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6 *Attorneys for Protestant Restore the Delta*

7
8 **BEFORE THE**
9 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

10
11 HEARING IN THE MATTER OF
12 CALIFORNIA DEPARTMENT OF WATER
13 RESOURCES AND UNITED STATES
14 BUREAU OF RECLAMATION REQUEST
FOR A CHANGE IN POINT OF DIVERSION
FOR CALIFORNIA WATERFIX

TESTIMONY OF ROGER MAMMON

1 I, Roger Mammon, a board member with Restore the Delta, do hereby declare:

2 1. I have lived my entire 71 years in the San Francisco Bay-Delta. My fishing
3 experience started as a child on family picnics at Lake Temescal in Oakland. My folks would take
4 my brothers and me to the Berkeley Pier to fish in San Francisco Bay. My Dad was born and raised
5 in a small mining town in Arizona and knew the importance of outdoor activities for his kids.

6 2. I was introduced to hunting in my early twenties through a friend in college. I have
7 pursued both sports avidly and have had the pleasure of fishing and hunting in California, Arizona,
8 Colorado, Washington, Wyoming, Montana, Canada, the Sea of Cortez, and Cabo San Lucas,
9 Mexico.

10 3. I have been active with the California Striped Bass Association for over 20 years, and
11 currently I am the President of the West Delta Chapter. I served 8 years as the President of the
12 Lower Sherman Island Duck Hunters Association and remain a Board Member.

13 4. For the past 34 years I have lived in Oakley, CA which is on the shores of the San
14 Joaquin River in the West Delta. I have been privileged to enjoy the recreational opportunities as a
15 hunter, fisherman and boater in the San Francisco Bay-Delta along with fellow sportsmen and
16 women who have a legal use of water.

17 5. I enjoy many different approaches to fishing. I will sit on anchor and bait fish, troll
18 for fish pulling lures through the water with my boat, drift live bait, and cast artificial lures in
19 shallow water environments, as well as flyfishing. While duck hunting, I have hunted from my boat,
20 used blinds in public waterfowl areas in the Delta, and hunted on Ag land with permission.

21 6. It is my belief based on my experience as an angler and hunter that the Delta is
22 suffering from an ecological crisis which has been well documented for decades. As a sportsman I
23 have watched the Delta die a slow death as its life giving blood, water, is removed from the
24 ecosystem in astonishing amounts leaving the Delta ecosystem in a terrible mess. My experience
25 and observations have spurred my concerns about this dying estuary, what is causing its demise, and
26 how my legal use of water is being violated.

1 7. Our Delta is a tidal estuary and prior to the 1960s supported an abundance of aquatic
2 life and a robust fishery for salmon and striped bass. Water quality has been degraded, and marine
3 life is struggling. Our fisheries have declined 90% from historic levels.

4 8. I once watched salmon roll on the surface of the Sacramento River as they moved
5 upstream to spawn. I used to witness salmon and steelhead smolt jump out of the water as they
6 made their way downstream to the ocean. This cycle-of-life experience now is a rare occurrence in
7 the West Delta where I live.

8 9. I began reading all that I could about the Delta's history, fisheries, agriculture, the
9 ecological changes, and invasive species. I have read studies by Drs. Peter Moyle and Jeffrey Mount
10 of UC Davis, Dr. David Ostrach, Ellen Hanak of PPIC, findings of the Delta Stewardship Council's
11 Independent Science Report, and the SWRCB 2010 scientific review of the necessary flows to
12 maintain a healthy Delta. I have also reviewed the Delta-Estuary California Inland Coast: A Public
13 Trust Report prepared for the California Lands Commission, May 1991 and An Economic Analysis
14 of Striped Bass, Steelhead, Chinook, Salmon, Black Bass, Halibut and Sturgeon Fishing in a 31
15 County Area of Northern California prepared for the California Department of Fish and Wildlife by
16 the Program for Applied Research and Evaluation at California State University, Chico, CA.
17 Anglers spent \$470,289,821.00 in 2010. I have read virtually every Delta-related newspaper article
18 written by the late investigative journalist, Mike Taugher, in the Contra Costa Times.

19 10. It is my opinion that the petition before you appears to be seeking a new water right
20 rather than a simple change of a diversion point. The planned project will have the capability of
21 diverting much of the entire flow of the Sacramento River, depriving the Delta of the freshwater
22 outflow needed to sustain the estuary. How can altering the export operations that are currently on
23 the San Joaquin River drainage to the export of water in huge amounts from the Sacramento River
24 miles away be accurately characterized as a mere change in the point of diversion?

25 11. The tunnels would significantly worsen the already impaired health of the West Delta
26 and of the entire San Francisco Bay-Delta estuary. The estuary creates the food chain that all of the
27 species living in the Delta depend on to survive. That life is created by the interaction of tides and
28

1 freshwater outflow, but the Delta has been deprived of the outflows necessary to sustain the health of
2 its ecosystems. The result has been the pelagic organism decline.

3 12. The tunnels would allow contaminated water from the San Joaquin River to reside in
4 the South and Central Delta. The Contra Costa Water District has said that the West Delta would
5 become a seawater sump contaminated with agricultural runoff and carcinogens.

6 13. As a fisherman I at times enjoy keeping some of what I catch. I am now cautious of
7 eating fish from the Delta due to boron, selenium and other contaminants. The California
8 Department of Public Health has warnings about the consumption of fish caught in the Delta.

9 14. The fish I enjoy catching in the Delta are striped bass, black bass, salmon and
10 sturgeon. All of these fish require clean water and flows to reproduce and survive. Sturgeon is of
11 special concern as they do not spawn annually. Female sturgeon develop their roe over the course of
12 several years. If the water quality and temperature is not right at the time they are ready to spawn
13 they will reabsorb their eggs. This is a prehistoric fish that has survived for over one hundred
14 million years and now the green sturgeon is a threatened species and the white sturgeon is a species
15 of concern. These fish are bottom feeders and consume contaminants off the bottom of our Delta.
16 Clams are an important part of their diet and the invasive Asiatic clam is a filter feeder that absorbs
17 and retains those contaminants.

18 15. I will also fish for salmon during the ocean and river season. These fish need strong
19 flows to find their natal spawning ground and for their offspring to migrate to the sea to mature.
20 They are nutritious and support coastal businesses from Monterey up into Oregon.

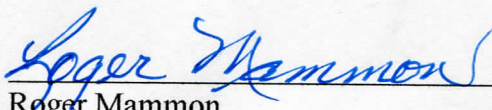
21 16. Changes in water quality in the Delta have had a negative effect on ducks and other
22 migratory birds. The Delta is a major stopover and wintering area on the Pacific Flyway. Increased
23 salinity in the Delta has affected the birds' food sources in shallow water areas, which decreases
24 nesting opportunities and areas to raise their young.

25 17. Lack of Delta outflow has also increased the presence of invasive plants and
26 organisms, changing and at times destroying the natural habitat our native species need to survive.

27 18. I intend in my oral testimony to share with you some photos of my Delta related
28 activities related to having a legal use of water.

1 19. In conclusion, I am directly affected as a legal user of water, as the sporting activities
2 I enjoy are being decimated by the diversion of clean water for other purposes and will be further
3 severely injured should the petition be granted and the Twin Tunnels constructed.

4
5 DATED: August 26, 2016


Roger Mammon

1 **STATEMENT OF SERVICE**

2 **CALIFORNIA WATERFIX PETITION HEARING**
3 **Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)**

4 I hereby certify that I have this day submitted to the State Water Resources Control Board
5 and caused a true and correct copy of the following document(s):

6 **TESTIMONY OF ROGER MAMMON**

7 to be served by **Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service**
8 **List** for the California WaterFix Petition Hearing, dated August 8, 2016, posted by the State Water
9 Resources Control Board at [http://www.waterboards.ca.gov/waterrights/water_issues/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml)
10 [programs/bay_delta/california_waterfix/service_list.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml)

11 I certify that the foregoing is true and correct and that this document was executed on
12 August ____, 2016.

13 Signature: _____

14 Name: John W. Wall

15 Title: Litigation Assistant

16 Party/Affiliation: Protestant, Restore the Delta

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