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March 29, 2013

State Water Resources Control Board
c/o Jeanine Townsend
Clerk to the Board
P. O. Box 100
Sacramento, CA 95814-0100

via e-mail

Re: San Joaquin River Flow Proposal Substitute Environmental Document

Dear Board Member:

The purpose of this letter is to transmit the attached Resolution 2013-121 adopted by the Modesto City Council and provide additional comments regarding the Substitute Environmental Document (SED) and the Board's San Joaquin River flow proposal. The proposal and associated SED are inherently flawed in that they fail to recognize and adequately address the impacts to local areas such as Modesto.

If approved, your proposal requiring the Merced, Tuolumne, and Stanislaus Rivers to dedicate 35 percent of unimpaired flow to fish and wildlife would devastate San Joaquin, Stanislaus, and Merced Counties. Our region is struggling to regain its economic footing after a lingering recession, and we cannot afford to lose hundreds of jobs and weather a \$187 million hit to our region's economy in dry years.

The City of Modesto provides potable water to approximately 265,000 residents in the region. Currently, approximately one half of the City's water supply is provided from the Tuolumne River through a partnership with the Modesto Irrigation District (MID). At build out of the General Plan it is anticipated that 65% of Modesto's water will come from surface water. Prior to forming the partnership with MID, Modesto's municipal water needs were met 100% with groundwater. It became evident in the 1980's that reliance on groundwater was not sustainable. This partnership was formed over 20 years ago to deal with issues with groundwater quality and falling groundwater levels in the region. After the introduction of surface water in 1995, groundwater levels stabilized and partially recovered. However, the City still faces many issues with groundwater quality especially considering the trend for increasingly strict regulatory constraints for potable water supplies.

The SED's analysis of impacts to service providers such as the City of Modesto is woefully inadequate. The SED recognizes that there will be impacts to service providers but only in a cursory manner. For example, the SED suggests that the service providers may have to build additional treatment facilities to mitigate the loss of surface water and what the specific facilities would be, is described as "speculative".



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State Water Resources Control Board
Re: San Joaquin River Flow Proposal Substitute Environmental Document
March 29, 2013

Page Two

Clearly the impacts have not been fully addressed by the document. The SED implies that groundwater would be used to replace the lost surface water for both municipal and agricultural users. There is no analysis of whether adequate groundwater supplies actually exist to replace lost surface water. Based on Modesto's experience with groundwater supplies prior to the development of surface water as a significant portion of the our water supply portfolio, the answer to that question is that there are not sufficient ground water supplies to replace the surface water that would be lost through the flow proposal on a long-term basis.

The proposal is divisive and conflicts with the Delta Stewardship Council's efforts and the Bay Delta Conservation Plan, a holistic solution championed by many state leaders from both political parties.

However, most importantly this ill-conceived plan is based on an assumption that it will help restore the Delta's native fisheries. This assumption is not supported by science or evidence. Rather, the proposal presents unilateral demands without quantifying the benefit or goal to be achieved.

Before imposing a plan that carries such serious consequences for our region, the Board must first implement non-flow measures. Given the scarcity of water in California, non-flow measures, such as predator suppression, must be put in place before the State Water Board further jeopardizes our struggling regional economy.

Please see the attached resolution from the Modesto City Council, which strongly urges the Board to reconsider this proposal and the SED.

Sincerely,

Richard Ulm
Director of Utility Planning and Projects

Attachment

**MODESTO CITY COUNCIL
RESOLUTION NO. 2013-121**

RESOLUTION REQUESTING THE STATE WATER RESOURCES CONTROL BOARD RECONSIDER ITS DRAFT SUBSTITUTE ENVIRONMENTAL DOCUMENT, AND CONSIDER PURSUING A COMPREHENSIVE SOLUTION THAT IS CONSISTENT WITH THE TIMING OF THE OVERALL COMPREHENSIVE DELTA PLANNING PROCESS WHICH TAKES INTO ACCOUNT THE POTENTIAL IMPACT ON HYDROELECTRIC ENERGY GENERATION

WHEREAS, the State Water Resources Control Board's Draft Substitute Environmental Document (SED) proposes to require the Stanislaus, Tuolumne, and Merced Rivers release 35 percent of unimpaired flow from February to June each year, and

WHEREAS, the proposed requirement will create "significant and unavoidable" impacts to the economy, agriculture, and groundwater basins in Stanislaus, San Joaquin, and Merced Counties, and

WHEREAS, those impacts include approximately \$69 million in economic impacts in an economically distressed region of our state, including \$23.5 million to Merced Irrigation District, \$30 million to Turlock Irrigation District, and \$15.5 million Modesto Irrigation District each year, and

WHEREAS, the impacts result in a loss of \$4.5 million in energy revenue every year including \$1.5 million to each of the Merced, Turlock, and Modesto Irrigation Districts, and

WHEREAS, the proposed requirement would fallow approximately 128,295 acres of prime farm land and result in the loss of over 800 family farms in the region, and

WHEREAS, the proposed requirement will result in over-drafted groundwater basins, and

WHEREAS, approximately 460 jobs will be permanently lost including 160 in Merced Irrigation District, 200 in Turlock Irrigation District, and 100 in Modesto Irrigation District, and

WHEREAS, the proposed requirement ignores non-flow alternatives that are less costly and more effective, and

WHEREAS, the proposed requirement compromises attaining the dual goals of ecosystem restoration and water supply reliability under SB7x-7, and

WHEREAS, staff recommended the Council request the SWRCB reconsider its Draft Substitute Environmental Document, and consider pursuing a comprehensive solution that is consistent with the timing of the overall comprehensive Delta planning process, which takes into account the potential impact on hydroelectric energy generation.

WHEREAS, this solution must prioritize non-flow measures to protect native fish species, such as predation reduction programs, before demanding flow increases that would threaten the economic vitality of these California counties, cities, and small family farms,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby requests the State Water Resources Control Board reconsider its Draft Substitute Environmental Document and its negative impact on the economy, agriculture, and groundwater basins in Stanislaus, San Joaquin, and Merced Counties, and consider pursuing a comprehensive solution that is consistent with the timing of the overall comprehensive Delta planning process, which takes into account the potential impact on hydroelectric energy generation.

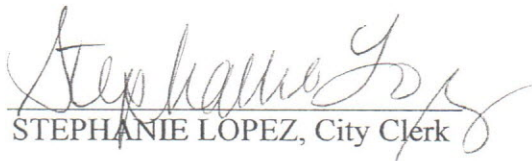
BE IT FURTHER RESOLVED that the Council of the City of Modesto authorizes the Director of Utility Planning and Projects to send a letter consistent with the wishes of the Council as expressed above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

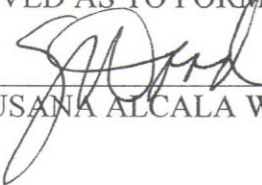
NOES: Councilmembers: None


ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
SUSANA ALCALA WOOD, City Attorney

THIS IS TO CERTIFY THAT THIS
IS A TRUE COPY OF THE DOCUMENT ON
FILE WITH THIS OFFICE.
DATE March 29, 2013

SIGNATURE
CITY CLERK
CITY OF MODESTO, CA