

# Merced County Office of Education

Steven E. Gomes, Ed.D., Superintendent



March 8, 2016

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

Dear Chairwoman Marcus:

## UNIMPAIRED FLOWS OF THE MERCED, TUOLUMNE AND STANISLAUS RIVERS

In June of 2015, I wrote to your Board to express my serious concerns regarding the proposed plan to increase unimpaired flows of the Merced, Tuolumne, and Stanislaus rivers. As I outlined in my previous letter, your Board's plan puts the 70,000 pre K-12 students in Merced County at grave risk and exacerbates the economic and educational challenges that my students already face.

I also attended a meeting in Modesto on October 8, 2015, which was held by State Water Board officials in response to several letters from community leaders and local jurisdictions. At that time, Board officials committed to responding to our questions in writing, given that so many were left unaddressed at the conclusion of the meeting. Much later, we were told that the responses would be addressed in an updated report. Does this refusal to provide responses until the report itself is issued not limit our ability to discuss your staff and consultants' baseline assumptions and technical data in detail? Does it not create what could be a fundamentally flawed and false foundation for the report's conclusions?

I am sure your staff and consultants have spent countless hours discussing assumptions and modeling with various interest groups and others. We still have not had the opportunity to discuss those assumptions and baseline data as it impacts our area specifically. I have made it a point to check with school district staff and others in the area to determine if your Board has made contact to discuss any of our concerns in detail in preparing for the updated report. I have been informed that your Board has not taken this step.

Unfortunately, I cannot find anyone in this area, beyond those who attended the October 8<sup>th</sup> meeting, who have engaged with you, other than irrigation districts. While I understand the acute concern of the water districts to flow reductions, this issue is much larger than just agriculture. There is little to suggest that your Board has approached the report in a comprehensive fashion. After years of studies and millions of dollars, it appears that your staff and consultants did not discuss the plan with those who are in charge of drinking water.

I want to make clear that the Board's failure to engage and respond can be perceived as nothing more than complete indifference to the known consequences that the plan will have on the children of Merced County, most of whom are minority students from economically disadvantaged households. We have been forced to make plans to purchase portable toilets and truck in drinking water. We may have to relocate classrooms and students, as well as alter bus routes. These are all very expensive options, but the Board expresses no interest in determining the impacts of the recommended actions or even of factoring these into a cost analysis. A financial impact analysis is required. However, I do not understand how you can have a financial impact analysis without discussing the costs and impacts with any of the jurisdictions that will have to pay the price of the policy.

It is known that your Board is already in possession of information from your Division of Drinking Water (Division) outlining the existing water challenges facing schools in Merced County. For example, some of our schools have received notices from the Division acknowledging single sources of water and requiring the schools to "develop a

drought contingency plan to deal with possible water shortages and/or outages.” Some have received notices from the Division regarding the safety and adequacy of their water supply. In light of these notices, it is clear that your Board knew of the existing threats to the water supply and nevertheless proposed a plan that would exacerbate the challenges. Further, your Board did so without communicating with those who would be most impacted by the proposed plan.

Make no mistake; those who will suffer greatest from the implementation of the plan are students like those who attend Floyd A. Shelby School in Livingston. The school currently serves 100 severely disabled students, as well as 80 Head Start preschool students, who are largely Hispanic and from low-socioeconomic households. A well on the campus is the only source of drinking water and water for restrooms. The water level is rapidly dropping and the school is 10 miles from the city water supply. Implementation of your plan will devastate those students and many others.

It appears that your Board considers those consequences nothing more than “significant, but unavoidable impacts.” What you consider “significant, but unavoidable impacts,” however, I consider discrimination against mostly minority and low-income children, as well as infringement on their right to free public education.

Merced is in one of the most impacted groundwater basins in California. Your Board is proposing to substantially reduce the most significant groundwater recharge factor for our area. Unless I am mistaken, Merced and Stanislaus counties are the only parts of our state being asked to absorb not only drought and groundwater impacts, but also reductions caused by significant flow increases. This plan threatens availability and access, especially given that all of us utilize groundwater for drinking water purposes.

Again, I renew my request that the Board involve the Merced County Office of Education and others in our community in specific discussions regarding your proposal’s impacts BEFORE you issue the updated report. Excluding this information from your analysis in its formative and developmental stage makes your report susceptible to legal action. I want you to know that this district will take any possible action that we deem appropriate to protect our students and parents.

Sincerely,



STEVEN E. GOMES, Ed.D.  
Superintendent of Schools

SG:lw

cc: Governor Jerry Brown  
Senator Dianne Feinstein  
Senator Barbara Boxer  
Congressman Jim Costa  
State Senator Anthony Cannella  
State Assemblyman Adam Gray  
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