

May 17, 2001

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Environmental Services Agency
San Mateo County
455 County Center, 4th Floor

Redwood City, CA 94063

Michael Carlin
San Francisco Public Utilities Commission
1155 Market Street, 4th Floor
San Francisco, CA 94103

Re: California Trout Lake Merced Petition

Please be advised that on January 30, 2001 California Trout, Inc. submitted a petition to each agency requesting appropriate limitations on groundwater pumping to restore and protect the public trust and other beneficial uses of Lake Merced in San Francisco.

California Trout specifically requested that the State Water Resources Control Board (SWRCB) take the lead in coordinating a negotiated settlement with California Trout and the respondents named in the petition. The petition requests that the "SWRCB shall hold a public workshop in April 2001 for the purpose of discussing the claims in the Petition, potential remedies, interest in settlement negotiations, and other further procedures." *Clearly, April 30th has come and gone and the requested workshop did not take place per CalTrout's request.*

I requested a status report from our attorney, Mr. Richard Roos Collins, today. Richard informed me that the SWRCB has requested more evidentiary information relating to reclaimed water before it considers assigning a petition hearing number to the case.

My concern is twofold. First, there does not appear to be a sense of urgency in addressing the Lake Merced issue and secondly, there has been virtually no dialogue, responses or comments from the state resource agencies nor the respondents named in the petition about the California Trout's petition.

The lack of conjunctive and coordinated groundwater management and the current over drafting of the Westside Basin Aquifer has negatively impacted Lake Merced's beneficial uses such as boating, fishing, hiking, and San Francisco's emergency potable water supply. Wells continue to be permitted and drilled even now. If actions aren't taken immediately, San Mateo and San Francisco counties run the risk of salt-water intrusion taking place. Once that occurs there won't be any fresh water for drinking, irrigation and a multitude of beneficial uses. San Francisco source of emergency water will go from 4 days at present to zero days if brackish water takes over the aquifer.

Resolution to this potential crisis is simple. California Trout has purposely avoided litigation and is seeking the resource agencies to provide the necessary regulatory and statutory leadership and authority to address this critical problem. CalTrout is requesting the resource agencies assist us in working through a coordinated, negotiated settlement with the respondents and pumpers named in the petition. Politicians and resource

mangers in San Mateo and San Francisco counties are incapable of solving this problem as evidenced by 50 years of broken promises, delays, obviscation and greed.

I have one simple request and appeal to make to each of you. I know full well the state agencies are under funded, understaffed and do not have tons of resources to address this petition. I am asking each of you to assign one person from each of your agencies to meet with CalTrout and its legal counsel in the next two weeks to discuss this petition and to ascertain if the state agencies are going to work with us on this problem. The Westside Basin problem can be fixed but we need your cooperation, collaboration and leadership now.

California Trout is prepared to pursue a lawsuit if the state does not demonstrate a proactive approach in working with us to solve this problem. This isn't a threat, this is a fact. California Trout spent over \$1 million in a 14-year legal battle known in legal circles as CalTrout I and II in the restoration of Mono Lake and its four tributaries. We are presently involved in a lawsuit to be heard in the Ninth Circuit Court of Appeals over FERC hydro-relicensing process. We are prepared to follow suit on Lake Merced if warranted.

Please inform me of your decision to meet in the next two weeks at your earliest convenience.

Sincerely,

Mark L. Bergstrom
Executive Director

cc: Kevin Shelley, State Assembly
Jackie Speier, State Senate