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10 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

11 **IN RE CALIFORNIA WATERFIX**
12 **CALIFORNIA DEPARTMENT OF**
13 **WATER RESOURCES AND U.S.**
14 **BUREAU OF RECLAMATION**
15 **PETITION FOR CHANGES IN**
16 **WATER RIGHTS, POINTS OF**
17 **DIVERSION/RE-DIVERSION**

18 **PROTESTANT SAVE THE CALIFORNIA**
19 **DELTA ALLIANCE, ET AL.'s WRITTEN**
20 **TESTIMONY OF BILL WELLS**

1 I, Bill Wells do hereby declare:

2 **I. Summary of Testimony:**

3 In Part 2 Case-in-Chief testimony, DWR witness Rischbieter testified that CWF was
4 "reasonably protective of recreation." (DWR-1024, p.2:1–2.) My testimony rebuts Mr. Rischbieter's
5 assertion. The changes in the CWF project described in the Administrative Draft Supplemental
6 Environmental Impact Report ("ADSEIR") substantially increase impacts on prime boat anchorages
7 in Potato Slough and substantially increase impacts on recreation at the Tower Park Resort. The
8 changes also move the Bouldin Island potentially toxic muck dump to within a few hundred feet of
9 a children's play area, placing the health and safety of children at risk. My testimony addresses
10 those new and changed impacts.

11 Either under the Approved Project or the changes in the Proposed Project, the only way for
12 CWF to be reasonably protective of recreation is to move the tunnel alignment and massive
13 associated construction activity out of the heart of the Delta. I agree with Frank Morgan's testimony
14 that, as a condition of any permit, the tunnel alignment should be moved to the eastern edge of the
15 Delta, similar to that shown on FEIR Figure 3-4. (Please see SCDA-305 and SCDA-306.)

16 I am familiar with the proposed California WaterFix Project, and have followed the
17 development of the Project through its various iterations over the last six years. In particular, I have
18 followed the development of the Project with respect to the impacts of construction of the Project
19 on Delta communities and Delta recreation. I am familiar with the Project footprint and construction
20 footprint of the Approved Project (Alternative 4A) and have reviewed FEIR Chapter 15, as well as
21 other relevant portions of the FEIR. In particular, I reviewed FEIR Map Book Figures M15-4,
22 sheets 1–8, which depict construction impacts on Delta Recreation. I also reviewed the National
23 Marine Fisheries Service California WaterFix Biological Opinion, section 2.5.1.1.1.2 Barge Traffic.

24 I have compared statements in the FEIR, and other documents produced by WaterFix
25 proponents, with my knowledge of the Delta, its residents, and its recreational users, gained over
26 many years of boating in the Delta and in my position as Executive Director of the Delta Chambers
27 & Visitors Bureau.
28

1 I have reviewed the Part 2 testimony of Captain Frank Morgan and agree with his
2 conclusions stated therein. My own testimony focuses on the new increased impacts from changes
3 in staging areas and barge operations described in the Administrative Draft Supplemental
4 Environmental Impact Report for the Proposed Project and other documents.

5 The changes brought by the elimination of one of the two primary barge staging landing
6 sites (at Clifton Court Forebay) and elimination of the secondary landing site at the Intermediate
7 Forebay and re-direction of barge traffic to Bouldin Island will increase the number of barge round
8 trips to and from the Bouldin Island barge dock to approximately 9 per day. Please see SCDA-301
9 for Captain Morgan's calculation of barge trips. I have reviewed these calculations and agree they
10 are reasonable projections of what to expect.

11 The Bouldin Island barge landing is located on Potato Slough immediately adjacent to some
12 of the most precious anchorages in the Delta. The several anchorage areas impacted by the Bouldin
13 Island barge operations are a series of coves along Potato Slough known as "the bedrooms."
14 Progressing from the western confluence of Potato Slough with the San Joaquin River, the
15 bedrooms occur in order, bedroom #1, bedroom #2, etc.

16 The increases in barge traffic will ruin these anchorages and Delta boaters will abandon
17 them--resulting in the permanent loss of an informal Delta recreational facility.

18 The changes in the Proposed Project also stretch the Bouldin Island muck dump to nearly
19 touch the Tower Park Resort. In my role as the Executive Director of the California Delta Chambers
20 & Visitors Bureau, I am familiar with the Tower Park Resort and speak regularly with its
21 management. The changes in the Proposed Project will ruin the experience at Tower Park, not least
22 by the stench of millions of cubic yards of stinking tunnel muck dumped on its doorstep. The
23 prevailing winds are from the west, where the stinking mud will be dumped just across Potato
24 Slough on Bouldin Island.

25 Tower Park has recently invested several million dollars in upgraded facilities and is
26 becoming a regional destination, with a new waterpark now under construction. A family-friendly
27 destination, Tower Park has been acquired by the Jellystone Corporation and features a Yogi Bear
28 theme. The park includes cabin rentals, an RV park, swimming pools, laser tag, gem mining, hay

rides with Yogi Bear (dubbed "hey hey rides"), playgrounds, watersport rentals, trampolines, sand volleyball, basketball, gaga ball, scavenger hunts, a sandy swimming beach (one of the few in the Delta accessible to people of modest means who do not own a boat), and arts and crafts activities. With all of these amenities and a water park on the way Tower Park is a major draw to the Delta and entices many travelers from Highway 5 to the east. Tower Park especially appeals to families with young children. Our Delta recreation industry is proud of Tower Park. Tower Park serves as an anchor for other, smaller Delta recreation facilities and we do not want it ruined by DWR's giant dump placed on its doorstep.

Increased activity at the Bouldin Island staging area will also mean even more truck traffic on Highway 12. Highway 12 is the only access route to Tower Park and the only access route to the Bouldin Island staging area. The impact of increased truck traffic before the recent changes to the Project was bad. Now it will be intolerable. Highway 12 already experiences gridlock, with hours long delays. I have myself been stuck in traffic so bad on this stretch of Highway 12 that I had to give up my journey and turn around and go home. Increases in this kind of traffic jam brought by increased truck traffic will discourage travelers from going to Tower Park and will severely impact its business.

Because of the impacts of barge traffic on Potato slough and the impacts of the stinking dump and truck traffic on Tower Park, the Board should require as a condition of any permit that the Bouldin Island staging area and barge facility be moved elsewhere. Mr. Rischbieter testified that CWF was reasonably protective of recreation." (DWR-1024, p.2:1-2.) In fact, CWF cannot be reasonably protective of recreation unless the Bouldin Island dump and staging facility are moved to another location away from prime Delta recreation areas. It is per se unreasonable to place a 15,000,000 cubic yard dump full of stinking mud across the slough from a major resort facility and to place the major construction staging facility in a way that it can only be accessed by trucks from an already overtaxed two lane road and by barges from a picturesque prime recreational anchorage area.

II. Increased Use Of The Bouldin Island Barge Dock On Potato Slough Will Unreasonably Impact Recreational Boating On Potato Slough And The Bouldin Island Barge Facility Is Not Reasonably Protective Of Recreation.

The reader is asked to kindly turn to ADSEIR Map Book M15-4, sheet 3 of 6. The Bouldin Island facility and muck dump are shown as the hatched area near the middle of the page. Just beneath the left side of the hatched area, one finds the legend "Barge Unloading Facility." The waterway underneath that legend is Potato Slough. One can observe a series of coves directly across the slough from the arrow pointing to the barge dock. These coves are the anchorages known to locals as "the bedrooms." The map lacks detail and there are small islands interspersed throughout this area that are not shown on the map. Some of the bedrooms boast docks and makeshift improvements on the adjacent islands, such as barbeques, makeshift cabins, and shaded lounging areas. Exhibits SCDA-309–SCDA-316 are photographs of boats at anchor in the bedrooms taken on a recent afternoon¹. SCDA-326² is a google earth shot showing that the proposed barge dock is within a few hundred feet of bedrooms anchorages.

Hall Schell described the Potato Slough anchorages shown in the photographs in his classic work on the Delta as follows:

Potato ("Big") Slough is a beautiful broad stretch of water with a string of lovely islands along much of its center. It thus provides two distinct cruising routes for the skipper on the move, as well as some nice exploring waters for one who wishes to poke around the islands. Toward the western end of the slough is a good-sized island called Fig Island, although it is not so marked on the charts. Fig has a gentle curl to its eastern side and all summer long there is a good-sized fleet at anchor here.

It generally harbors a number of large sailing craft. And the anchorage is a favorite of Bay Area skippers who slip in off the channel and enjoy its deep water and amiable setting. It is isolated, yet handy for a quick runabout hop to Moore's Riverboat, Spindrift or other favorite spots on the channel or this end of the Mokelumne. The island also has a private cabin and landing owned by a grizzled Stockton skipper called "Balky". Balky complains long and loudly about trespassing on both his dock and his property. Of course, it only takes a single bad apple to mess up the barrel. Yet it is surprising that with so many places to

¹ SCDA-309–316 are true and accurate copies of photographs of the bedrooms taken in July 2018.

² SCDA-326 is an accurate depiction of the location of the barge dock and bedrooms anchorages and true and correct copy of Google Earth image.

1 go, boatmen will still trespass on posted property.
 2 But the vibes in this anchorage are primarily good
 3 ones. Groups get together in little raftups. Dinghies
 4 are constantly on the move and there is a lot of swimming
 5 and lazing around on air mattresses . When the
 6 wind comes in strong, it is here that you see daring
 7 youngsters dangling from lines off flapping spinnakers
 8 They put on a pretty good show for all in the
 9 anchorage .
 10 Farther in on the slough there are other clusters of
 11 islands that see near -equal anchorage activity . And
 12 there are skippers who leave their boats here all sum mer.
 13 Fishing is surprisingly good in this slough also. I
 14 once made a run through here in the company of Jay
 15 Sorenson, a fisherman of great skill. Although we were
 16 not fishing , Jay stopped, baited a hook and dropped a
 17 line in a certain spot. " That 's my fishing hole, " he said.
 18 " Whenever I'm on my way in, I always stop here and
 19 give that hole a couple minutes . You 'd be surprised
 20 how many big stripers I've pulled out of there ."
 21 He did not get one this day.

22 (SCDA-152, pp. 92–93.) These Delta treasures are a few hundred yards from the barge facility.

23 DWR proposes to turn this stretch of Potato Slough into an industrial scale barge landing.
 24 This is patently unreasonable. This is not an industrial area and siting this industrial scale barge
 25 landing and industrial facility here, where barges will be clogging the slough awaiting unloading
 26 and barge traffic will be incessant, speaks to a complete lack of understanding or concern on the
 27 part of DWR for the consequences of their actions.

28 SCDA-72 contains a picture of a tug boat and barge representative of the tugs and barges
 that will clog Potato Slough. This type of activity does not belong in this place. Locating it here is
 not reasonably protective of recreation.

29 **III. The Change In The Bouldin Island Muck Dump And Changes In Truck Traffic 30 On Highway 12 Brought By Project Revisions In The ADSEIR Will 31 Unreasonably Impact Recreation At Tower Park Resort And Place Children's 32 Health At Risk.**

33 The configuration of the Bouldin Island muck dump has been changed by the Project
 34 changes included in the ADSEIR. The muck dump previously extended to within approximate one
 35 mile of the Tower Park Resort. Please see FEIR Map Book figure M15-4, sheet 4, for the extent of

1 the Bouldin Island muck dump relative to the Tower Park Resort in the Approved Project. Please
2 see ADSEIR Map Book M15-4, sheet 3, for the extent of the muck dump relative to the Tower Park
3 Resort in the Proposed Project. Please notice that the muck dump has been shifted to the north so
4 that it now extends to directly across the slough from the resort, within a few hundred feet of the
5 resort.

6 The ADSEIR states that the changes to the Bouldin Island muck dump will not adversely
7 impact the Tower Park Resort because, in part, the dump "would not be within the direct view of the
8 Resort," and "the views from the resort are not expected to change because the Bouldin Island
9 levees would block the views of RTM [tunnel muck] storage." (ADSEIR, p.15-3:32-33; 37-38.)

10 These statements are incorrect.

11 The Tower Park resort is elevated above the levee and sits higher than the Bouldin Island
12 Levee. There is a direct view from the Tower Park Resort over the Bouldin Island levee onto
13 Bouldin Island and the entire muck dump will be visible. SCDA-317³ is a photograph taken on
14 Potato Slough approaching the Tower Park Resort and Terminous Bridge. On the left, is the
15 Bouldin Island Levee referenced in the ADSEIR. On the right is the Tower Park Resort. While the
16 gas dock and other docks sit at an elevation below the levee, the resort itself, including deck area,
17 restaurant, ice cream parlor, store, and other facilities sit on the elevated deck at an elevation above
18 the levee. There is a clear line of sight from the resort deck over the Bouldin Island Levee and down
19 onto Bouldin Island. I visit this resort regularly and enjoy dining in the restaurant while taking in
20 the view across the slough, over the levee, and onto the Delta landscape of Bouldin Island.

21 SCDA-318 is a photograph of the resort deck area, with ice cream parlor on the right and
22 store, restaurant, and bar on the left. SCDA-319 is a photograph of the Tower Park Grille. Notice
23 the diner seated at the outside dining area taking in the view of Bouldin Island across the slough.
24 SCDA-320-323⁴ are photographs taken from the Tower Park deck area, looking across Potato
25 Slough and down onto Bouldin Island over the top of the Bouldin Island Levee.

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27
28 ³ SCDA-317 is a true and correct copy of a photograph accurately depicting Tower Park Resort,

⁴ SCDA-318-323 are true, correct, and accurate copies of photographs taken from the Tower Park Marina in July 2018.

1 Locating a massive muck dump within plain view and only a few hundred feet from a major
2 resort facility is not reasonably protective of recreation. SCDA-327⁵ is a google earth shot showing
3 the locations of the resort and muck dump.

4 SCDA-324 and SCDA-325⁶ are photographs of children playing at the Tower Park beach.
5 The muck dump is directly across the slough, within 350 feet of this beach. The prevailing winds
6 are from the west, and will blow the stench and contamination from the muck dump onto this beach.
7 When the muck dries out and turns to dust, potentially toxic dust particles will blanket this beach.
8 SCDA-328⁷ is a Google Earth shot showing the location and proximity of the muck dump and
9 children's beach. It was patently unreasonable for DWR to move the location of this muck dump to
10 within a few hundred feet of a children's play area and this change endangers the health and safety
11 of children. I do not believe that locating this dump on top of a children's play area could possibly
12 comply with applicable state and federal health and safety laws and regulations.

13 Highway 12 is a major gateway to the Delta used by many Delta boaters to access the Delta.
14 Many boaters trailer their boats into the Delta for the weekend via highway 12 arriving on Friday
15 and staying through the weekend. Many other trailer boaters access the Delta via highway 12 during
16 the week in the summer season.

17 The increase in activity at the Bouldin Island facility brought by changes in the Proposed
18 Project will increase truck traffic to and from the facility on Highway 12 above that previously
19 contemplated in the Approved Project. This will worsen traffic impacts on Highway 12.

20 **IV. The Changes In The Project Will Increase The Number Of Boaters Who Will**
21 **Abandon The Delta.**

22 On cross-examination during Part 2, DWR witness Rischbieter testified that recreational
23 boaters would not abandon the Delta in large numbers due to the severity of construction impacts.
24 (Rec. Trans. Vol.11, p. 221:4–5, March 8, 2018.) Save the California Delta Alliance conducted a
25

26 ⁵ SCDA-327 is a true and correct copy of a Google Earth image of the Tower Park Resort and
27 accurate representation.

28 ⁶ SCDA-324 and 325 are true and correct copies of photographs accurately depicting the Tower Park
beach taken in July 2018.

⁷ SCDA-328 is a true and correct copy of a Google Earth image of the Tower Park Resort and
accurate depiction.

1 survey of Delta Boaters at the Rio Vista Bass Derby on October 14 and 15, 2017⁸. The survey and
 2 my testimony here rebut Mr. Rischbieter's testimony. Question 18 of that survey was as follows:

3 18. Which of the following best describes your response to construction vehicles using Delta
 4 roadways and bridge openings for barge traffic?

- 5 A. Construction vehicles and bridge openings will not affect my use of the Delta for recreation.
- 6 B. Construction vehicles and bridge openings will cause me to use the Delta for recreation
somewhat more often.
- 7 C. Construction vehicles and bridge openings will cause me to use the Delta for recreation
much more often.
- 8 D. Construction vehicles and bridge openings will cause me to use the Delta for recreation
somewhat less often.
- 9 E. Construction vehicles and bridge openings will cause me to use the Delta for recreation
much less often.
- 10 F. Construction vehicles and bridge openings will cause me to stop using the Delta for
recreation altogether.

11 Forty-seven percent answered E, that construction vehicles and bridge openings would cause
 12 them to use the Delta for recreation much less often. Twenty-nine percent answered F, that
 13 construction vehicles and bridge openings would cause them to stop using the Delta for recreation
 14 altogether, for a total of seventy-six percent who would use the Delta much less often or stop using
 15 the Delta for recreation entirely in response to impacts from CWF on road traffic in the Delta. The
 16 survey results are consistent with my many conversations with Delta boaters and my knowledge of
 17 Delta boaters and their reactions to adverse events.

18 The changes to the Bouldin Island facility in the Proposed Project, including increased
 19 delivery and distribution of tunnel segments and increased truck traffic on Highway 12, will
 20 increase the number of boaters who will abandon the Delta. Either under the Approved Project or
 21 the Proposed Project, boaters will abandon the Delta in large numbers due to construction impacts
 22 of CWF. Tunnel construction is projected to last eleven to thirteen years. With the track record of
 23 large infrastructure projects and all the uncertainties associated with CWF, it could well last twenty
 24 or thirty years. Either way, it means ruin for the Delta.

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 28 ⁸ SCDA-352-1–352-5 are true and correct copies of the survey forms administered at the Rio Vista
 Bass Derby.

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Executed this 13th day of July at Rio Vista, California

Bill Wells


