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# Assembly California Legislature



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February 4, 2015

The Honorable Edmund G. Brown, Jr.  
Governor of the State of California  
State Capitol  
Sacramento, CA 95814

## RE: Proposed Water Quality Control Plan

Dear Governor Brown:

Last fall, Assemblywoman Olsen and I met with you to discuss the state water bond and the State Water Board's proposal to develop unimpaired flow requirements on the Tuolumne, the Merced, and the Stanislaus rivers. During our meeting, you indicated our state needed more water infrastructure and a reasonable groundwater policy to meet California's water needs. You also indicated a willingness to work with us on the flow issue to ensure statewide water challenges could be met in a reasonable and fair manner. Subsequent to that meeting, every valley legislator embraced the water bond measure and actively worked to support its passage.

I write to follow up on this discussion. Reasonable and fair flow regulation requires the State Water Board to mitigate the impacts of any increase in unimpaired flows in the State Water Quality Control Plan. As presently drafted, the state's plan undermines efforts to secure groundwater sustainability, is unequal in application, and will significantly distress California's most disadvantaged economic region.

The State Water Board proposal will devastate the groundwater basins in the valley by reducing surface water recharge opportunities and eliminating surface water deliveries to domestic and agricultural water users. The State Water Board recognizes these impacts are "significant but unavoidable." It is ironic that after the State's groundbreaking adoption of a groundwater sustainability law, the State agency responsible for water resources proposes to devastate basins in the region where groundwater management will be most difficult. The groundwater sustainability legislation promised to provide local communities with the tools to achieve sustainability, yet the State's proposal denies Central Valley basins the ability to recharge the groundwater table without any mitigation measures.

The groundwater sustainability legislation requires the impact of groundwater pumping on surface river flows be accounted for and mitigated. But there is no measure of the impact on groundwater from diverting surface water previously used for irrigation to unimpaired flows, all but eliminating any potential for recharge. There is no question we must take action to achieve groundwater sustainability. Surface water is part of the solution to the groundwater challenge. It makes no sense to increase unimpaired flows at the expense of groundwater in the area of the state most impacted by the drought.

Many in our area find it hard to believe that the state is even considering taking such action.

The State Water Board proposal unfairly targets the San Joaquin Valley region. The flow proposal would require increased releases equivalent to 350,000 acre feet annually from the basins of the Tuolumne, the Stanislaus, and the Merced rivers. These basins do not have the benefit of state-funded systems. Instead, the ratepayers of this region built, financed and paid off the bonds for regional water storage and delivery facilities such as Exchequer and Don Pedro. These ratepayers took it upon themselves to provide a long term solution to the need for water for both residential and agricultural purposes. Unlike the state and federal projects, and unlike the recently passed water bonds, no other Californians were asked to shoulder the facility or operational costs of these two dams. It is difficult to explain to these ratepayers why their regional systems are at greater risk than State and Federal facilities during this crisis.

Last fall, many of us were heavily engaged in the passage of the water bond, a long needed measure which will, over time, significantly improve our state's water infrastructure. Two surface storage facilities are contemplated under the measure. One, Temperance Flat, is estimated to cost \$4 billion and would yield 183,000 acre feet of water annually. This is a necessary and prudent investment. To off-set the State Water Board's proposal to take 460,000 acre feet annually, the valley would need to locate, fund, and build a facility twice as large as Temperance Flat.

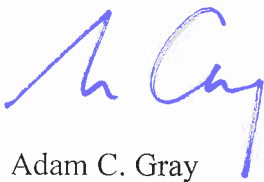
The inequity inherent in this proposal is further apparent when you consider that the unimpaired flows on the Sacramento, the Feather, the Yuba, the American, the Mokelumne and the lower San Joaquin are less than 20%. These rivers are much larger and the watersheds are significantly less impacted by the drought compared to the San Joaquin Valley. Thus, it is difficult to understand why the San Joaquin system is asked to provide so much more to support Delta health.

The State Water Board's proposal will devastate the State's most disadvantaged areas. The region's number one industry is agriculture, which will be reduced by several hundred thousand acres. The San Joaquin Valley region is among California poorest areas, which means the significant loss of the agricultural economy will be born most by those who can afford it least. For our area, the threat affects both the economy and public health, since the plan will stress groundwater basins which provide the drinking water for hundreds of thousands of Californians.

Recent December rains brought small relief to many regions in California. But not for the San Joaquin Valley. The Tuolumne basin received the least amount of run-off from the late 2014 rains. But it will be most impacted by the Water Quality Control Plan.

The State Water Board's flow proposal is unreasonable, punitive and discriminatory. Please take action to inform those state officials responsible for the plan that they should go back to the drawing board, and that their final product must include mitigation for increased unimpaired flows in critical groundwater basins.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Gray". The signature is fluid and cursive, with a long vertical stroke at the end of the name.

Adam C. Gray  
Assemblymember, Twenty-First District