

OPINION SEPTEMBER 18, 2016 12:00 AM

# What alternatives is state water board leaving us?

BY KRISTIN OLSEN AND ADAM GRAY

Over the past three years, the State Water Resources Control Board has been updating its Bay-Delta Water Quality Management Plan, which was first presented in 2012.

The plan's purpose is to find common ground and balance that helps restore declining fisheries while maintaining groundwater and drinking water quality for our communities and the health of our local economic drivers, including agriculture. By law, it must be a balanced approach.

In 2012, the plan called for increasing unimpaired flows to 35 percent. This, in effect, would almost double the amount of water flowing to the Delta from the three rivers in our area and consequently reduce the amount of water stored in reservoirs and available for irrigation and replenishment of our groundwater basins.

Our communities rallied in opposition to the 2012 plan. It would have caused serious groundwater depletion by removing essential water for recharging the basins. This, in turn, would seriously undercut the drinking water quality upon which most of our residents in Stanislaus, Merced and south San Joaquin counties depend.

Last year, the two of us, along with Fish and Wildlife Director Chuck Bonham, formally asked the chair of the state water board to express the board's support for good-faith settlement discussions between the interested parties. All agreed that honest efforts to find common ground were a better approach than endless and costly litigation.

Unfortunately, and to our utter dismay, the water board has rejected this approach. Instead, Thursday it released its latest 2,000-page report, making it available for comment for only 60 days. It calls for a range of flows from 30 to 50 percent, but starting at 40 percent – higher than even the 2012 plan recommended.

Good faith negotiations require leadership and open, honest discussions. The water board has failed to demonstrate either in its work to date.

Despite repeated requests from stakeholders and legislators, the water board has failed to discuss its flow proposal with any of the local jurisdictions in our area responsible for groundwater and drinking water. They came to one meeting and used it to announce they would come to more meetings, would answer questions and would engage in technical discussions with the affected parties.

They did none of these things. None of the state board's recommendations, assumptions, or even basic data, has been provided to the stakeholders most impacted.

Our county superintendents of schools – Tom Changnon of Stanislaus and Steve Gomes of Merced – are both responsible for the drinking water quality for thousands of students. And each asked to meet with water board staff to discuss the board’s assumptions and the impact of its proposal on schools. They were told, along with the cities and counties who have asked for information, to wait for the revised report; only then will there be any opportunity to examine the “facts.”

Nowhere else in California would a project of this scope and magnitude be allowed to reach a recommended alternative stage without the participation and engagement of the people most affected. There are 920,000 Californians who will have the future of their neighborhoods, communities and towns essentially determined by implementation of this report; they have not been allowed into the rooms where assumptions were generated and decisions made.

This is not transparency.

This is not good government.

The irrigation districts along the Stanislaus, Merced and Tuolumne rivers have submitted offers for settlement. The state has not responded to these offers, nor has it made counteroffers of its own. When one side makes a proposal, and the other side does nothing, you don’t have negotiations – you have bad faith.

Three years and one major drought later, the water board now wants to substantially increase the unimpaired flow requirements of these rivers – ignoring the economic devastation such an action would impose on our communities.

With last week’s release of the state water board’s revised report, Chairwoman Felicia Marcus now touts the board’s willingness to entertain settlement offers going forward. We hope she is sincere.

Research shows that increasing water flows into the Delta has done nothing to increase fish populations. The fact is, other measures, including predator suppression and habitat restoration are essential to solving the problem. A multifaceted approach is required, not a proposal that relies solely on a water flow strategy that, according to science and data, is destined to fail in halting the decline of fisheries.

We hope the board’s new revised report includes mitigation for all major impacts. Without mitigation, implementation of the report condemns our area – the place many of us have called home our entire lives – to permanent economic malaise.

Please join us in urging the water board to consider settlement offers as alternatives to its unreasonable proposal. Your comments will be vital. Send an email today to Stop The Regulatory Drought, [www.stoptheregulatorydrought.com](http://www.stoptheregulatorydrought.com)

As we stated earlier, settlement discussions require leadership, honesty and good faith. We hope to finally start seeing both demonstrated by the state, and we urge all stakeholders to remain engaged in seeking a workable solution.

*Kristin Olsen represents the 12th Assembly District, which includes part of San Joaquin and Stanislaus counties; Adam Gray represents the 21st Assembly district, which includes Merced and part of Stanislaus counties.*



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