

Summary of Testimony

Bill Jennings, Executive Director, California Sportfishing Protection Alliance
Water Rights Hearing Regarding Proposed Revocation of Auburn Dam Project Permits
July 21 & 22, 2008
Before the State Water Resources Control Board

My testimony points out that California has far more entitlements or claims to water than it has actual water and that downstream environmental conditions and operations of the export projects have dramatically changed subsequent to issuance of the subject permits.

These subsequent changes in environmental conditions and export operations must be considered in any determination of whether there is **good cause** to not revoke the permits, whether the permits are in the **public interest**, whether **due diligence** has been exercised or if **satisfactory progress** can be made.

When these water rights were issued, I was 26 years old, weighed 150 pounds and had flaming red hair. Gas was 26 cents a gallon. There were no federal clean water or endangered species acts – no CEQA and NEPA was only 30-days old. California had half its present population and the south Delta pumps were only exporting about 2 million acre-feet. The striped bass index was 78.5 and the Delta smelt index was 32.5.

Today, exports are three times higher and the striped bass and Delta smelt indexes are 0.3 and 0.4, respectively. Downstream waters are formally identified as “toxic hot spots” and “impaired waterbodies” because of numerous contaminants. Pollutant loads are increasing. Salmonid and pelagic fisheries are crashing and the Delta’s aquatic ecosystem is disintegrating.

As noted, much has transpired while the project languished in limbo. Completion now, on top of the myriad changes of the last 37 years, would only exacerbate existing degradation.

But, in reality, there is no longer a project. Construction ceased in 1975. Hope does not constitute a project. This morning, my shower diverted more water than has been put to beneficial use in 37 years under these water rights.

The Bureau has refused to comply with explicit State Board direction to provide a new project design and environmental documentation. It cites a lack of funding.

The repeated refusals by Congress to provide funding cannot be used as an excuse for the lack of satisfactory progress or due diligence. The Bureau has no pending legislation to fund the project before Congress. It has provided no information on when, if ever, funding will be authorized, a new project design will be completed or NEPA/CEQA documentation released for public review. Putting 37-year old water rights to beneficial use cannot be left to eternity.

Given existing environmental degradation and water needs, it cannot be reasonable or in the public interest to allow the Bureau to keep these water rights in cold storage in the speculative hope that some future Congress might provide funding for some future project of uncertain feasibility.

The Auburn Dam project is dead. The autopsy, obituary and eulogy are completed.

The corpse needs to be buried.

These water rights need to be made available for protection of public trust assets or to those who can put them to timely beneficial use, in accordance with the California Constitution and Water Code.