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STATE WATER RESOURCES
CONTROL BOARD

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DM. OF WATER RIGHTS
SACRAMENTO

April 2007

Resume - Background

Profession:

Consultant – Retired, But Active

Total Experience:

38 plus years

Expertise:

State Water Rights and also Federal Energy Regulatory Commission (FERC) hydroelectric licensing and relicensing process, and other state and federal administrative proceedings; Conducted research, prepared and file formal water right complaints, protests, objections, and comments; Conducted research, prepared and filed water right petitions, statements, and related matters; Agent at water right hearings; Conducted research, prepared and filed motions of intervention, petitions for rehearing and formal comments in FERC matters; Conducted research, prepared and filed written comments on CEQA and NEPA documents to local, state, and federal regulatory agencies; Conducted research, prepared and filed formal letters to regulatory state and federal agencies; Consulted with attorneys to prepare legal briefs and statements. Emphasis: anadromous fisheries, resident fisheries, water quantity and quality, water rights, and other environmental issues.

Education:

Self-Educated

Expert Qualification:

Expert Witness on Water Rights Matters; Qualified in 1992 by the State Water Resources Control Board at Bay Delta Hearing; Testified at numerous water right hearings.

Positions:

Safeguard Environmental Protection Agency - Staff
Consultant Work for California Sportfishing Protection Alliance
Consulting Work for Fall River Wild Trout Foundation
Consulting Work for Friends of the Eel River
Consulting Work for Carmel River Steelhead Association
Consulting Work for Hot Creek Ranch
Consulting Work for Lake Oroville Fish Enhancement Committee

Consulting Work for Northern California Council Federation of Flyfishers
Consulting Work for Plumas County (Water Related – Water Rights)
Past and Long Term Member of the Cantara Trustee Council (Upper Sacramento River)
Past and Long Term Member of the Oroville Recreation Advisory Committee
Past and Long Term Member of the Stony Creek Task Force
Past Director for Northern California Council Federation of Flyfishers
Former Executive Director of California Sportfishing Protection Alliance
Past VP of Conservation for Northern California Council Federation of Flyfishers
Former Secretary of Butte County Fish and Game Commission
Past President of Chico Fly Fishing Club
Past Conservation Chairman – Chico Fly Fishing Club
Past Conservation Chairman – Northern California Flyfishermen for Conservation
(Paradise, CA)
The Baiocchi Family – Agent and Spokesman
Founder – The Anglers Committee
Past Chairman – The Anglers Committee
President – The Anglers Committee

Awards:

Inducted into Fly Fishing Hall of Fame for conservation work by the Northern California Council Federation of Flyfishers;

National Conservation Award – Federation of Fly Fishers

Herb Troebner Memorial Conservation Award for Outstanding Efforts in the Conservation of Our Fisheries – Pasadena Casting Club

Man of the Year Award – Motherlode Chapter Sierra Club;

Conservation Award – Sacramento River Preservation Trust;

Conservation Award From California – Nevada Fisheries Society to California Sportfishing Protection Alliance for my work in filing formal complaints against licensees of hydro projects in California for violations of mandatory daily fish flow requirements;

Streamkeepers Award – California Trout – 1970s – North Fork Feather River

Environmental Hero Award – Awarded to Bob Baiocchi by Commander Thompson of NOAA on September 29, 2001 at NCCFFF dinner at Lake Tahoe

Others not mentioned.

Consulting Activities in California

Lower Yuba River – Conducted research, prepared and submitted formal water right complaint on behalf of United Group with the SWRCB against Yuba County Water Agency et al. Submitted exhibits, obtained expert witnesses, and testified. Acted as agent in recent hearing. 27 days of hearing. Long term process. Issue: Inadequate daily flow requirements to protect threatened and listed steelhead, threatened and listed spring-run chinook salmon and also fall-run chinook salmon and their habitat.

Santa Ynez River – Conducted research, prepared and submitted formal water right complaint on behalf of CSPA with the SWRCB against U.S. Bureau of Reclamation. Submitted exhibits, obtained expert witnesses, and testified. Hearing held in 1992. Decision by SWRCB still pending. Issue: The SWRCB did not order mandatory daily flow requirements from Bradbury Dam to protect steelhead and their habitat in the Santa Ynez River. A hearing before the SWRCB will be held this year.

Feather River Project – State Water Project - Feather River – Conducted research, prepared and submitted petition of intervention with the Federal Energy Regulatory Commission (FERC) on behalf of Lake Oroville Fish Enhancement Committee (LOFEC) and CSPA against Recreation Plan by the Department of Water Resources; Also submitted numerous formal filings regarding sportfishery management of Oroville Reservoir. FERC ruled in favor of LOFEC and CSPA, and other parties regarding the Recreation Plan. FERC established the Oroville Recreation Advisory Committee. Consultant was a member of ORAC and worked with leaders and community in the Oroville area. Process still ongoing. Issue: Management of sportfishery in Oroville Reservoir and also construction of new and improved public recreation facilities.

Lower Mokelumne River – Conducted research, prepared and submitted a formal water right complaint with the SWRCB on behalf of CSPA and Committee to Save the Mokelumne against East Bay Municipal Utility District. Submitted exhibits and expert witness testimony to SWRCB. About a dozen days of hearing were held. Also, submitted similar complaint with the Federal Energy Regulatory Commission (FERC). FERC prepared an EIS. Improved mandatory minimum flows ordered by FERC. Issue: Inadequate daily minimum flow requirements and water temperatures below Camanche Dam to protect fall-run Chinook salmon and steelhead.

Stony Creek – Tributary to Sacramento River - Conducted research, prepared and submitted a formal water right protest with the SWRCB against the U.S. Bureau of Reclamation on behalf of the CSPA. As a result of an agreement between the Bureau and CSPA (Consultant), the Bureau agreed to form the Stony Creek Task Force and also agreed to prepare the Stony Creek Fish, Wildlife, and Water Use Management Plan. Numerous meetings held by the Stony Creek Task Force over a five (5) year period. Also the Bureau is conducting additional studies. The management plan is before the SWRCB at this time, subject to studies by the Bureau. Issue: Inadequate daily flows below Black Butte Dam effecting the migration of salmon into Stony Creek, and also inadequate daily flows for Chinook salmon species and their habitat, and other fish species.

Russian River and Tributaries – Conducted research, prepared and filed a complaint with the SWRCB against all water users holding water right permits, and also applicants who applied for water rights. Public meetings held in Sacramento regarding the complaint. 1,400 water right permits were issued by the SWRCB, and 86 water right applications were pending before the SWRCB when the complaint was filed. Also filed dozens of formal water right protests against pending water right applications to divert water from tributaries of the river. Issue: Failure of the SWRCB to order adequate mandatory daily minimum streamflow requirements in water right permits to protect threatened steelhead and also threatened coho salmon and their habitat. The process is on-going.

Upper Sacramento River – Consulted with attorneys on regular basis who filed a lawsuit against Southern Pacific Railroad Company regarding the derailment and resulting toxic spill (major wild trout kill – 45 plus miles of river) in the Upper Sacramento River. As a result of the lawsuit and also a lawsuit filed by the State of California, I represented parties such as the CSPA et al. that were involved in the original lawsuit as a member of the Cantara Trustee Council. The CTC administrated 14 million plus dollars that was settlement money from the State's lawsuit for the restoration of the Upper Sacramento River, including other activities. Quarterly meetings. Members of the CTC are Department of Fish and Game, U.S. Fish and Wildlife Service, Regional Water Quality Control Board, and a local recreation agency. Long term process.

Navarro River and Tributaries – Conducted research, prepared and filed numerous water right protests on behalf of the CSPA against applicants seeking the rights to divert water from the Navarro River and its tributaries. Worked closely with Dr. Hillary Adams of the Navarro Watershed Protection Alliance in filing said formal protests. A lawsuit was filed by the Navarro Watershed Protection Alliance et al. against the SWRCB and is still pending. The long process is ongoing.

Carmel River – Conducted research, worked with the Carmel River Steelhead Association (CRSA), and filed numerous objections and comments with the SWRCB on behalf of the CRSA and the CSPA concerning the use of the state's water and the resulting adverse effects to threatened steelhead and their habitat in the Carmel River. Long term. Numerous resource issues involved. Issue: Adequate flows for threatened steelhead and their habitat in the river and many related water use issues effecting steelhead in the river and its tributaries.

Calaveras River – Conducted research, prepared and recently filed a complaint with the SWRCB on behalf of the CSPA against Stockton East Water District, Calaveras Water District, and the U.S. Bureau of Reclamation (New Hogan Dam and Reservoir) for failing to provide adequate daily flows in the Calaveras River to maintain federally listed and threatened steelhead and also fall-run chinook salmon species and their habitat in the river, including inadequate protection measures from diversions in the river. This matter is before the SWRCB at this time.

Napa River and Tributaries – Conducted research, prepared and filed numerous formal protests with the SWRCB on behalf of the CSPA against water right applications on the Napa River. Issue: Attempting to have the SWRCB order mandatory daily minimum streamflow requirements in water right permits to protect fish and other aquatic species and their habitat.

Salinas River – Conducted research, prepared and submitted a water right protest against the City of San Luis Obispo to enlarge Salinas Dam on the Salinas River. Three (3) day hearing held by the SWRCB. Assisted Ms. Lorraine Scarpace, Attorney, at the subject hearing. The Salinas River sustains threatened southern steelhead. There are no mandatory daily flow requirements from Salinas Dam. The SWRCB failed to order mandatory minimum flow requirements from Salinas Dam as a result of the hearing and also in past decision and orders. Issue: Mandatory flow requirements from Salinas Dam to protect threatened southern steelhead, and also to prevent the enlargement of Salinas Dam.

Eel River – Conducted research and prepared a motion of intervention on behalf of the Friends of the Eel River concerning license amendments before the Federal Energy Regulatory Commission regarding PG&E's Potter Valley Project No. 77 which is located on the Eel River.

Fall River – Conducted research, prepared, and filed numerous written comments in cooperation with the Fall River Wild Trout Foundation regarding siltation issues effecting the wild trout fishery of Fall River.

North Fork Feather River Watershed – Feather River - Representing the Baiocchi Family regarding the relicensing of PG&E's Rock Creek - Cresta Project No. 1962, PG&E's Poe Project No. 2107, and PG&E's Upper North Fork Feather River Project No. 2105 (Lake Almanor – North Fork Feather River). Also representing the Baiocchi Family in the relicensing of the Department of Water Resources' Feather River Project 2100. The relicensing process for all of the above hydro projects are before the Federal Energy Regulatory Commission at this time. Also, representing The Baiocchi in the relicensing of the Department of Water Resources' Oroville Project 2100 (aka Oroville Facility of the State Water Project).

Unauthorized Use of the State's Water – Conducted research prepared and filed dozens of formal protest against water right applications on behalf of the CSPA. Advised the SWRCB in said formal protests that the applicants were diverting, storing, and using the state's water without a valid water right in violation of state law. Issue: Attempting to have the SWRCB order mandatory daily flow requirements, and also attempting to have the applicants cease diverting and storing the state's water without a valid water right.

Other Rivers and Streams – Conducted research, prepared and filed numerous formal protests against numerous water right applications in numerous rivers and streams throughout the state of California on behalf of the CSPA. Those formal protests are on file with the SWRCB and many are still pending.

Major Achievement – Conducted research, prepared and filed several formal complaints with the Federal Energy Regulatory Commission (FERC) on behalf of the CSPA against several hydropower licensees in California for violating the terms and conditions of FERC licenses for failing to meet daily flow requirements for fish and other aquatic resources in numerous rivers in northern California. As a result of the complaints the FERC is monitoring and enforcing compliance of mandatory daily flow requirements from FERC licensed dams. Also, the Federal Power Act was amended and fines were increased from up to \$500 to \$10,000 per day for violations of the terms and conditions of FERC licenses. Consultant also dealt with Congressional Subcommittees.

Present Activities

Jamison Creek – Proposed Step Pool Project – Lack of Environmental Protection – Claimed Pre-1914 Water Rights – Working with Dr. Joseph Abbott

PG&E Upper North Fork Feather River Project 2105 (Lake Almanor et al) – FERC Relicensing Process – Working with The Anglers Committee

PG&E Rock Creek – Cresta Project 1962 – North Fork Feather River - FERC Post relicensing activities – Ecological Reservoir Committee - Working with The Anglers Committee

PG&E Poe Project 2107 – North Fork Feather River - FERC Relicensing Process - Working with The Anglers Committee

PG&E DeSabra-Centerville Project 803 – Butte Creek, West Branch Feather River, and Tributaries – FERC Relicensing Process - Working with The Anglers Committee

Oroville Facility of the State Water Project 2100 (aka Oroville Project) – North Fork Feather River; Middle Fork Feather River; South Fork Feather River; West Branch Feather River; Main Stem Feather River; Oroville Reservoir et al. – FERC Relicensing Process - Working with organizations and people of the Oroville Area

Pit – McCloud Hydro Project 2106 – McCloud River Watershed; Pit River Watershed – FERC Relicensing Process - Working with The Anglers Committee

Upper American River 2101 – Relicensing of Project by SMUD – Water Rights Protests – Working with Anglers Committee

Lake Davis – Mismanagement – US Forest Service - Working with The Anglers Committee

Lake Davis – Mismanagement - Cattle Grazing – Water Quality - Working with The Anglers Committee

Lake Davis – Northern Pike Eradication Project – California Department of Fish and Game and Plumas National Forest – Comments to EIR-EIS et al requesting compliance of ADA and other benefits to the public and the public trust resources.

Lake Davis – Compliance with Americans With Disabilities (ADA) – Complaint filed with Plumas National Forest – Accessibility for the Disabled – All Public Facilities

Frenchmen Reservoir – Unreasonable Angler Fees – US Forest Service - Working with The Anglers Committee

Jamison Creek, Tributary to Wild and Scenic Middle Fork Feather River, Plumas County; Plumas County RAC Process – Protection of fishery resources (trout) and water quality at a water diversion project for a private golf course approved for funding by the Plumas County Resources Advisory Committee (RAC) with public money. Discovery work regarding management of Plumas County RAC by the Plumas National Forest.

Carmel River – Water Development Projects – Filed formal water rights protest with the SWRCB on extension of time by Monterey Peninsula Water Management District to construct major dam and reservoir on the Carmel River. Also took actions with Cal-Am's water development project on the Carmel River – Central Issue; Endangered Steelhead Trout – Working with Carmel River Steelhead Association.

PG&E Rest Areas – Highway 70 - Shady Rest Area and Belden Rest Area – Improvements of rest rooms and rest areas for accessibility of the disabled people and anglers, and also for the public – North Fork Feather River – Butte and Plumas Counties. – Working with Anglers Committee.

Upper American River Watershed – Relicensing of SMUD hydro projects – Numerous reservoir and streams – Request to US Forest Service (Eldorado National Forest) for improvements to public campgrounds; public rest areas; boat launching facilities; restrooms, fishing trails, trout stocking et al for accessibility for the disabled – Also request for fishery protection measures – Formal Water Rights Protest with the SWRCB on water right application filings by SMUD – Request for water quality protection – Working with Anglers Committee

South Fork Feather River Watershed – Relicensing of South Fork Water and Power Agency's South Fork Feather River Water and Power Project – Request to the Plumas National Forest for fishery protection measures – Working with the Anglers Committee.

Organizer and President of The Anglers Committee

American Disabilities Act – Numerous Filings with the US Forest Service and Plumas County requesting compliance of the provisions of the American Disabilities Act and accessible for the handicapped at all public facilities. I.e. PG&E's Bucks Creek Project FERC 619; DeSabra-Centerville Project FERC 803; Frenchman Reservoir Project;

Frenchman Campgrounds; Bucks Lake Showers; Goose Lake Toilet; Haven Lake Toilet; Smith Lake Trailhead; Gold Lake Development Campgrounds.

Complaint Against Plumas Corporation With California Department of Justice – Accessibility for Disabled – County sponsored Public Tours et al.

Accessibility for the Disabled Issues – Plumas County and Plumas National Forest – In conjunction with filing informal complaints with the California Attorney General Office and Plumas County, including the California Public Utility Commission

Others Not Noted

References

Mr. Joel C. Baiocchi, Attorney at Law
P.O. Box 67
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Dr. Mike Fitzwater, Secretary, Fall River Wild Trout Foundation
Former Member California Sportfishing Protection Alliance
16862 Pasquale Road
Nevada City, CA 95959
Tel: 530-265-8480 (Home)

Mr. Mike Kossow, Principle, Meadowbrook Conservation Associates
4352 Main Street
Taylorsville, CA 95983
Tel: 530-284-6589 (Office)

Mr. Dan McDaniel, Attorney at Law
Northern California Council Federation of Flyfishers
1287 Greenly Way
Stockton, CA 95207
Tel: 209-951-7900 (Home)

Dr. Roy Thomas, Carmel River Steelhead Association
Member, California Sportfishing Protection Alliance
26535 Carmel Rancho Blvd.
Carmel, CA 93923
Tel: 831-625-2255 (Office)

Others not mentioned