

## John Cunningham

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**From:** Leland Frayseth <leland.frayseth@gmail.com>  
**Sent:** Monday, November 8, 2021 8:40 PM  
**To:** Samantha.Arthur@cw.ca.gov; Alexandre.Makler@cw.ca.gov; daniel.curtin@cw.ca.gov; Teresa.Alvarado@cw.ca.gov; Matthew.Swanson@cw.ca.gov; Kimberly.Gallagher@cw.ca.gov; fern.steiner@cw.ca.gov; jose.solorio@cw.ca.gov; cw@water.ca.gov; Shoemaker, Brianna@DWR; amy.young@water.ca.gov; Cambra, Paul@CWC; Yun, Joseph@DWR; Klopfenstein, Rachael@DeltaCouncil; erik.errec@delcouncil.ca.gov; John Cunningham; spalmer@zone7water.com; john@goldenstatesalmon.org; Bob Wright; Obegi, Doug; Daniel Bacher; Scott Anderson; Rachel Murphy; Kennedy, Kellye J; Jennifer Allen  
**Subject:** Los Vaqueros Expansion public record request "Disposal of fish at Contractor's option" is that legal?

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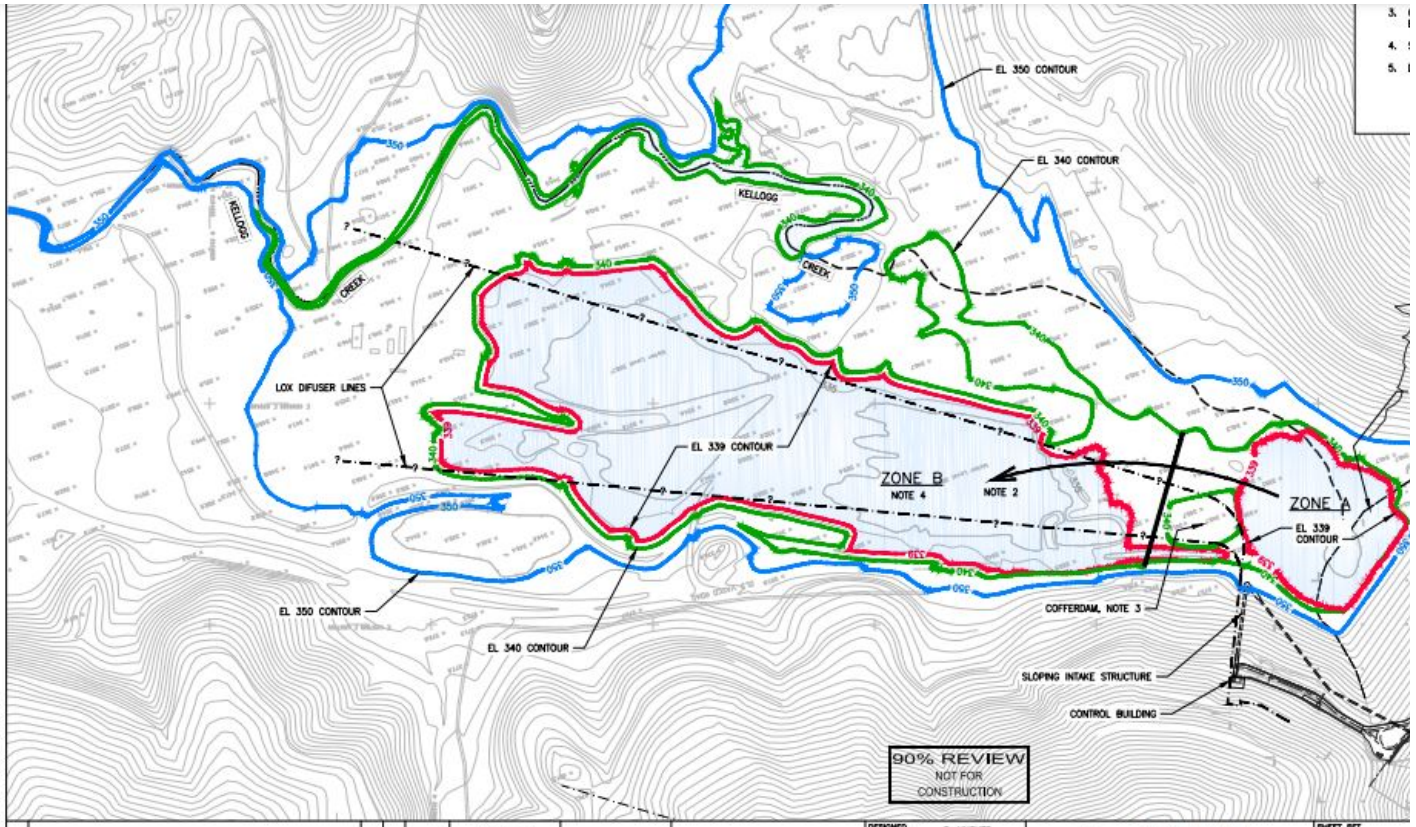
Dear Commissioners, Staff and the Public,

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://cw.ca.gov/-/media/CWC-Website/Files/Documents/2021/11\\_November/November2021\\_Item\\_4\\_DraftOctMinutes.pdf](https://cw.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.

Jun 07, 2021 12:11pm  
J:\31 275 TAF\General and BA\GN-13,14.dwg



			<div>WARNING</div> <div>0 1/2 1</div> <div></div>		<div><b>URS</b></div> <div>300 Lakeside Dr. Suite 400, Oakland, CA 94612</div> <div>Tel (510) 862-3600 Fax (510) 874-3388</div>	<div>DESIGNED D. HUGHES</div> <div>DRAWN J. PROHASKA</div> <div>CHECKED S. TOUGH</div> <div>REVIEWED</div> <div>APPROVED D. HUGHES</div>	<div></div> <div><b>CONTRA COSTA WATER DISTRICT</b></div> <div>Los Vaqueros Reservoir Expansion Project - 275 TAF</div>	<div>SHEET SET</div> <div>SHEET TITLE</div> <div>DE/</div>
B	90% REVIEW	6/4/21	IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE					
A	50% REVIEW	11/13/20						
REV	DESCRIPTION	BY APP DATE						

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 SEPARATION 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.

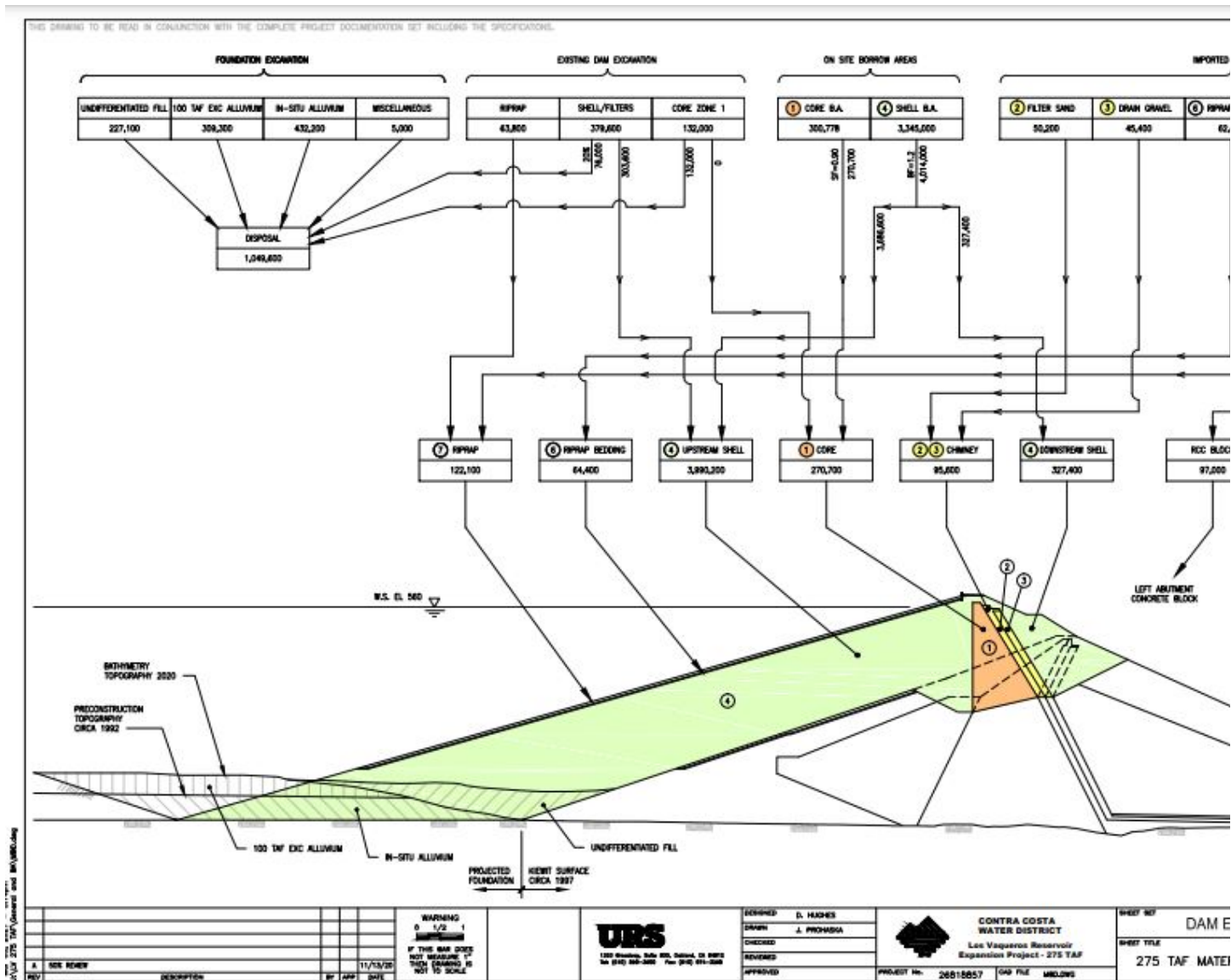
## FISHING RECORDS

### Current Los Vaqueros Fishing Records

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

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