

Shoemaker, Brianna@DWR

From: Leland Frayseth <leland.frayseth@gmail.com>
Sent: Wednesday, November 17, 2021 7:38 AM
To: Arthur, Samantha@CWC; Makler, Alexandre(Alex)@CWC; Curtin, Daniel@CWC; Alvarado, Teresa@CWC; Swanson, Matthew@CWC; Gallagher, Kimberly@CWC; Steiner, Fern@CWC; Solorio, Jose@CWC; California Water Commission; Shoemaker, Brianna@DWR; Young, Amy@DWR; Cambra, Paul@CWC; Yun, Joseph@DWR; Klopfenstein, Rachael@DeltaCouncil; Erreca, Erik@DeltaCouncil; John Cunningham; spalmer@zone7water.com; john@goldenstatesalmon.org; Bob Wright; Obegi, Doug; Daniel Bacher; Scott Anderson; Rachel Murphy; Kennedy, Kellye J; Jennifer Allen
Subject: Re: Los Vaqueros Expansion public record request "Disposal of fish at Contractor's option" is that legal?

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.



STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

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RE: PUBLIC RECORDS REQUEST of November 07, 2021., Reference # R000626-110721.

Dear Mr./Ms. Frayseth,

This is in response to your November 07, 2021 request pursuant to the California Public Records Act, Government Code Section 6250 et seq. to the Department of Water Resources.

"This is to request written correspondence, emails, email threads, meeting notes, detailed work product and analysis performed by staff associated with 7 Oct 2021 letter Director of DWR received associated with the Los Vaqueros project. Attached is slide 13 for agenda item 9 for the 20 Oct 2021 California Water Commission meeting. From meeting I understand there is a what the applicant described as a "Cost Pie" I am interested in that and the details used to construct the Cost Pie. Commissioner Mackle coming out of rates and the applicant was elusive. I am also interested in the letter of 75% commitment from the applicant's partners. From discussion with Commissioner meeting it sounds like the Commissioners had this information in their meeting work package but it was not available to the public. I intend to request the Commission public has had the opportunity to review and comment on these important documents. Thank you, Leland"

It has been determined that DWR maintains records responsive to your request, however, DWR anticipates these records may require a significant amount of time to locate, assemble and reviewing these records and estimates that these materials can be made available by December 16, 2021.

Please note that every effort will be made to provide you with responsive records as soon as feasible.

Sincerely,

Public Records Act Team
Department of Water Resources

To monitor the progress or update this request please log into the [Public Records Center](#)

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Statutory Requirement

Director Receives 75% Commitments

- **Recently formed Los Vaqueros Reservoir JPA**
- **JPA provides governance and stable funding for the JPA**
- **Letter of commitment from members received**
- **Director of DWR received letter and supporting documentation on October 7, 2021**

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?

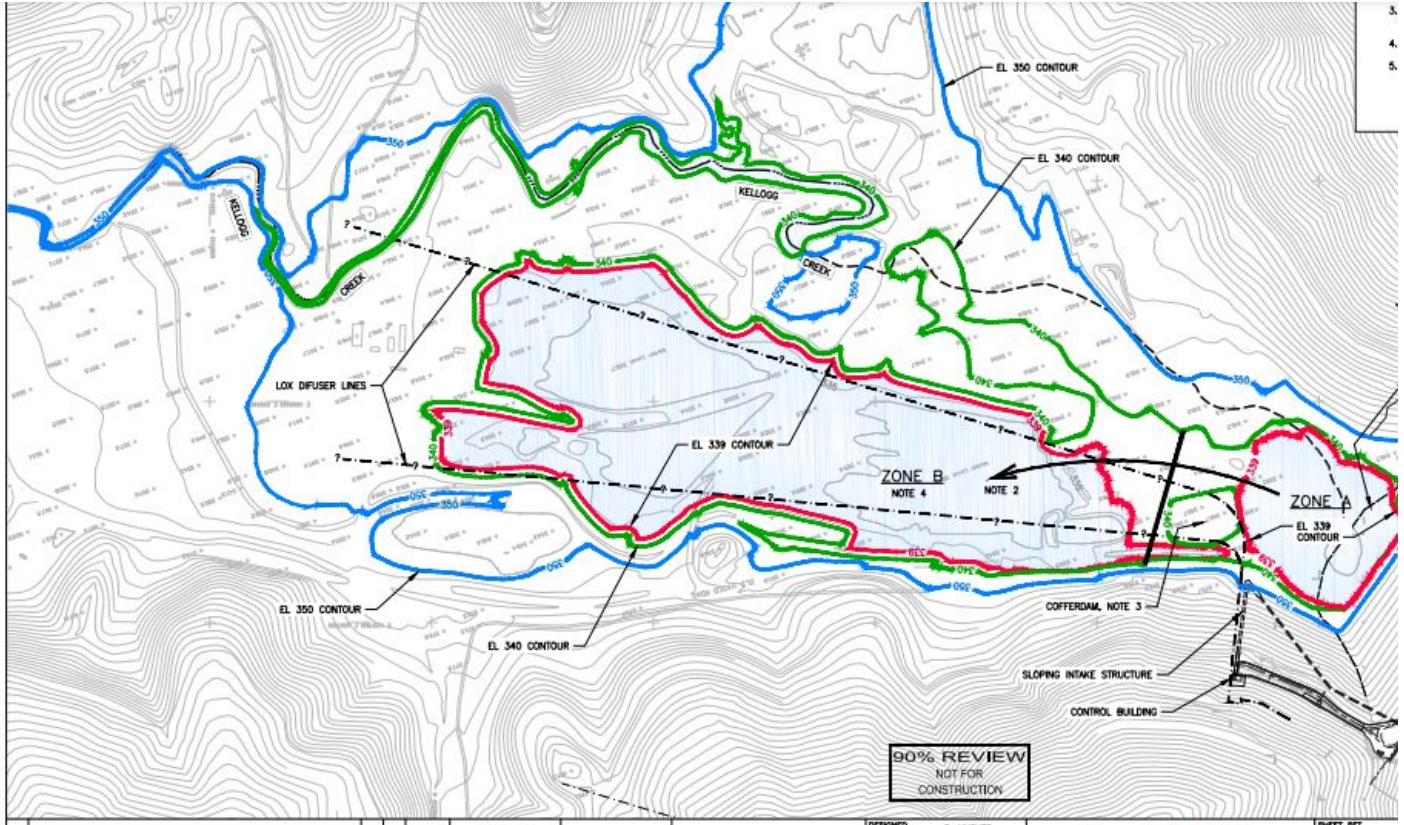
Dear Commissioners, Staff and the Public,

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.

3.
4.
5.



Jan 07, 2021 1:12:15pm
 J:\14 275 TAP General and Bldg\08-13,14.dwg

REV	DESCRIPTION	BY	APP	DATE
B	90% REVIEW			
A	90% REVIEW			




WARNING
 0 1/2 1
 IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

URS
 300 Lakeside Dr. Suite 400, Concord, CA 94015
 Tel (916) 884-3600 Fax (916) 874-3388

DESIGNED	D. HUGHES
DRAWN	J. PROHASKA
CHECKED	S. TOUGH
REVIEWED	
APPROVED	D. HUGHES

CONTRA COSTA WATER DISTRICT
 Los Vaqueros Reservoir Expansion Project - 275 TAP
 PROJECT No. 26818657 CAD FILE GN-13,14.DWG

SHEET SET	
SHEET TITLE	D

ESTIMATED QUANTITIES	
ELEV (FT)	VOLUME BELOW (AF)
 350	2,000
 340	580
 339	500 (50 A) (450 B)

NOTES:

1. DISCHARGE STORAGE DOWN TO EL 339± THROUGH PROTS ON SLPOING INTAKE. DISCHARGE PORTS AT CONTRACTORS OPTION.
2. DISCHARGE STORAGE BELOW EL 339± ZONE A INTO ZONE B.
3. CONSTRUCT 2FT HIGH COFFERDAM AS NECESSARY TO MAINTAIN SEPARATIC BETWEEN ZONES A & B BELOW EL 339±.
4. STORAGE IN ZONE B SHALL BE LEFT TO EVAPORATE.
5. DISPOSAL OF FISH AT CONTRACTORS OPTION.

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.

FISHING RECORDS

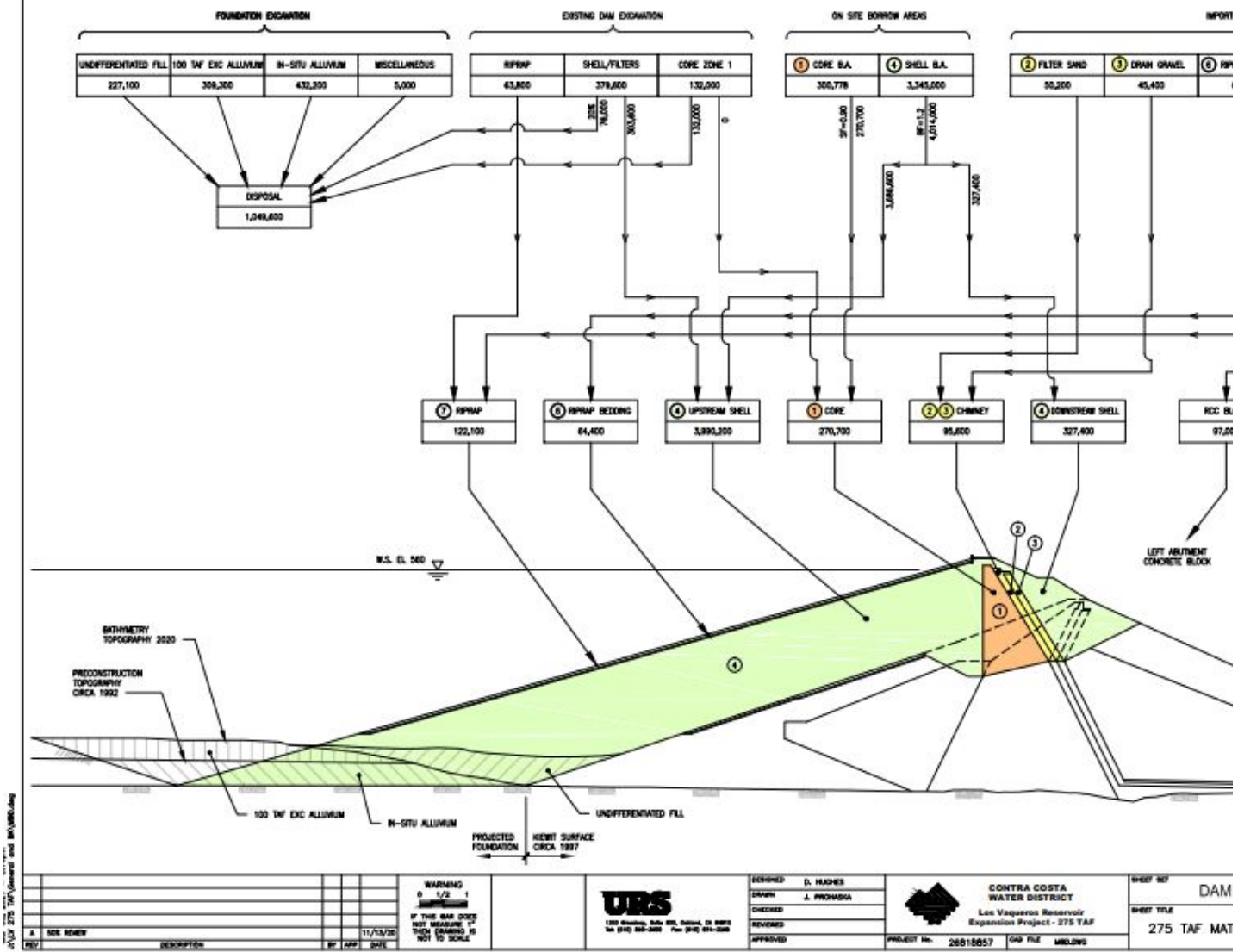
Current Los Vaqueros Fishing Records

Fish Species	Weight	Lure	Location*	Date
Largemouth Bass	12 pounds	Rapala X-Rap Shad	Peninsula Cove	5/29/2008
Striped Bass	45.2 pounds	Large Rapalla	Middle of reservoir while trolling	4/17/2009
King Salmon**	6.2 pounds	Kastmaster	Cowboy Cove	2/28/2010
Catfish	30.31 pounds	Anchovies	South of boat docks (during expansion)	8/22/2011
Rainbow Trout	16.42 pounds	Kastmaster	South Cove	1/24/2015

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.

THIS DRAWING TO BE READ IN CONJUNCTION WITH THE COMPLETE PROJECT DOCUMENTATION SET INCLUDING THE SPECIFICATIONS.



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