

**TESTIMONY OF THE SAN JOAQUIN TRIBUTARIES ASSOCIATION
TO THE WATER AND POWER SUB-COMMITTEE OF THE HOUSE
COMMITTEE ON RESOURCES REGARDING THE
*SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT***

**September 21, 2006
1324 Longworth House Office Building**

By Allen Short, Coordinator for the San Joaquin Tributaries Association

Good morning Chairman Radanovich and fellow members of the Subcommittee. My name is Allen Short. I am the General Manager of the Modesto Irrigation District. I appear today in front of you as the Coordinator of the San Joaquin Tributaries Association.

The San Joaquin Tributaries Association is comprised of five irrigation districts located on the eastside of the San Joaquin Valley which divert and use water from the Merced, Tuolumne and Stanislaus Rivers. The SJTA's members include the South San Joaquin Irrigation District and Oakdale Irrigation District, which are senior water right holders and producers of power on the Stanislaus River; the Modesto Irrigation District and Turlock Irrigation District, which are senior water right holders and producers of power on the Tuolumne River; and the Merced Irrigation District, which is a senior water right holder and producer of power on the Merced River. Collectively, the SJTA's members comprise over 300,000 acres of agriculture, annually produce over one-thousand megawatts of electricity, annually divert over a million acre feet of water and have large storage facilities that store millions of acre feet of water.

The SJTA is a supporter of the settlement. We believe it is better to look for solutions, rather than relying on courts to issue decisions.

Our support for the settlement is premised, however, on the provisions of Paragraph 7 of the settlement agreement, which provides in part:

“The parties neither intend nor believe that the implementation of this settlement will have a material adverse effect on any third parties or other streams or rivers tributary to the San Joaquin River.”

In order to make that intention come to fruition in a clear and unambiguous fashion we have offered language for legislation. Mr. Ken Robbins will address the issues related to the reintroduction of Spring Run Chinook Salmon. My testimony will focus on ensuring that adverse impacts will not occur to the SJTA’s members as a result of the settlement.

In the near future, Merced Irrigation District will begin a Federal Energy Regulatory Commission re-licensing process for its Merced River Project, whose current license expires in 2014. Shortly thereafter, Modesto Irrigation District and Turlock Irrigation District will begin their FERC re-licensing process for the Don Pedro Project, the present license for which expires in 2016. Oakdale Irrigation District and South San Joaquin Irrigation District have finished their re-licensing process, but their licenses have a re-opener provision for threatened or endangered species.

In the Federal Energy Regulatory Commission’s re-licensing process, the National Marine Fisheries Service has mandatory conditioning authority. If Spring Run Chinook Salmon are re-introduced into the upper San Joaquin River in 2012 then the National Marine Fisheries Service will have the authority to condition the licenses of the

Merced, Modesto and Turlock Irrigation Districts with conditions for the protection of Spring Run Salmon as part of the re-licensing process. Moreover, the licenses already issued to the Oakdale and South San Joaquin Irrigation Districts could be re-opened to consider additional conditions for the purpose of protecting or enhancing the re-introduced Spring Run Chinook Salmon.

It is imperative to the SJTA that the ESA protections afforded the Districts at the beginning of this settlement process, namely those under Sections 10(j) and 4(d), are not changed in the middle of the implementation process. We do not want to have one set of conditions applied now, only to be ratcheted up with additional conditions in the FERC re-licensing process.

We need a clear Congressional directive to the National Marine Fisheries Service, the Federal Energy Regulatory Commission and non-governmental organizations that Spring Run Chinook Salmon will not be an issue in the FERC re-licensing process. We only request that this condition be in place for the term of the settlement agreement. We accept the likelihood that our licenses will have a re-opener condition for Spring Run Chinook Salmon in 2026. We believe our proposed legislative language is fair and reasonable. We believe it provides the SJTA's members with the same level and duration of assurances as given to the settling parties. We believe the language we have offered accurately, concisely, and succinctly sets forth what the parties intended in their settlement agreement and is necessary for our continued support of the agreement.

Congressman Radanovich, the SJTA appreciates your leadership and guidance on this historic settlement and legislation. Your continued insistence and unwavering support of the key concept of no redirected impacts has made it possible for us to support

this settlement and yet protect the valuable resources and service we provide to our landowners and customers in the San Joaquin River Basin.

This concludes my testimony. Mr. Chairman, thank you for the invitation to testify before this Subcommittee today. I will be happy to answer any questions members of the subcommittee may have.