties who want to preserve our economy while conserving and enhancing our vital surface water resources.

Best regards,

David L. White
Chief Executive Officer
Stanislaus Business Alliance

CITY OF TURLOCK INC. 1908

GARY SOISETH
MAYOR

OFFICE OF THE MAYOR
GSOISETH@TURLOCK.CA.US

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August 4, 2015

Ms. Felicia Marcus, Chair of the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Dear Chairwoman Marcus:

I would like to express my strong concerns with the conclusions in the draft Substitute Environmental Document (SED) for the proposed Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan).

The Bay-Delta plan would require significant increases in unimpaired flows from the Merced, Stanislaus, and Tuolumne Rivers. As a city with an agriculturally based economy, the Tuolumne River's water has become the lifeblood of our local economy and is the source of direct and indirect agriculture jobs. This surface water has become critical to replenishing the local aquifer as Turlock's single largest source of groundwater recharge. Like most communities in the region, Turlock also relies solely on groundwater to serve drinking water to a population of over 70,000 residents through approximately 19,000 water service connections. This groundwater is a diminishing resource that is subject to overdraft and declining water quality and the SED conclusions jeopardize our water source more than protect it.

The Turlock Groundwater Management Plan notes a cone of depression east of Turlock that has evolved due to groundwater extraction by agricultural agencies. Groundwater quality has also declined substantially over time, which has forced Turlock to abandon a number of its municipal wells due to arsenic, nitrate, and volatile organic compound contamination.

The current course of action by the State Water Resources Control Board (SWRCB) would result in a 25% increase in groundwater pumping in the Turlock Subbasin. The SED notes that the impacts to groundwater will be "significant and unavoidable," a clear conflict with the Sustainable Groundwater Management Act of 2014. Not only is this finding irrational, it is also contrary to the goals of this Act.

As the SWRCB considers its next steps for the SED, it should be noted that Turlock has also made significant investments to solve our own problems within the subbasin, ranging from increased conservation of water, increased reuse of water, and increased access to new sources of water.

Through aggressive conservation, Turlock has been able to reduce its water use from an annual demand of 25,000 acre feet in 2004 to 20,000 acre feet in 2014—even with Turlock's significant population growth during this same period. Unfortunately, despite continued conservation efforts, an additional 10,000 acre feet of water will be needed for our residents within the next decade, far in excess of a sustainable yield for the local aquifer.

Ms. Felicia Marcus, Chair of the Board
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Turlock has also committed itself to not only use water once, but to reuse water as often as possible. At a substantial cost, we have added recycled water to our water supply portfolio through the implementation of tertiary wastewater treatment at the Turlock Regional Water Quality Control Facility. This water has been used for our parks, public landscapes, and sports complexes—and will now be used to irrigate agriculture through the North Valley Regional Recycled Water Project and on Turlock Irrigation District (TID) farms.

Turlock has also sought to access new water resources, specifically through the Stanislaus Regional Water Authority (SRWA) partnership of the Cities of Ceres, Modesto, and Turlock with TID. Approved by SRWA just last month, this regional surface water supply project will provide up to 30,000 acre feet of raw water for our cities to treat and drink, and will put into use a minimum of 2,000 acre feet of tertiary recycled water on our local farms. This surface water will provide clean drinking water that is critical to protect the public health and maintain quality of life for Turlock's residents.

This surface water project with TID gives Turlock an ability to diversify our water portfolio and create a sustainable, long-term plan that allows for groundwater recharge in wetter years. By lessening Turlock's need to pump groundwater—and leveraging this new access to river water—the water table will increase. This project's goal is not only to bring positive impacts to our local cities, but to make sure these impacts don't come at the cost of our surrounding farms or our own subbasin by ensuring Turlock creates a reserve of water to draw from during extended dry periods.

These efforts should prove that local control of our subbasin produces better solutions for managing our subbasin. It should also prove that the SED's findings will have negative consequences on our region. I encourage you to convene a meeting with local water resource managers, local agency staff, and local elected officials to work on common sense solutions to our water resource challenges.

Sincerely,

Gary Soiseth
Mayor
City of Turlock, California

EL CONCILIO
COUNCIL FOR THE SPANISH SPEAKING

NCLR

August 6, 2015

Felicia Marcus, Board Chairwoman
State Water Resources Control Board
Post Office Box 100
Sacramento, CA 95812-0100

Dear Chairwoman Marcus:

I write to you as the Site Supervisor for the Modesto office of El Concilio. El Concilio is a non-profit community based organization whose goal is improving the quality of life of Latinos and other underserved communities in the Central Valley of California.

As you know, water is an integral element of quality of life for citizens of the Central Valley. Our community's health and economic viability depends in large part upon sound water policy and being secure in the quality of our drinking water.

Your substitute environmental document to the Bay-Delta Plan gives us reason to be concerned about the quality of life of Latinos and other underserved communities in our area. Specifically, the draft states that your planned diversion of water from the Stanislaus, Tuolumne, and Merced rivers will have "significant, but unavoidable" impacts to our region. Unfortunately, however, there is neither an explanation of those impacts nor a proposal to address them in your plan.

We have no doubt that your current plan will have a negative effect on Latino residents of our region. In the absence of more information from your Board, it is impossible for El Concilio and other non-profit organizations to understand and prepare for those effects.

I encourage you to engage with us so that you can fully appreciate how your plan will impact Latinos in the Central Valley and so that we may understand the impacts that you consider to be "significant, but unavoidable."

Thank you for your time. I look forward to your response.

Best regards,

Yamilet Valladolid
Site Supervisor
El Concilio

cc: El Concilio President/CEO, Jose Rodriguez
Assemblymember Adam Gray
Senator Anthony Cannella

ADMINISTRATION

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