

State of California

Before the State Water Resources Control Board

Change Petition

United States Bureau of Reclamation, Petitioner

California Department of Water Resources, Petitioner

Water Right Permits 16478, 16479, 16481, 16482 and 16483 (Applications 5630, 14443, 14445A, 17512, and 17514A) of the California Department of Water Resources and Water Right Permits 11315, 11316, 11885, 11886, 11887, 11967, 11968, 11969, 11970, 11971, 11972, 11973, 12364, 12721, 12722, 12723, 12725, 12726, 12727, 12860, and 15735 (Applications 13370, 13371, 234, 1465, 5638, 5628, 15374, 15375, 15376, 16767, 16768, 17374, 17376, 5626, 9363, 9366, 9367, 9368, 15764, 22316) and License 1986 (Application 000023) of the United States Bureau of Reclamation

Sacramento River Watershed; San Joaquin River Watershed; and Bay Delta Estuary Watershed

All Applicable California Counties

**Closing Statement of the California Salmon and Steelhead Association,
Protestant**

The California Salmon and Steelhead Association is a protestant in these proceedings. The California Salmon and Steelhead Association submitted a policy statement in these proceedings. We reference the formal protest and the policy statement filed by the California Salmon and Steelhead Association, Protestant.

Clearly the regulatory system is broken in California. Water transfers being approved by the Board with reckless disregard for the millions of salmon, steelhead, and striped bass lost at the State Pumps.

The California Department of Fish and Game is absent from this Change Petition Hearing and also absent from water transfers. The US Fish and Wildlife Service is absent from this Change Petition Hearing and also absent from water transfers. The US NOAA Fisheries is absent from this Change Petition Hearing and also absent from water transfers. The concerned public no longer has any representation that any state and federal agency will protect the trust assets that the people own in California.

Because the Governor of California has declared an emergency that does not mean the Governor meant to have the Board violate all of the laws of California and also the federal laws that protect the people's anadromous fisheries.

The Board must require conservation measures for each license and permits held by the petitioners. Further, the license and all water right permits must be re-visited by the Board and amended with specific terms and conditions that improve adverse and degraded conditions for endangered spring-run Chinook salmon and threatened steelhead trout and their habitat. Including striped bass and other fish and aquatic species. Spring-run Chinook salmon and steelhead trout are listed for protection under the federal Endangered Species Act and the State of California Endangered Species Act.

"Take Permits" must be obtained by the petitioners from the US NOAA Fisheries, pursuant to the federal ESA, for losses to spring-run salmon and steelhead species at the state pumps and also the federal pumps in the Bay Delta Estuary, including all watersheds affected by the water right license and permits.

The Board must not give a new amended water right to the petitioners if the petition is approved. Any new amended water rights for the subject license and permits must comply with the California Environmental Quality Act and its Guidelines, including the federal and state Endangered Species Act, including all applicable state and federal statutes, with full public disclosure and the opportunity for the public to participate.

Millions of the people's salmon, steelhead, and striped bass have been lost at the State Pumps because of the people's water being diverted to the California Aqueduct for use by some of the State Water Contractors. These losses have caused a significant decline to these species and also have adversely affected the Commercial and Sportfishing industries and local economies that depend on Commercial and Sportfishing fishing.

The approval of the petition by the Board will continue to cause significant losses of salmon, steelhead, and striped bass at the State Pumps. The loss of endangered and threatened fish species at the State Pumps is sufficient evidence and legal grounds to deny the subject petition.

However, should the Board approve the subject petition, the Board should order immediate measures to reduce losses of salmon, steelhead and striped bass at the State Pumps and also in all watersheds affected by all water right permits held by the California Department of Water Resources.

The US Bureau of Reclamation should be require by the Board to document the daily losses of all fish species at the Federal Pumps and mitigate for these losses by curtailing pumping when necessary to prevent losses to salmon, steelhead, and striped bass species, and other fish species.

The cause of the problem and the reason for the Change Petition is the mismanagement of the State Water Project by the California Department of Water Resources and the Central Valley Project by the United States Bureau of Reclamation, including the approving of water rights permits; water transfers; et al by the State Water Resources Control Board.

The solution is simple. The Board must require strict conservation measures are placed on all farmers using Central Valley Project water at all times (all water year types). This would reduce the reductions to storage at reservoirs operated by the US Bureau of Reclamation and assist the Bureau during low water conditions.

The Board must also require strict conservation measures are placed on all State Water Contractors using State Water Project water at all times (all water years types). This would reduce the reductions to storage at the Oroville Reservoir operated by the California Department of Water Resources and assist the CDWR during low water conditions.

That concludes the closing statement of the California Salmon and Steelhead Association, Protestant.

Respectfully Submitted

**Bob Baiocchi
Executive Director
Water Rights and Fisheries Consultant
California Salmon and Steelhead Association**

Dated April 27, 2009