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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 XUILY LO

1 1. I am an adult over the age of eighteen. I have personal knowledge of all the facts
2 contained in this declaration, except those stated on information and belief. As to those statements
3 based on information and belief, I believe them to be true. If called to testify, I would and could
4 completely and truthfully testify as to the statements contained herein.

5 2. My name is Xuily Lo, and this is my personal testimony on why I disapprove of
6 Governor Brown’s Delta tunnels project.

7 3. First, I would like to begin with a brief background of myself and who I am. I was
8 born and raised in the northern part of Stockton, California in late 1980s. My parents came to
9 America as refugees at the closure of the so-called “Secret War in Laos,” which most Americans
10 relate to on a bigger picture as the Vietnam War. As I am writing this, I am proud to continue to call
11 Stockton my home, which I have grown to love even more over the years, despite the news media’s
12 efforts to highlight it as one of the most dangerous and least desirable cities to live in.

13 4. As a second generation Asian American growing up near the Delta waters in
14 Stockton, and having parents who also lived near and thrived on the middle stretch of the famous
15 Mekong River in Laos, I understand the great value and importance of what our river system brings
16 to the people who share its wonderful benefits. My parents would sometimes share stories of when
17 they were still living in the foothills of Laos and how significant the Mekong River was to their
18 survival. They talk about memorable fishing experiences where they would catch or trap different
19 species of fish, as it was one of their primary sources of food. Shortly after they arrived in America
20 and settled in Stockton, I was born. When I became old enough to hold a rod and reel, my father
21 introduced me to the excellent fishing that the California Delta had to offer. This year marks my
22 23rd consecutive year that I have utilized either the San Joaquin or Sacramento Rivers for personal
23 recreation enjoyment.

24 5. As with most recreational anglers, I started off fishing from the shore and piers and
25 off the banks. After graduating from college and saving enough money, I was able to purchase a
26 fishing vessel which I would use primarily for the Delta. My fishing takes place with friends and
27 families both within my own Asian community and out of my network. In addition, I also take
28

1 frequent trips with licensed professional guide anglers to enhance my fishing skills and knowledge
2 of the river system.

3 6. While most of my fishing occurs within the lower stretch of Sacramento and San
4 Joaquin Rivers starting from the Rio Vista Bridge on Highway 12 and continuing west towards the
5 City of Pittsburg, I also spend time in different parts of the water as well. Other specific water
6 locations on both the Sacramento and San Joaquin Rivers where I also concentrate my fishing efforts
7 include the Sacramento Deep Water Channel, Cache Slough, Prospect Slough, Miner Slough,
8 Steamboat Slough, Georgiana Slough, Three-Mile Slough, and Dutch Slough. These water locations
9 are what I called the “fishing grounds” where fish species like sturgeon, salmon, striped bass, and
10 catfish are brought home to the dinner table.

11 7. As mentioned above, the main targeted fish species that I seek after include but are
12 not limited to striped bass, sturgeon, salmon, and catfish. Each of these species mentioned has its
13 own unique spawning times throughout the year where fishing is at its peak, but the spring months
14 from March to May and fall months of September to November are typically when I tend to invest
15 most of my time on the water. During this particular time where the fish are returning from the ocean
16 to spawn, my friends and I can average about 1-3 times a week being out on the water. The winter
17 months from December to February are usually slower when it comes to catching the fish species as
18 listed above. Most fish species have either completed their spawning process or are already back in
19 the ocean. In addition, with the water temperature taking a big dive, most fishes left in the river
20 system tend to be more lethargic, making it difficult for the average fisherman to catch with a rod
21 and reel. Despite the odds being stacked against fishing during this particular period, I do find
22 myself spending at least twice a month out on the river during these months fishing mainly for the
23 prehistoric white sturgeon.

24 8. I believe the fishing areas that I have described above, which include both the
25 Sacramento and San Joaquin Rivers, are highly productive areas for fishing these particular species
26 because they have different water depths, a limitless variety of fishing structures and underwater
27 vegetation, which various species can utilize to their own advantage, as well as having an abundant
28 amount of food that these predatory fishes can obtain with very little effort.

1 9. In terms of consuming these fish species as a food source, that depends on the season
2 or month the fish was actually caught. Typically, as a personal rule of thumb, I would not bring
3 home any fish from the Delta during the hot summer months due to the amount of mercury build-up
4 and worms found in these fishes, which in turn greatly reduces the quality and taste of the meat
5 when cooked. Based on my experience, the best time to bring home fish is during the spawning
6 seasons that occur in the spring and fall as mentioned earlier. These are the times that I usually bring
7 home fish to cook for the family and to share with friends.

8 10. In the past several years, I have noticed that the fish species we are able to catch from
9 the Delta have changed. Several of these fish species, particularly the striped bass, have become
10 thinner; it seems like they aren't getting enough food to eat. My network of fishing partners and I
11 have yet to find a true and accurate explanation as to why the weight and sizes of these fishes have
12 declined over the years.

13 11. In addition to these changes, the ability to locate and catch these fish species with a
14 rod and reel has become increasingly challenging. For instance, in 2013 my network of fishing
15 buddies and I, along with other local anglers, experienced one of the best delta salmon fishing in
16 years. The section of the Sacramento River that stretches from the city of Rio Vista west towards
17 the Antioch Bridge on Highway 160 was literally a fishing hot spot for boat anglers targeting the
18 Chinook salmon. Since then, it has never been the same. Both my friends and outside network
19 came to the conclusion that the water temperature was the main factor why the Chinook salmon was
20 not being caught in the area described above. Although we did not have any data or evidence to
21 support this claim, it was obvious that the water temperature during the fall of 2014 and 2015
22 seasons was much higher than the previous 2013 year. With the increase in water temperature,
23 salmon usually tend not to stick around and are always searching for the cooler flowing water near
24 the upper stretches of the river arm.

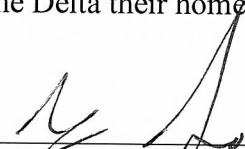
25 12. Typically after a successful fishing trip, there is a get-together that follows with
26 friends, family, and local anglers. The different fish species that are caught from the fishing trip are
27 then prepared and served without any part of the fish going to waste. Depending on the type and
28 size of fish being caught, the party may ask for more family and friends to be invited. For instance,

1 the last time I caught a legal size white sturgeon and brought it home to cook, it was able to feed
2 over 20 guests because of its enormous size. Fish meat that is not freshly prepared is carefully
3 stored in the freezer and will usually see its way to the dinner table before the next fish outing.

4 13. Another notable change to the Delta waters and fisheries that I have witnessed and
5 experienced since 2013, which I believe is the direct consequence of the drought, concerns seawater
6 intrusion in our river systems. I remember diving into the water during a fishing trip with some of
7 my friends on a hot summer day in August of 2014 while fishing in one of my favorite spots near
8 Rio Vista. After getting out of the water I could literally taste and smell the salt from the river water
9 around my lips as if I had picked up a container of salt and licked it. Moreover, during various
10 fishing outings I have witnessed several sea creatures that one would expect only to see in the ocean
11 waters. Some of these ocean type creatures that I have come into contact with included a sea turtle,
12 leopard shark, and a great number of baby jellyfishes.

13 14. In conclusion, as a fisherman who has utilized the California Delta for recreational
14 purposes for the last twenty-three years, as well as bringing home food throughout the year, I don't
15 approve of the Delta Tunnels project. I believe it would have devastating effects not only to the
16 local fishing population but also the fisheries that call the Delta their home.

17
18 Dated: August 29, 2016



XUILY LO

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 **[title]**

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)
[programs/bay_delta/california_waterfix/service_list.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml)

10 I certify that the foregoing is true and correct and that this document was executed on
11 August____, 2016.

12 Signature: _____

13 Name: John W. Wall

14 Title: Litigation Assistant

15 Party/Affiliation: Protestant, Restore the Delta

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