Dear Commissioners, Staff and the Public,

I want you to have this DWR Public Records Request Response that just arrived in my inbox as you vote on Item 4 of today’s 17 Nov 2021 CWC meeting agenda. DWR will try to get me the record of the letter to the Director of DWR by 16 Dec 2021 one day after your next meeting. I encourage you to vote "No" on Item 4. The public is way ahead of DWR on understanding water issues and solutions which is why they voted down the 2018 $9 billion dollar water initiative. Move California Central Valley agriculture to the Mississippi Delta where there is an abundance of water in this changed climate, then there will be plenty of water for fish and the rest of us.

[Document Image]

To monitor the progress or update this request please log into the Public Records Center

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Thank you for reading my comments. Leland

On Mon, Nov 8, 2021 at 8:40 PM Leland Frayseth <leland.frayseth@gmail.com> wrote:

Subject: Los Vaqueros Expansion public record request "Disposal of fish at Contractor's option" is that legal?

Dear Commissioners, Staff and the Public,

This is my 43rd letter to the California Water Commission (CWC). Please add this comment to the 17 Nov 2021 meeting agenda item 4 Approval of 20 Oct 2021 meeting minutes item 9 Approval of Los Vaqueros Expansion continuing eligibility.  https://cwc.ca.gov/-/media/CWC-Website/Files/Documents/2021/11_November/November2021_Item_4_DraftOctMinutes.pdf Information used by the Commissioners to make their determination was not available to the public, specifically me.

I have initiated public records requests with both Contra Costa Water District (CCWD), Los Vaqueros Expansion applicant, and the Department of Water Resources (DWR). CCWD responded with a partial release, DWR responded they have records and will try to respond by 4 Feb 2022. As I read the Brown and Open Meeting Act you need to roll back the Commissioners approval until the public, specifically me, has a chance to read and digest the same information that was provided to the Commissioners.

Contained in the partial public records release to me from CCWD is the following drawing note "Disposal of fish at Contractor's option", is that legal? If it is legal how would that look on the front page of the New York Times? That was the test I was taught during ethics training.
From CCWD's website these are the current Los Vaqueros fish records. Based on this information it would seem the fish in the "Dead Pool" need to be identified and counted by certified biologists to be in compliance with a California Department of Fish and Wildlife incidental take permit prior to a Contractor disposing of the fish. There are a lot of raptors in that Altamont Pass so the biologist will need to be a quick counter before a fish flies off in a raptor's talons.
The wasting of 2,000 AF of water in a drought is disquieting. The 10 year schedule taking an existing 160,000 AF reservoir offline from now to 2030 during a drought is disquieting.

As a 37 year CCWD customer and ratepayer, paying for 100,000 AF and 160,000 AF Los Vaqueros Reservoir makes me livid. The 275,000 AF plan is to remove the top 101 feet of the existing dam with longitudinal cracking and haul 1,049,600 cubic yards of dam shell, core, concrete and rebar to an on site disposal area while I continue to pay off the 100,000 AF and 160,000 AF bonds from now to 2030.
I think the Commission needs to roll back their approval of Los Vaqueros Expansion continuing eligibility until we are all on the same page and it all makes sense. This snafu could have been avoided had CCWD Board President Lisa Borba worked collegially with her customers, fisherwomen, fishermen and the fish. Lisa Borba is a bad leader and very much in need of a 360 degree review and feedback from customers, managers, peers and subordinates.

Thank you for reading my comments. I will continue to track this project and provide public comment.

Leland Frayseth