Damn Dams

“If [the west-side growers’] water goes around the delta rather than through it, forget about water quality in the estuary. They won’t give a damn.”

—DANTE J. NOMELLINI

California Lawyer Article 2010
Agenda

- Welcome – Scott Mann
- 2–Gates Fish Protection Project – Mike Guzzardo
- California Delta History – Dave Dove
- 2–Gates Accomplishments – Karen Mann
- Mary Piepho – Contra Costa County Supervisor District III
- Susanna Schlendorf – District Director for Assemblymember Buchanan – 15th Assembly
- David Nesmith – Environmental Water Caucus
- Barbara Barrigan–Parilla – RestoreTheDelta.Org
- Our Goals and Next Steps – Mike Guzzardo
- We need your help! – Dave Dove
Mike Guzzardo

The 2 Gates Project
Save The California Delta Alliance – STCDA

- Initial group name (was SFBDF) now STCDA
- October 27 US Bureau of Reclamation (USBR) “2-Gates” meeting outraged us
- We formed an Alliance for a cohesive voice
  - Committee Members – Names / Roles
    (We are Private Citizens not “Cause People”)
- 2-Gates has been our PRIMARY focus
- Protecting the Southern Delta and Discovery Bay long-term is our future focus
STCDA Mission

- Our Mission Statement:

  “Save the California Delta Alliance (STCDA) is a public interest organization committed to working with local, state, and federal government to create a balanced state water plan that keeps the California Delta a safe and healthy environment for all who live here while providing clean water exports for other areas of the state.”
2–Gates Overview

USBR’s Official Goals

- A 5–year experiment to protect delta smelt from entrapment in Central Valley Project (CVP) and State Water Project (SWP) export pumps

- Research suggests that migration of delta smelt is tied to particles in the water (turbidity)

- Place Temporary gates across Old River and Connection Slough operated from December to March and extensively March and June to keep smelt away from the pumps
Who is paying for it and Why?

- Metropolitan Water District of Southern California
- Delta Mendota Water District
- US Bureau of Reclamation – Dept. of Interior
- The State of California (new/proposed legislation)
- The Federal Government (new legislation)

- The cost estimate –
  - $80 million just for a 2–Gates “EXPERIMENT”!

- Why? To increase water exports to Southern California and the Central Valley Water Projects
2–Gates Impact to Discovery Bay

- Decreased water flow
  - Bays
  - Golf course lakes
- Health/quality of water
  - Bays
  - Golf course lakes
- Environmental effects
  - Doesn’t protect smelt
  - Effect on salmon, etc.
- Boating access limited
- Boating safety issues
- Sewage issues
- Impact to economy
  - Marinas
  - Marine Businesses
  - Waterfront home values
- Ugly gates across our scenic waterways

STCDA – www.NoDeltaGates.com
1772 First recorded human activity on delta
1850 Swamp and Overflow land act (conveyed swamp and overflow land to California approx 2.1 million acres)
1861 California legislature allow Reclamation Districts to be formed (Board of Swampland commissioners)
1871 Most of swampland under private ownership (California makes MONEY from sales)
History of the Delta

- 1879 Striped Bass introduced to the delta
- 1880 Dredges start reclaiming land
- 1900 Over 100 clamshell dredges working
- 1920 Most of Delta reclamation complete
- 738,000 acres reclaimed with 1000 miles of levees
Can 2–Gates can become 4 or 8?

The Big Picture/The BDCP Plan:
- The current "2–Gates" project gates are shown on the Bay and Delta Conservation Plan (BDCP) charts as two of the 8 or more permanent Salinity Gates.
- Their plan is to use barrier gates to keep salt water from entering and stop fresh water from escaping from the "central canal" area. And to keep fish from being entrained (sucked into the pumps).
- The barrier gates: keep fresh water in, keep fish and salt water out.

CONCERNS:
- “Central canal“ is Middle River AND Mildred Island.
- Plan allows salt water to intrude far into the Delta.
The Branch’s primary function is to plan and implement projects and actions in the South Delta as part of the CALFED Conveyance Program. The Branch conducts engineering and environmental studies to improve the operation of existing facilities, and plans new facilities to improve water supply reliability and quality for local uses and SWP/CVP exports. The Branch also analyzes related actions to develop and improve aquatic habitat.
South Delta Improvement Project

- Increase pumping from 6500CFS to 8500CFS
- Increase flow downstream on San Joaquin to increase Dissolved O2
- Keep juvenile salmon from entering the pumping stations
- Increase water quality (lower salt content) by mixing with downstream delta water before return to pumps
- Status: Awaiting for BO to be issued
The South Delta Improvement Project

Preferred Physical/Structural Component

Key:
- Flow control gate
- Fish control gate
- Conveyance dredging area
- Potential spoils ponds/runoff management basin locations (see figure 2-8 for specifications)
- Minor spot dredging in approximately 24 locations within these areas

STCDA – www.NoDeltaGates.com
The Delta Today

[Map of the Delta today]
How Our Legislators Yearn to CANAL ROUND AND PAST
The Delta is Going to Change Dramatically

We can sit and watch, or, try to guide change so that we wind–up with an ecosystem that supports desirable species.

Proactive learning will require ecosystem–scale field experiments, such as those proposed here.

Taken from CalFED Science Program Independent Review Panel – Aug. 6 2009
Accomplishments to date

- October 29 – Formed SFBDF
- Established web site – www.NoDeltaGates.com
- Held dozens of meetings and conference calls with citizens, other groups, and the media
- Met with Supervisor Mary Piepho
  - She opposes 2–Gates and is a great advocate for our water issues
- 2,000+ Comment sheets were hand–delivered to:
  - Bureau of Reclamation (USBR)
  - Army Corps of Engineers (USACE)
  - Congressman McNerney’s Office
- Got the USBR AND USACE comment period extended
- Met with US Congressman McNerney, Supervisor Piepho, USACE and USBR in Stockton December 21 to discuss 2–Gates
- **December 23 – “2–Gates Project” put on HOLD !!**
- March 1 – Became STCDA
ACCOMPLISHMENTS

According to an anonymous regional water employee some of the reasons for the delay of the 2 Gates were:

1. The project is now deemed a PERMANENT Structure and the estimate of $80 Million was grossly underestimated.

2. The amount of opposition was strongly growing (STCDA and Discovery Bay Residents).

3. The EPA and USACE were asking a lot of pointed questions about the efficacy of the project.
Finally, while we recognize that expediting the permitting process for the Demonstration Project has garnered strong local, state, and Federal support, we have received over 1400 comment letters on the draft Environmental Assessment for the project from concerned citizens and organizations questioning the scientific basis, the benefits, and the potential impacts of the proposed action. In addition, the November 2009 Design, Estimating, and Construction Review noted nine findings and recommendations that need to be addressed to ensure the technical soundness of the Demonstration Project, and to provide a credible basis for decision-making.
Legislation to fast track 2 gates
Feinstein legislation propose...
...then retracted
...more legislation just out to fast track it...
Supervisor Mary N. Piepho
District III Contra Costa County Board of Supervisors

The Delta Counties Coalition
What’s in the Delta?

- 1,100 miles of levees
- 70 reclaimed islands
- 700 miles of waterways
- 738,000 acres
- $2 Billion annual agricultural economy
- 4 million people in Delta Counties
- Cities and small historic communities
- Significant infrastructure – roads, railroads, natural gas fields, pipelines, ports, aqueducts

Courtesy: Jeff Mount

STCDA – www.NoDeltaGates.com
Statutory Delta

Encompasses portions of 5 counties:

Solano,
Yolo,
Sacramento,
Contra Costa, and
San Joaquin,

which have formed The Delta Counties Coalition

Source: Delta Protection Commission
STCDA – www.NoDeltaGates.com
• Five counties have met for the past two years.
• Five counties have adopted a common set of principles on the Delta/Water issues.
• Five Counties are joined by colleagues in CSAC to adopt a statewide platform on Delta issues.
Key Common Principles

- Water quantity, water quality, Delta outflow
- Water rights
- Respect and safeguard Delta Counties’ current responsibilities in any new governance structure
- Local representation
- Economic vitality
- Levees
Key Common Principles

- Common Delta pool
- Through-Delta conveyance improvements
- Require that any water conveyance plan for the Delta be aligned with the Delta County resolution and supported by system-wide improvement
- Delta ecosystem
- Regional self-sufficiency
Bay Delta Conservation Plan

• Restoration Opportunity Areas

Scale Of Proposed Changes
Bay Delta Conservation Plan

- Potential conveyance routes
  - West canal/pipe
  - East canal/pipe
  - Middle River conveyance
Potential Impacts Of Large-Scale Changes On The Delta Counties

- Changes in water quality for agriculture, municipal, and industrial intakes; groundwater

- Substantial impacts of 100,000 acres of land conversion to habitat

- Loss of agriculture to habitat, peripheral canal, floodplain/floodway expansion

- Significant loss of tax base for acreage moving into public ownership

- Changes in governance structures, increased state involvement usurping county, city land use authority
Levees—Actions that need to be implemented immediately

- Initiate large-scale levee repair now; the state’s water supply and the Delta ecosystem depend on it.

- Stockpile rock in the Delta (and in the western Delta) specifically for levee repair.

- Set up a multi-year funding commitment to restore levees, using PL–84–99 as a minimum design standard for levees remaining after transition to habitat, floodplain and a 200-year standard for urban communities (including small communities).

- Active support and advocacy for the state–federal Delta Long Term Management Strategy (LTMS) and the beneficial reuse of dredged materials for levee rehabilitation.
Why are Delta residents unhappy?

- Shut out of the legislative process and BDCP
- Threatened water rights/supplies
- Loss of local land use control and hundreds of thousands of acres may change land use
- Potentially huge impacts to local economy and infrastructure
- No long term funding for management, operation or mitigation

Delta communities will bear a disproportionate burden to provide plumbing and environmental services for other areas of the state.
Delta County Coalition

- Federal Government involvement
  - Local participation
  - Delta as a Place as a component
  - Sound comprehensive science
  - Sufficient funds to restore Delta and sustain local economy
  - Bring balance to state process
WHAT YOU CAN DO

- Keep abreast of the issues, keep others informed, be active

- Support, join organizations that promote your philosophy; the group dynamic is a powerful one and it can make a difference

- Collaboration with other groups can provide additional traction on an issue

- Keep your civic leaders, legislators in the loop as to what is important to you

- Save The California Delta Alliance as a good example
Susanna Schlendorf
District Director, Assemblymember Joan Buchanan’s Office
The Delta Today – An Estuary, a Region and a State in Crisis

“The Bay–Delta is among the most important estuary ecosystems in the nation”

Everyone in California depends on the Delta for something.
2009 Water Legislation

SB 1 – Delta Governance/Delta Plan

- Creates Delta Stewardship Council
  - 7 members: 4 appointed by Governor, 2 by the Legislature, and the Chair of the Delta Protection Commission
  - Responsibilities
    - Develop a Delta Plan
    - Determine water supply needs of the Delta
    - Determine consistency of the Bay–Delta Conservation Plan (BDCP) with co–equal goals.
- Establishes the Sacramento – San Joaquin Delta Conservancy to implement ecosystem restoration.
- Restructures Delta Protection Commission
Delta Independent Science Board (New)
10 Members
Adaptive Mgmt, Periodic Review

SWRCB, RWQCBs, DFG
USACOE, USFWS, NMFS
(Regulatory actions not subject to conformance with Delta Plan)

Delta Watermaster
(New)
Enforcement of SWRCB orders and permits

All Water Right Holders

Delta Stewardship Council (New)
7 Members
Assumes responsibility for Bay-Delta Authority
Responsible for: Adopting Delta Plan
Determining local Delta agency consistency with plan (but not upstream users, exporters or regulators)

Delta Protection Commission
(NEWLY REVISION)
15 Members including 5 counties
Economic Sustainability Plan by 07/11

Bay-Delta Conservation Plan
Proposed by DWR, USBR and approved by NMFS, USBR, DFG. (If NCCP, it must be included; if not NCCP may be included)

Delta Conservancy
11 Members, 20 Non-voting members/liaisons
Responsible for implementing Delta Plan before 01/12

The Delta Plan
Comprehensive, Long-term Delta Management Plan

Department of Water Resources

DPC Advisory Committee(s)
(NEWLY REVISION)

Federal Agencies

Delta Protection Commission
(NEWLY REVISION)
15 Members including 5 counties
Economic Sustainability Plan by 07/11

Also Providing Input:
CA. Emergency Mgmt Agency
Central Valley Flood Protection Board
Energy Resources Cons/Dev Comm.
CA Public Utilities Commission
Department of Fish and Game

Local Delta Agencies
Provide input
Required to make Consistency Determinations for all actions affecting the Delta Plan, with the right of any person to challenge

STCDA – www.NoDeltaGates.com
Problems with SB 1 –
- No requirements for adequate flows to sustain the Delta
- Complex structure with no ongoing funding
- Very limited voice for Delta representatives
2009 Water Legislation

- SB 6 – Groundwater Monitoring
  - Requires Department of Water Resources to establish a schedule for monitoring groundwater basins and review reports.

- Problems with SB 6 –
  - Reporting is not mandated. California is the only state that does not regulate groundwater.
  - Landowners may refuse access to their property, requiring the Attorney General to issue an order to gain access to their property.
  - 40% of California’s average annual water supply comes from groundwater. In severe drought years, it is 60%.
2009 Water Legislation

SB 7 – Water Conservation
- Requires reductions in water use by 2020
  - 20% for residential water use
  - 10% for industrial water use
  - 0% for agricultural water use
- Agricultural water supplies must prepare Agricultural Water Management Plans by December 2012.

Problems with SB 7 –
- There is no requirement for agricultural water users to change practices or conserve.
- In California, 20% of water is used by residential & industrial customers; 80% is used by agriculture.
- Not all parts of the state are equal – climate, history of conservation practices.
2009 Water Legislation

- **SB 8 – Water Diversion & Use**
  - Provides a stronger accounting of water diversion and use in the Delta by removing an exemption from reporting water use by in-Delta water users.
  - Appropriates money from Propositions 1E and 84 for a variety of storm water and flood protection project.

- **Problems with SB 8 –**
  - Water diversions outside the Delta do **not** need to be reported.
  - It further conditions and reallocates bond fund money from Propositions 1E and 84 previously approved by voters.
2009 Water Legislation

- $11.14 Billion Water Bond – Safe, Clean, and Reliable Drinking Water Supply Act
  - $2.25 billion for Delta sustainability (half can be used for mitigation for conveyance)
  - $3 billion for surface storage – dams
  - $5.89 billion for water supply reliability, local and regional water projects, and local watershed projects

- Problems with the bond –
  - Very little money is going directly to Delta restoration and increasing our water supply.
  - Too much money is earmarked for projects for which we have no plans.
  - $700 – $800 million per year cost will come from the general fund, at the expense of education and other critical needs.
  - Bond does not include the cost of a conveyance, estimated by DWR to be more than $50 billion.
What should we do?

- **Vote NO on the bond.**
- Utilize the remaining $7 billion in authorized but unissued Proposition 1E and 84 bonds to make levee improvements and ecosystem restoration in the Delta.
- Write new legislation with real protections for the Delta that includes stakeholders from the Delta and Northern California.
- Greater attention should be given to evaluating water project operations for efficiency, effectiveness and sustainability.
- Rely on science to determine the minimum flows needed to sustain the Delta ecosystem.
- Establish guarantees that only water that is in excess of the minimum flows is available for export.
David Nesmith
Environmental Water Caucus
CALIFORNIA WATER SOLUTIONS NOW

FROM THE ENVIRONMENTAL WATER CAUCUS 2010
Upstream Diversions

6.7 MAF to the North

5.1 MAF to the South

0.4 MAF to the West

0.8 MAF in Delta

13.0 MAF Total
Delta Exports by Decade

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Historic Delta Exports and Estuarine Fish Populations

Fish Abundance (as a percent of 1968-1971 average)

Average Annual Delta Exports (millions of acre-feet)

Exports
Striped Bass (Young of Year)
Delta smelt
longfin smelt
Delta Smelt
Longfin Smelt
Green Sturgeon
Salmon
CHANGING WATER DEMANDS CAN BE MET IN MANY WAYS

- **Urban efficiency**
  - Low estimate
  - High estimate
- **Groundwater storage**
- **Recycled water**
- **Surface storage (state)**
- **Agricultural efficiency (net)**
- **Cloud seeding**
- **Desalination**
- **Meadow restoration**
- **Conveyance**

**Millions of acre-feet per year**

**SOURCE:** Department of Water Resources, Draft California Water Plan Update (Bulletin 160-09), 2009.

**NOTE:** Annual production potential from new water sources and conservation by 2030.
What Can We Do?
End Subsidies
Urban Water Conservation

got water?
Do your part, be water smart!

STCDA – www.NoDeltaGates.com
Water Reclamation: Toilet to Tap
Groundwater Storage

Diagram showing the process of recharge, percolation, saturated area, and water table.
Political Action
They don’t do it to you.
Oil leaks from your car kill Bay wildlife. Tune your car.

Source: Save S.F. Bay Association
“California Water Solutions Now”
ewccalifornia.org
Barbara Barrigan-Parrilla

RestoreTheDelta.Org
Myths & Facts*

There’s a LOT of misleading publicity ...

- **Myth:** The high rate of joblessness in the San Joaquin Valley is due to agricultural unemployment.

**Fact:** The subprime mortgage crisis and housing implosion caused most of the job loss in the San Joaquin Valley. UOP studies have estimated that 47,000 construction jobs were lost in San Joaquin Valley, as opposed to 8,500 jobs in agriculture.
Myths & Facts*

Myth: "The San Joaquin Valley is experiencing an unprecedented economic crisis. The unemployment rate is 40 percent in some Valley towns, and people are standing in bread lines. (Feinstein press release, 2–11–10)

Fact: Unemployment is chronically high among San Joaquin Valley agriculture's seasonal labor–pool communities. Mendota, the community used for staging appearances by Governor Schwarzenegger, Fox News' Sean Hannity, and, most recently, '60 Minutes' suffers high double–digit unemployment in both drought and wet years.

(*) From RestoreTheDelta.org Press Release February 12, 2010
Myths & Facts*

- Myth: Environmental protections for the Delta cost jobs.

Fact: [LACK of Environmental Protections is costing us more jobs.] A study commissioned by Southwick Associates showed that the 2008–2009 salmon fishing closure has cost an estimated 23,000 jobs and $1.4 billion annually to the California economy.
Myths & Facts*

- **Myth:** The Endangered Species Act is preventing storage of spring runoff.

- **Fact:** As of February 10, the Federal share of the San Luis reservoir is at 81% of the 15 year average. The rest of the Central Valley Project reservoirs are also filling up, and are at 78% of the 15 year average.

(*) From RestoreTheDelta.org Press Release February 12, 2010
Myths & Facts*

- **Myth:** A large number of almond orchards in the Central Valley have been cut down.

- **Fact:** The California almond industry had record shipments of 1.39 billion pounds in 2008–2009, up 10% over 2007–2008. Farmers in Westlands Water District went from 48,325 acres of almonds in 2005 to 70,252 in 2008. They planted 4,042 acres of almond trees between 2007 and 2008. Westlands Water District reported excess water in 2008 enough to export 50,000 acre feet. In 2009 they stopped irrigating 2,389 acres of almonds. (only about 3.4% loss which could have been from other factors)

(*) From RestoreTheDelta.org Press Release February 12, 2010
AND Some Believe the Myths

And make high-level decisions that will make the issues worse:

Senator Feinstein Amendment to the Senate Jobs Bill – postponed as of February 25th but still a threat:

- Suspend Endangered Species Act protections for Chinook salmon
- Mandate certain pumping regimes from the Delta
Our Goals – Protect the Southern Delta and Discovery Bay

- Actively monitor current projects and events
- Work with legislators (seat at the table)
- Work to dispel the myths
- Obtain our own studies and expert testimony/opinion – so we can better gauge the possible effects of these projects on Discovery Bay and the Southern Delta
- Force government agencies to provide Environment Impact Statements / Reports
- Litigation If needed
Future Timelines

- Spring? – Results from the 2-Gates “Science Study”
- ...Gates Go In or Not...
- Other Gates...

- VOTE **NO** on the November Bond
  - Which slates $28 Million for the 2 Gates Project AND proposes the major water conveyance projects (canal/tunnel/etc) that would harm the delta!
Dave Dove

What can YOU do?
Is the 2-Gates Project dead? The short answer is that 2-Gates is down, but it is not out. The federal government has switched from unqualified support of the project back in November to expressing serious reservations about going forward now. However, it would be a mistake to underestimate the tenacity of the project’s chief sponsor: The Metropolitan Water District of Los Angeles. They want more delta water badly and will fight until the end to get it. We should not become complacent. We need to keep the pressure on and we need your continued support if we are to see this fight through to the end and win it.
What have we done so far? We hired experts and submitted scientific evidence, along with legal arguments, to the U.S. Bureau of Reclamation and the U.S. Army Corps of Engineers. Our arguments took the project off the fast track because the Bureau of Reclamation has recognized our objections. Instead of rushing to begin construction, the federal government is now conducting additional scientific studies to re-evaluate the project in light of our criticisms. The United States Environmental Protection Agency also heard our concerns and has objected to the project, joining us in many of the criticisms we have leveled. The EPA expressed concern specifically about the impacts of the project on residents of Discovery Bay. Because so many of you spoke up, and the strong support we received from CSD and Rec 800, the federal government is listening to us. However, on the other side, the Metropolitan Water District of Los Angeles has hired highly qualified scientific experts of their own. Los Angeles experts are now hard at work trying to blunt our criticism by influencing the outcome of the ongoing scientific tug-of-war about 2-Gates.
Michael Brodsky – Comments

What’s next? We need to maintain communication with the various federal agencies that are involved in 2-Gates so that we can offset the influence of Los Angeles interests with our own continued input, scientific, political, and legal, as it becomes necessary.

When will this be over? The next round in the fight will come when the scientific and legal re-evaluation has been completed. This could come at any time, from a few more months to a year or more. When the re-evaluation is completed it is possible that the federal government will decide not to pursue 2-Gates and the project will be dead. It is also possible, under pressure from the Metropolitan Water District of Los Angeles and its highly placed political allies, that the feds will try to push ahead with 2-Gates. If the feds do decide to push ahead, the time will then be ripe to file a lawsuit in federal court seeking to enjoin construction of the 2-Gates Project.
Immediate needs for STCDA

- Media coverage from outside our community
  - Dispel the myths
  - Raise awareness

- MONEY TO PAY FOR
  - EXPERTS
  - LEGAL ADVICE
    - Monitor projects’ status
    - Begin laying legal groundwork
    - Advise us when/if to start proceedings
We need your help to defeat 2-Gates and other initiatives that threaten the Delta! Please donate. Click the “Donate” button on the right!

**Current Sponsors:**
- Protectors (> $1,000)
  - Cecily Tippery
  - Discovery Bay Yacht Club
  - Ed and Jean Stewart
  - Everett and Nancy Watrous
  - Judith Travers
  - Milt and Jan Baehr
  - Montgomery and Jocelyn Rogers
  - Peter and LuAnn Hills
  - Richard Daniel
  - Scott and Karen Mann
- Caretakers ($750 - $1,000)
  - Allen and Cathy Bellinghausen
  - Donald and Ellen Lebon
  - Harry and Sara Chalmers

**SUPPORT THE SFBDF**

**JOIN US!**
Receive news via email.

[Submit!]

STCDA – www.NoDeltaGates.com
What Can You Do?

- **Volunteer** your time and expertise!
- **Let us know** about your contacts/experts
- **Contact your Legislators** – the more they hear from us the better!
  
  (See the website for “how to” and sample comments)
- **Vote against the Bond Bill** in November
- **Stay Involved!** Keep coming to the meetings. Stay informed. **MAKE A DIFFERENCE!**
What Can You Do?

DONATE TO THE EFFORT
Make your tax deduction donations payable to:
STCDA
◦ Mail your checks to:
  STDCA
  4112 Windward Court
  Discovery Bay, CA 94505
OR via PayPal on our Website
Q and A

- Questions for our panel