

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Public Hearing on the Adequacy of the
Draft Substitute Environmental Document
in Support of the Potential Changes to
the Water Quality Control Plan for
the San Francisco Bay-Sacramento/San
Joaquin Delta Estuary; San Joaquin
River Flows and Southern Delta Water
Quality

JOE SERNA JR./CAL EPA HEADQUARTERS BUILDING
1001 I STREET
SACRAMENTO, CALIFORNIA
COASTAL ROOM/BYRON SHER AUDITORIUM

WEDNESDAY, MARCH 20, 2013

9:04 A.M.

Before Jacqueline Toliver
Certified Shorthand
Reporter No. 4808

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APPEARANCES

BOARD MEMBERS:

- Chairman Charles R. Hoppin
- Vice Chairperson Frances Spivy-Weber
- Board Member Tam M. Doduc
- Board Member Steven Moore
- Board Member Felicia Marcus

STAFF:

- Diane Riddle, Environmental Program Manager
- Mark Gowdy, Senior WRCE
- Caren Trgovcich, Chief Deputy Director
- Tom Howard, Executive Officer
- Erin K.L. Mahaney, Senior Staff Counsel
- Les Grober, Assistant Deputy Director of Water Rights
- Larry Lindsay, Senior WRCE

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1 WEDNESDAY, MARCH 20, 2013, SACRAMENTO, CALIFORNIA

2 9:04 A.M.

3 --oOo--

4 CHAIRMAN HOPPIN: Good morning, ladies and
5 gentlemen. There's too much for me to ad lib here, and
6 so I apologize to you. I'm going to read from the
7 script, which is not my favorite thing to do in the
8 world, but at least everything will be covered that way;
9 so please bear with me for a moment.

10 This is the time and place for a hearing to
11 receive comments concerning the adequacy of the Draft
12 Substitute Environmental document in support of
13 potential changes to the water quality control plan for
14 the San Francisco Bay/Sacramento-San Joaquin Delta
15 estuary, San Joaquin River flows and Southern Delta
16 Water Quality. Throughout the hearing, we will refer to
17 this document as the SED.

18 I am Charlie Hoppin, Chair of the State Water
19 Resources Control Board. With me today, Vice Chair
20 Frances Spivy-Weber, Board Member Felicia Marcus, and
21 Board Member Steven Moore.

22 And Tom Howard -- Tom, do you want to introduce
23 your staff?

24 MR. HOWARD: That's fine.

25 CHAIRMAN HOPPIN: I don't need to?

1 MR. HOWARD: Go right ahead.

2 CHAIRMAN HOPPIN: Okay. Karen Kerkovich, Tom
3 Howard, Les Grober, Diane Riddle, Mark Gowdy and Erin
4 Mahaney.

5 My favorite part, as all of you know, in the
6 event of an alarm, if you would please exit through the
7 back down the stairs in an orderly fashion. And
8 wherever in the world J. Neely Johnson Park is on "F"
9 and 11th Street, that's where you're supposed to go and
10 stand in the rain until the smoke clears. If you would
11 just follow the crowd, I'm sure somebody is going to
12 know where to go.

13 This hearing is being held in accordance with
14 the Notice of Filing and Board Member Tam Doduc. It's
15 being held in accordance with the Notice of Filing and
16 Public Comment Period and Hearing for the SED dated
17 December 31, 2012, for the convenience of Mr. Tim
18 O'Laughlin so -- he had something to do on New Year's
19 Eve.

20 This hearing fulfills the requirements for
21 receipt of oral comments as described in the California
22 Code of Regulations, title 23, section 3779(c).

23 The purpose of this hearing is to provide
24 participants an opportunity to comment on the adequacy
25 of the SED. I'm going to repeat that: The purpose of

1 this hearing is to provide participants an opportunity
2 to comment on the adequacy of this SED.

3 I know there's a lot of feelings about this one
4 way or another, very strong feelings, and we're here to
5 hear what those feelings are. All I ask of you is that
6 you're civil to myself and my colleagues and my staff.
7 And this is the opportunity to express those feelings.

8 The Board will not take formal action on the SED
9 during this hearing but will defer action until a later
10 Board meeting.

11 The Board will also provide an opportunity in
12 the future to comment on the revisions to the Bay-Delta
13 Plan following the future release of the final SED in a
14 draft version to the Bay-Delta Plan. This will likely
15 take place in late summer, depending on the extent of
16 the comments we receive.

17 Please ensure your comments today relate to the
18 adequacy of the SED.

19 We are broadcasting this hearing on the Internet
20 and recording by both audio and video. A court reporter
21 is also present to prepare a transcript of the
22 proceedings. We will post the transcript on our website
23 as soon as we receive the certified copy from the court
24 reporter.

25 To assist the court reporter and to be sure

1 those listening on the webcast can hear you, make sure
2 that you always speak into the microphone and identify
3 yourself at the beginning of your presentation.

4 On February 15, we sent an email to our
5 Bay-Delta email distribution list and posted it on our
6 website. This email asked participants that would like
7 more than ten minutes to present their comments to make
8 their requests by March 1st.

9 We also encourage participants with similar
10 interests to present their comments jointly. Based on
11 their requests we received, we prepared an order of
12 proceedings and sent it to our Bay-Delta email
13 distribution list on March 15, and also posted it on our
14 website. There are copies on the back table.

15 Accordingly, we will begin any opening comments
16 that my fellow Board members would like to make and then
17 hear a presentation from staff. Following the staff
18 presentation, we will hear comments of participants who
19 did not request extra time or tell us that they would
20 combine with other participants for joint presentation.

21 Per the hearing notice, participants should
22 limit their comments to ten minutes. Depending on the
23 number of speakers, I may need to limit comments
24 further, depending on the number of people we have.

25 I realize you may have come a long ways to make

1 your presentation and your comments on this matter. And
2 I do not want to cut anyone short, but I also want to
3 give everyone a chance; so I may have to limit the time
4 to ensure we have time to hear from everyone.

5 If you intend to speak, please submit a blue
6 speaker card. You can find one in the front of the
7 room -- or the back of the room, excuse me -- if you
8 have not done so already.

9 Following the general public comments, we will
10 hear comments from those participants that told us that
11 they plan to make joint presentations and requested
12 additional time.

13 I would also like to have blue cards from those
14 participants. If you think you will need less time than
15 you originally projected, would you please note your new
16 estimate time on the card.

17 As you know, the hearing was noticed and
18 continued as needed through Friday. I hope to move this
19 hearing along efficiently, and it will end once we have
20 heard all the participants.

21 Please be ready to present your comments when
22 you are called.

23 There are several points about this hearing that
24 I would like to emphasize:

25 First, the purpose of this hearing is to receive

1 comments concerning the adequacy of the SED. This means
2 we want to hear about how well the SED analyzes the
3 effects of the proposed changes to the Bay-Delta Plan.
4 I realize it can be difficult to separate comments about
5 the adequacy of the SED from your opinions about the
6 proposed amendments in general, and we will give
7 commenters some leeway on this; but please do your best
8 to keep to the purpose of this hearing.

9 We are required to respond to the oral comments
10 we receive during this hearing, and those responses will
11 be included in the final SED.

12 While I may ask staff for clarification on
13 information in the SED, the formal response to your
14 comments will not occur during this hearing. I'm sure
15 you can appreciate these are issues that are complex,
16 and I do not expect staff to respond without time to
17 carefully consider your comments.

18 Since we are required to respond to significant
19 environmental issues raised in the comments, please make
20 the essence of your comments clear to us, especially for
21 those of you who are making longer presentations.

22 We would appreciate you making clear the points
23 you have about the adequacy of the SED during your
24 presentation. A summary of these points at the
25 beginning or the end would be helpful.

1 Finally, I realize that after all the
2 presentations are heard, some of you might feel the need
3 to respond to what others have said. We will not
4 provide people an opportunity for rebuttal of these
5 comments in this hearing. If you have something else to
6 say after your turn at this hearing, you may give us
7 that comment in writing by March 29th on the deadline.

8 Are there any questions concerning the
9 procedures for this hearing?

10 Good. Do any of my colleagues have comments
11 before we begin?

12 Next we'll hear a staff presentation from Diane
13 Riddle, Manager of the Bay-Delta and hearing section of
14 the Division of Water Rights, and Mark Gowdy, Senior
15 Water Resources Engineer, also from the Division of
16 Water Rights.

17 And, Mark, I really didn't forget your name. I
18 was just stumbling through something else.

19 MS. RIDDLE: Good morning, Chair Hoppin, members
20 of the Board. I am Diane Riddle, Environmental Program
21 Manager with the Bay-Delta unit.

22 And, again, before we get started with the
23 public comments, Mark Gowdy and I are going to provide
24 some background on the draft Substitute Environmental
25 Document, the process we have gone through up until

1 today's date, and the draft water quality objectives of
2 the San Joaquin River flow and southern Delta salinity
3 objectives.

4 We're going to spend a little more time on the
5 presentation than we usually due to the complexity and
6 importance of this matter. And we're also looking
7 forward to hearing comments from the public and
8 listening attentively to those in order to determine
9 what changes may be needed to the Draft Substitute
10 Environmental Document over the proposed project.

11 I'll start with some background on the process
12 and an overview of the proposed San Joaquin River flow
13 objectives and program of implementation, and then I'll
14 turn it over to Mark to give you an overview of the
15 proposed southern Delta salinity objectives and program
16 implementation.

17 Mark will then provide an overview of the
18 environmental impact analysis that we've performed in
19 the Draft Substitute Environmental Document. We will
20 then turn it over to public comment.

21 (Thereupon an overhead presentation was
22 presented as follows:)

23 MS. RIDDLE: Okay. Sorry about that.

24 So before I discuss proposed changes to the
25 Bay-Delta Plan and the Draft Substitute Environmental

1 Document, I'll go over a little bit of the background
2 behind the process and how we got to this point today.

3 The current review and update of the San Joaquin
4 River flow and southern Delta salinity requirements is
5 part of a larger coordinated effort between the State
6 and Regional Water Quality Control Boards, the San
7 Francisco Bay, and the Central Valley Regional Board, to
8 address issues affecting potential and beneficial uses
9 in the Bay-Delta watershed.

10 In 2008, the State Water Board and the Central
11 Valley and San Francisco Regional Water Board identified
12 actions within the Water Board's purview and committed
13 to taking actions to address those issues. That was
14 memorialized in the 2008 Strategic Work Plan.

15 Within that work plan, we identified flow -- we
16 identified flow and non-flow-related actions that the
17 boards would take. Many of those actions we've
18 completed and we're in the process of completing, and
19 we've also moved forward with new projects.

20 --oOo--

21 MS. RIDDLE: Related to today's proceeding
22 consistent with the Delta Reform Act of 2009, the State
23 Water Board is currently undertaking a phased process to
24 develop and implement updates to the Bay-Delta Water
25 Quality Control Plan and flow objectives for priority

1 tributaries to the Delta to protect beneficial uses in
2 the Bay-Delta watershed and assist in achieving the
3 co-equal goals of water supply reliability and ecosystem
4 protection identified in the Delta Reform Act.

5 The State Board is phasing this review in order
6 to move forward with pieces of the process that are ripe
7 for review, while still maintaining a coordinated and
8 consistent process for that review.

9 Phase I of the review is the focus of today's
10 proceedings and involves review of the San Joaquin river
11 flow objectives and southern Delta water quality
12 requirements included in the Bay-Delta Water Quality
13 Control Plan.

14 Phase II involves other elements of the
15 Bay-Delta water quality control plan not addressed in
16 Phase I, including Delta outflow, Sacramento River flow,
17 and project operational constraints.

18 --oOo--

19 MS. RIDDLE: Phase III involves changes to water
20 rights and other measures to implement changes to the
21 Bay-Delta Plan from Phases I and II.

22 Phase IV involves developing and implementing
23 flow objectives for priority Delta tributaries outside
24 of the legal Delta and outside of the Bay-Delta Plan.

25 CHAIRMAN HOPPIN: Diane, can I interrupt you for

1 just a moment?

2 MS. RIDDLE: Sure.

3 CHAIRMAN HOPPIN: Senator Wolk is here, and I
4 know she has a lot of things to do over at the capitol.

5 Lois, would you like to come forward.

6 We're very rarely given the courtesy of you
7 being here. You're the only one today, so -- no. I'm
8 kidding you.

9 SENATOR LOIS WOLK: Thank you, Mr. Chair. I
10 appreciate the courtesy.

11 Good morning to all of you. Thank you for the
12 opportunity to provide some comments today on this
13 issue.

14 As we are all aware, the Sacramento-San Joaquin
15 Delta is in trouble. Decades of reduced fresh water
16 flow to the estuaries have resulted in plummeting fish
17 populations, increasing salinity in the south Delta.

18 Many studies, including your own 2010 Flow
19 Criteria Report, have concluded that the current levels
20 of fresh water flow are insufficient to sustain the
21 public trust resources of the Delta and the downstream
22 bay.

23 As the State agency responsible for protecting
24 and balancing the public trust resources of this
25 wonderful state, the decisions that you make in the near

1 future will determine whether this iconic delta
2 ecosystem will recover or whether the Delta will
3 continue to decline.

4 I urge you today to provide for fresh water
5 flows necessary to protect the public trust resources of
6 the State from the San Joaquin River and its tributaries
7 through the San Francisco Bay Delta. Sufficient
8 scientifically justified San Joaquin River inflows are
9 necessary to improve the water quality, improper water
10 temperature conditions, increase floodplain inundation,
11 and reduce the impact of gradation.

12 The State Water Resources Control Board must
13 take action to correct the environmental degradation of
14 the Delta and to protect these resources that are vital
15 to our state.

16 As your first task in revising the Bay-Delta
17 Water Quality Control Plan, your decision on the San
18 Joaquin River will set the precedent for future
19 flow-criteria decisions that will affect the Delta.

20 I urge you to provide San Joaquin River flows
21 that are sufficient and consistent with the State
22 Board's own findings in the 2010 flow criteria document.

23 And thank you very much for your time. I
24 appreciate it very much. And your consideration.

25 CHAIRMAN HOPPIN: Thank you, Senator.

1 Any questions?

2 Thank you for taking the time.

3 Sorry to interrupt you Diane.

4 --oOo--

5 MS. RIDDLE: So for those not familiar with the
6 Bay-Delta Water Quality Control Plan, it identifies
7 beneficial uses of water to be protected, narrative
8 numeric and -- narrative and numeric water quality
9 objectives for the reasonable protection of those
10 beneficial uses, and a program of implementation for
11 achieving the beneficial uses -- or the objectives.
12 Sorry.

13 The program's implementation identifies actions
14 that both the State Water Board will take and actions
15 that other entities should take to achieve the water
16 quality objectives.

17 While the Bay-Delta Plan identifies
18 implementation activities, the Bay-Delta Plan is not
19 self-implementing and requires additional action in
20 order to implement, including changes to water rights.
21 As a result, this review of the Bay-Delta Plan will not
22 directly result in any changes to water rights or other
23 permit requirements. Those changes will be part of
24 Phase III.

25 The Porter-Cologne Water Quality Control Act

1 requires that water quality control plans be reviewed
2 periodically. And the Clean Water Act requires -- I'm
3 sorry -- periodically -- the Clean Water Act requires
4 review every three years.

5 The State Water Board last conducted a periodic
6 review of the Bay-Delta Plan in 2009 and last updated
7 the Bay-Delta Plan in 2006. However, the last major
8 update to the Bay-Delta Plan for which the current San
9 Joaquin River flow objectives were established was in
10 1995.

11 --oOo--

12 MS. RIDDLE: So relating to the current update
13 to the Bay-Delta Plan, the State Water Board formally
14 began its review several years ago with a Notice of
15 Preparation and Scoping Meeting in early 2009.

16 In late 2009, the State Water Board completed a
17 technical review related to salt tolerances of crops
18 grown in the southern Delta. Related to the Phase I
19 process but separate, in August of 2010 the State Water
20 Board also approved a report prepared pursuant to the
21 Delta Reform Act, identifying flow criteria for the
22 delta ecosystem if flow alone were the only
23 consideration.

24 The report includes flow criteria for the San
25 Joaquin River that were based on, again, only

1 consideration for protection of fish and wildlife
2 without considering all of the factors: Impact to
3 agriculture, hydropower, and economic consideration.

4 In October of 2010, the State Water Board
5 completed a draft report on the scientific basis for
6 alternative San Joaquin River flow and southern Delta
7 salinity objectives, and held a workshop on the report
8 in early 2011.

9 In April of 2011, the State Board issued a
10 Revised Notice of Preparation and Draft Changes to the
11 San Joaquin River flow and southern Delta's salinity
12 objectives and held a scoping meeting in June of 2011.

13 --oOo--

14 MS. RIDDLE: In February of 2012, the State
15 Board then released a revised scientific-basis report,
16 as well as technical reports on the agricultural
17 economic effect and hydropower and electric grid
18 analysis of the potential alternative San Joaquin River
19 flow objectives.

20 Both a scientific basis report and economic
21 analysis were peer reviewed. In addition, the Delta
22 Independent Science Board conducted a review of the
23 scientific basis report, and we're expecting that we
24 will get further comments from them on the Draft
25 Substitute Environmental Document as part of the comment

1 process.

2 --oOo--

3 MS. RIDDLE: The State Board released the Draft
4 Substitute Environmental Document for public review at
5 the end of the 2012.

6 As Charlie mentioned, in order to allow parties
7 additional time to comment on things that they hear
8 today, final comments on the draft SED are due on
9 March 29th.

10 Comments on the draft objectives and program
11 implementation are welcome, as well as information
12 concerning the Draft Substitute Environmental Document.

13 --oOo--

14 MS. RIDDLE: So moving on to the purpose of the
15 SED.

16 The purpose of the SED is both to document the
17 need for and potential effects of changes to the
18 Bay-Delta Plan.

19 The SED evaluates the general or, in CEQA terms,
20 programmatic effects of changes to the Bay-Delta Plan,
21 not the project specific on the ground effects of
22 specific changes to water rights, or other measures.

23 During the implementation process, the State
24 Board will conduct additional project-specific analyses
25 of potential effects on individual water right holders

1 and other measures that need to be conducted to
2 implement the objectives.

3 In addition to other legal requirements, the
4 State Water Board must comply with the requirements of
5 the California Environmental Quality Act, or CEQA, when
6 adopting a water quality control plan.

7 CEQA authorizes the Secretary of Resources to
8 certify a regulatory program as exempt from the
9 requirements of preparing environmental impact reports.

10 The State Water Board's water quality control
11 planning program is a certified regulatory program and,
12 as a result, we're preparing a substitute environmental
13 document rather than an EIR.

14 The SED fulfills the requirements of CEQA and
15 the State Board's regulations to analyze the
16 environmental and economic effects of proposed
17 regulatory activities and other factors, essentially an
18 EIR-plus.

19 The final SED and other information will inform
20 the Water Board's consideration of potential changes to
21 the San Joaquin River Flow and southern Delta salinity
22 requirements.

23 --oOo--

24 MS. RIDDLE: The final SED will be prepared
25 after making needed changes to the draft SED based on

1 public comments we receive today and comments that we
2 receive before the close of the comment period.

3 The final SED will include any necessary changes
4 to the draft SED and responses to comments document.

5 If the comments that we receive as part of the
6 comment process identify any new significant impacts
7 that were not identified in the SED, or significant new
8 information is brought forward that was not included in
9 the draft SED, the State Water Board may need to
10 recirculate the draft SED prior to finalization.

11 If we do not recirculate the draft SED or plan
12 for finalization of the SED is to have that completed by
13 the late summer or early fall.

14 --oOo--

15 MS. RIDDLE: Now I'll discuss the proposed San
16 Joaquin River flow objectives and program of
17 implementation and alternatives that were evaluated in
18 the SED.

19 In order to determine what San Joaquin River
20 flows are needed to protect fish and wildlife beneficial
21 uses, the State Water Board prepared the
22 scientific-basis report that I referred to earlier. In
23 the report, we evaluated current information concerning
24 San Joaquin River flow needs for the protection of fish
25 and wildlife, including information from the 2010 Delta

1 flow criteria proceeding.

2 The analysis focused primarily on fall-run
3 Chinook salmon and, to a lesser extent, on Central
4 Valley steelhead, which are among the most sensitive
5 species to inflow from the San Joaquin River, for which
6 we have scientific information on which to base flow
7 objectives.

8 The scientific-basis report also focuses on the
9 importance of the flow regime and maintaining general
10 ecosystem processes.

11 The scientific-basis report concludes that more
12 flow of a more natural pattern is needed from the
13 February through June time period on the salmon-bearing
14 tributaries to the San Joaquin River, including the
15 Merced, Tuolumne, and Stanislaus River.

16 In the SED, the State Water Board evaluates a
17 range of different flow levels from tributaries to the
18 San Joaquin River during the February through June time
19 frame in order to inform potential changes to the San
20 Joaquin River flows.

21 Specifically, the State Water Board evaluated
22 flow levels of 20, 40, and 60 percent of unimpaired
23 flow, in addition to a No Project Alternative. This
24 range generally captures the range of flow conditions
25 currently occurring on the tributaries which are as low

1 as about 20 percent, and a range of flow levels
2 determined in the flow criteria report to be fully
3 protective of fish and wildlife beneficial uses without
4 considering other factors.

5 For those not familiar, in the Flow Criteria
6 Report the State Water Board determined that 60 percent
7 of unimpaired flow would be needed to fully protect fish
8 and wildlife beneficial uses if you were not to consider
9 other factors.

10 --oOo--

11 In developing the proposed changes to the San
12 Joaquin River flow requirement, we went beyond the Delta
13 Flow Criteria Report and did consider all the other
14 factors that they were determining what flows are needed
15 to protect fish and wildlife.

16 Specifically, we considered information included
17 in the Delta Flow Criteria proceedings and updated
18 information concerning the prolonged trends of defining
19 salmon populations on the San Joaquin River, and
20 scientific information indicating that reduced flows
21 during the spring period are contributing to those
22 declines, though not the only cause.

23 However, in addition to this information, we
24 also considered economics, impacts to agriculture,
25 hydropower production, and groundwater. We also

1 maintaining flow conditions from the San Joaquin River
2 watershed to the Delta, together with other reasonably
3 controllable measures in the San Joaquin River
4 watershed, to support and maintain the natural
5 production of viable native San Joaquin River watershed
6 fish populations migrating through the Delta.

7 The narrative indicates the flow conditions that
8 recently contribute toward maintaining viable native
9 migratory San Joaquin River fish populations include but
10 may not be limited to flows that mimic the natural
11 hydrographic conditions to which native fish are
12 adapted, including the relative magnitude, duration,
13 timing, and spacial extent of flows as they would
14 naturally occur.

15 --oOo--

16 MS. RIDDLE: The narrative objective would apply
17 on the San Joaquin River, as well as the three
18 salmon-bearing tributaries to the San Joaquin River,
19 including the Merced, Tuolumne, and the Stanislaus
20 River, unlike the current objectives which apply only at
21 Vernalis.

22 And the purpose of adding these additional
23 compliance points is to provide flows throughout the
24 lower San Joaquin River migratory corridor for all three
25 tributaries, which is expected to contribute to

1 improvements in abundance, distribution, and genetic and
2 life-history diversity of salmon and other fish and
3 wildlife species.

4 The State Board is not currently considering
5 establishing flow requirements upstream of Vernalis,
6 given that the river upstream does not currently support
7 salmon runs. However, the State Water Board has
8 committed to reevaluate this issue in future reviews of
9 the Bay-Delta Plan after the San Joaquin River
10 restoration effort has progressed further.

11 --oOo--

12 MS. RIDDLE: So the program of implementation
13 indicates the measures that would be needed to implement
14 the narrative flow objective, including actions by the
15 State Water Board and other entities. Because in
16 addition to flow from the San Joaquin River, other
17 actions will be needed to protect fish and wildlife.

18 We acknowledge that the status quo of flows is
19 likely inadequate to protect fish and wildlife; however,
20 we also acknowledge that there's no magic number or flow
21 level that will both protect fish and wildlife and
22 perfectly balance the different competing uses of the
23 water.

24 Based on these considerations, the proposed
25 flows called for in the program of implementation are

1 expressed as a range to be implemented in an adaptive
2 management framework and formed by realtime monitoring
3 and special studies.

4 The framework is intended to allow the
5 objectives to respond to new or evolving scientific
6 understanding and changing environmental conditions,
7 including habitat improvement and climate change,
8 without going through the water quality control planning
9 process again, which I think we all understand is a
10 rather long and laborious process.

11 --oOo--

12 The proposed minimum flows identified in the
13 program of implementation are 35 percent of unimpaired
14 flow on a 14-day running average from February through
15 June from each of the salmon-bearing tributaries to the
16 San Joaquin River, not to exceed flood control levels.

17 In addition, the proposal calls for a base flow
18 of a thousand cfs at Vernalis. The adaptive management
19 provisions allow these minimum flows to be adaptively
20 managed on both an annual and a long-term basis within a
21 range of 25 to 40 percent of unimpaired flow based on
22 considerations of evolving science and input from
23 fishery agencies, reservoir operators, and others.

24 It should be noted that the proposed minimum
25 flows do not constrain higher flows, unless it is likely

1 that in many months of many years flow will actually be
2 higher than the minimum flow levels.

3 Further, the adaptive management provisions
4 allow for the timing of flows to be modified within the
5 season. While scientific information indicates that the
6 natural flow pattern is a favorable pattern of flows, we
7 appreciate that the lower San Joaquin River has been
8 dramatically modified by decades of water use and land
9 use activities, and that our proposal involves something
10 less than natural flows.

11 Accordingly, the proposal allows for flows to be
12 molded on an annual long-term basis to provide for
13 specific functions such as higher peak flows for
14 out-migrating juveniles.

15 In essence, the proposal can be viewed as an
16 account of water that can be used to optimize flow
17 conditions in any one year.

18 While the flow levels are not the optimal flows
19 identified in the Delta Flow Criteria Report, we believe
20 that 35 percent does represent a significant improvement
21 in flow conditions, especially on the Merced and
22 Tuolumne Rivers and, to some extent in drier years, on
23 the main San Joaquin River

24 --oOo--

25 These next few slides depict the different --

1 the increase of inflows that are expected pursuant to
2 our modeling.

3 You'll see that the dark blue line which runs
4 parallel to the lighter blue line is our model's
5 baseline condition. The red line referred to as
6 "current run" on this slide would be the 35 percent of
7 flow alternative.

8 And you'll see on the "X" axis we're moving from
9 wetter to drier years. And on the "Y" axis, we're
10 moving from drier to wetter conditions.

11 So you'll see that in drier years you're seeing
12 a significant improvement on flows in the drier
13 60 percent of years.

14 You see a similar trend on the Merced River as
15 well.

16 So the analysis we did for the Stanislaus River
17 is somewhat complicated by the biological pinion flows,
18 which in this graph we included in the baseline but not
19 in the alternative.

20 However, the State Board does not have the
21 ability to change the flow requirements. It is not
22 proposing to do so as part of this process.

23 So where you see that flows are reduced compared
24 to baselines, we're not sure that that would actually
25 occur. But you also see that there are improvements in

1 flows again in the drier year types, the red dots
2 compared to the dark blue dots at the tail end of the
3 graph from the 70 percent to a hundred percent level in
4 the "X" factor.

5 --oOo--

6 MS. RIDDLE: Lastly, shown here is the model
7 changes in flows at Vernalis. You'll see that for the
8 drier 60 percent of years flows would increase and would
9 increase substantially in the driest years. Again, at
10 the tail end of that graph.

11 --oOo--

12 MS. RIDDLE: Regarding regulatory implementation
13 activities:

14 In order to allow the San Joaquin River flow
15 requirements to be refined and integrated with other
16 planning activities, the program of implementation
17 allows the flows to be phased in over time with full
18 compliance by 2020. The State Water Board intends to
19 implement flow requirements through one or a combination
20 of actions, including water rights actions, federal
21 energy regulatory commission permitting activities, and
22 water quality actions.

23 At that time when the specific implementation
24 measures are determined, the State Water Board and other
25 entities will perform the project specific impact

1 analysis.

2 During the implementation process, the State
3 Water Board will take actions to ensure that flows
4 provided to achieve the flow objectives are protected
5 from diversion.

6 The State Water Board will also evaluate the
7 need to establish requirements to avoid cold-water pool
8 impact for fishery resources and groundwater impact.

9 During the Phase II process that I mentioned
10 previously, the State Board will evaluate the needed
11 measures downstream of Vernalis to protect fish and
12 wildlife beneficial uses, including Delta outflow and
13 State and federal water project operational constraints.

14 It is the State Water Board's intention that the
15 implementation of the San Joaquin River flow
16 requirements will serve to meet the San Joaquin side of
17 the contribution to Delta outflow requirements during
18 the Phase II process. However, that would not constrain
19 future reviews of the Bay-Delta Plan.

20 CHAIRMAN HOPPIN: Diane, can I interrupt for one
21 second?

22 MS. RIDDLE: Sure.

23 CHAIRMAN HOPPIN: For those of you standing in
24 the back, I can see at least six empty seats up here
25 towards the front. One of them is actually next to Bill

1 Jennings. It might provide you with an autograph
2 opportunity.

3 Suit yourself, but there are seats up there.

4 Excuse me, Diane.

5 MS. RIDDLE: So as mentioned previously, staff
6 recognizes that flow alone isn't sufficient to achieve
7 the narrative flow objective. And in the update to the
8 Bay-Delta Plan, we include actions that need to be
9 implemented by other entities that are not specific to
10 flow, including habitat restoration, hatchery management
11 improvements, improved predator control, and other
12 measures.

13 These actions are explained in further details
14 in the program of implementation. And the staff is
15 specifically requesting comments from interested parties
16 and those more familiar with the specific activities
17 that need to take place to improve habitat conditions
18 and other factors, and is looking forward to comments on
19 that aspect of the program of implementation.

20 So in addition to measures during the February
21 to June time frame, the program of implementation
22 includes provisions relating to flows outside of the
23 February through June timeframe, which include October
24 flows, July through September flows, and November
25 through January flows.

1 The program of implementation states that the
2 Water Board will reevaluate the assignment of
3 responsibility for the October pulse flow requirements
4 and will also develop, through the monitoring and
5 evaluation program, specific information to inform
6 whether changes may be needed to the fall flow
7 requirements, or whether we should adopt flow
8 requirements for other times of the year for which we
9 currently do not have flow requirements.

10 So, as I mentioned, the program of
11 implementation includes special study monitoring and
12 reporting requirements that will be needed in order to
13 inform both the real-time adaptive management and the
14 long-term adaptive management, as well as future changes
15 to the Bay-Delta Plan.

16 And those, again, will be implemented through
17 the Phase III process.

18 So that concludes my presentation of the San
19 Joaquin River flow objectives and the introduction to
20 the substitute environmental document.

21 I'll turn it over to Mark to talk about the
22 southern Delta salinity objective and our impact
23 analysis.

24 MR. GOWDY: For the record, my name is Mark
25 Gowdy with the State Water Board Division of Water

1 Rights.

2 First, I'll provide --

3 BOARD MEMBER MARCUS: Can you say that again?

4 Could you say that again slowly for the Board Chair?

5 MR. GOWDY: First, I will provide an overview of
6 the southern Delta water quality objectives and their
7 program of implementation, and then an overview of the
8 environmental and economic impacts evaluated in the SED.

9 (Thereupon an overhead presentation was
10 presented as follows:)

11 MR. GOWDY: The southern Delta is the lower tip
12 of the legal Delta, the bulk of which is within the
13 boundaries of the South Delta Water Agency shown here
14 with the red dashed line.

15 According to the DWR, or Department of Water
16 Resources' crop surveys, the total irrigated
17 agricultural acreage in this area was about 100,000
18 acres in 2007.

19 Crop yields can potentially be impacted if
20 salinity of the irrigation water supply in this area
21 gets too high, particularly for more salt-sensitive
22 crops such as dry beans.

23 Over the last 30 years, dry bean acreage in the
24 south Delta Water Agency has ranged from about 4,000 to
25 9,000 acres.

1 The Bay-Delta Plan currently has salinity
2 objectives for the protection of these agricultural
3 beneficial uses, and these objectives are .07
4 deciSiemens per meter, which is a measure of electrical
5 conductivity -- or often referred to as EC -- in the
6 months of April through August, and 1.0 deciSiemens per
7 meter from September through March. Both is a running
8 30-day average of daily maximum values.

9 These objectives apply on the San Joaquin River
10 at Vernalis, where it enters the southern Delta, and at
11 the three interior southern Delta locations: the San
12 Joaquin River at Brandt Bridge, Old River at Middle
13 River, and Old River at Tracy Road Bridge.

14 Salinity levels in the southern Delta are driven
15 in large part by salinity entering the southern Delta
16 from the San Joaquin at Vernalis. NPDES permitted
17 discharges and agricultural discharges throughout the
18 southern Delta also contribute to elevated salinity
19 levels throughout the area.

20 The Central Valley Project and the State Water
21 Project export pumping operations can also impact the
22 assimilative capacity of the southern Delta waterways by
23 reducing -- potentially reducing water levels.

24 --oOo--

25 MR. GOWDY: And since the early 1990s, temporary

1 seasonal tidal flow barriers are installed by the
2 Department of Water Resources to mitigate the effect of
3 export pumping operations.

4 --oOo--

5 MR. GOWDY: In 2006, the State Water Board in
6 response to litigation D-1641, committed to reevaluate
7 the salinity objectives. Subsequently, with funding
8 from the Department of Water Resources and the San
9 Joaquin River Group Authority, we oversaw and
10 contributed to a study by Dr. Glenn Hoffman, a retired
11 salinity expert from the USDA's salinity laboratory in
12 Riverside.

13 This study assessed cropping, soil and other
14 conditions in the southern Delta, and generally found
15 current irrigation supply salinity levels to be suitable
16 for all agricultural crops.

17 Based on available drainage damage, he also
18 concluded that leaching fractions were relatively high
19 in portions of the south Delta where dry beans were
20 typically grown.

21 Leaching fraction is a measure of how much
22 additional water is applied to a crop for the purpose of
23 flushing salts out of the root zones.

24 Dr. Hoffman also recommended that a study state
25 modeling approach with consideration of seasonal

1 precipitation would provide an appropriate methodology
2 for establishing protective salinity objectives.

3 Applying this recommended approach to dry beans,
4 he estimated that electrical conductivity levels of 1.0
5 deciSiemens per meter year round would be appropriate.

6 In addition, he suggested further study of dry
7 beans salt tolerance, leaching fractions, and boron
8 toxicity might be useful as well in the future.

9 --oOo--

10 MR. GOWDY: Based on the recommendations of this
11 study, we've constructed three southern Delta water
12 quality objectives for a detailed impact evaluation in
13 the SED.

14 The first is the No Project Alternative and is
15 one required by CEQA regulations.

16 Alternative 2 represents the recommendation from
17 Dr. Hoffman for reasonable protection of dry bean
18 yields.

19 And Alternative 3 is a reasonable upper end of
20 salinity concentrations where yield impacts start to
21 become significant.

22 CHAIRMAN HOPPIN: Mark, when you get to a
23 juncture where you can stop a minute, I have two members
24 here that I'm going to have speak, and then you can
25 start again.

1 MR. GOWDY: Yes. Actually, yeah. Just one
2 final word. Of these, we selected Alternative 2 as our
3 preferred alternative in the SED.

4 CHAIRMAN HOPPIN: Would Member Berryhill like to
5 come up?

6 MR. GRAY: He's outside. Senator Canella would
7 like to go first.

8 CHAIRMAN HOPPIN: Fine. I was going to call you
9 next anyway.

10 SENATOR ANTHONY CANELLA: I know. I know.
11 Thank you for giving us the opportunity to speak. I
12 know this is a very busy meeting, so I'll keep my
13 comments brief.

14 CHAIRMAN HOPPIN: I would like to think you have
15 busy things to do when you go back to the Capitol.

16 SENATOR CANELLA: Yes. Yes, we do.

17 Well, again, thank you again for the opportunity
18 to address an issue of critical importance to my
19 district.

20 Your proposal to dedicate 35 percent unimpaired
21 flow to fish and wildlife, quite frankly, will devastate
22 the district that I represent.

23 As you well know, our region is still reeling
24 the effect -- or feeling the effects of the recession.
25 Stanislaus, Merced, and San Joaquin counties have among

1 the highest unemployment rates in the state.
2 Agriculture has been one of the only bright spots, and
3 now this proposal stands to devastate an already
4 troubled region.

5 Your own staff's impact analysis forecasts
6 significant and unavoidable damage to the region's
7 economy, including reductions in water deliveries that
8 would require fowling of 128,00 acres of farmland,
9 agricultural sector income losses that could amount to
10 \$187 million, and job losses that would exceed 1200 a
11 year.

12 Your proposal would also adversely impact
13 hydropower production by taking water from reservoirs
14 during the spring, which would leave less water
15 available in the summer when it's critically needed to
16 irrigate crops and take pressure off the State's power
17 grid.

18 This proposal takes water at a time when it is
19 most valuable and sends it down river with only a hope
20 that it will benefit the fish population. Water is too
21 valuable to waste on the hope that it will make a
22 difference.

23 I hope that you will rethink the approach you
24 have advocated and develop a plan that works to the
25 mutual benefit of the region.

1 Thank you again for giving me the time to speak.

2 CHAIRMAN HOPPIN: Thank you very much.

3 Mr. Berryhill.

4 SENATOR TOM BERRYHILL: Well, good morning.

5 Thanks for having me here today.

6 I'm going to make a couple brief comments here,
7 and then I've got a couple of other things to say. But
8 I want to preface what my remarks are and let everybody
9 here know that I am an avid fisherman.

10 I've used the waterways for years. I love the
11 fact that we're doing lots of different things to
12 improve the fish quality all through the Delta, and I
13 commend you for those efforts. However, I do want to
14 make a couple comments on the impacts of what this is
15 going to do to my constituents.

16 Increasing flow from February to June generates
17 more energy at a time of low energy demand. So
18 basically what we're asking to do here is -- we're going
19 to have big flows when we really don't need the power,
20 leaving us in June and July for agriculture and the
21 working families of the Central Valley that has
22 currently double-digit unemployment, we're going to hose
23 those folks, the way that this thing reads right now, in
24 my opinion.

25 To account for lost service water, users will

1 increase pumping of groundwater by approximately 25
2 percent, Over-drafting of the water table and
3 increasing energy use and costs. We're doing that right
4 now.

5 And we're finding in the Central Valley, as we
6 deplete that aquifer, that the ground is actually
7 sinking. What we're asking to do with this proposal is
8 even make that a worse problem.

9 Hydropower is a valuable contributor to
10 obtaining California's goal of 33 percent because it is
11 highly flexible. Hydropower, unlike wind and solar,
12 cannot be generated by demand.

13 So having said that, I'm here today to take a
14 hard look at this -- have you take a hard look at the
15 devastating impact your proposal would inflict on all
16 the Central Valley. And I represent -- or will
17 represent clear from Antioch clear down to Sacramento
18 here, and all the Central Valley.

19 Your proposal to dedicate 35 percent unimpaired
20 flow from February 1 to June 30th for fish and wildlife
21 beneficial uses will create, in my opinion, significant
22 and unavoidable impacts on the economy -- my
23 agricultural economy especially -- and groundwater
24 basins in the district that I represent.

25 I question the wisdom of a proposal that

1 conflicts with a legislative mandate for a comprehensive
2 Delta Plan under the bipartisan 2009 water package, of
3 which I was a very big part of. And in those working
4 groups we tried to come up with a comprehensive plan
5 that made some sense. I've got a few concerns about
6 this proposal.

7 This proposal takes water at a time when it is
8 most valuable and sends it down the river with only a
9 hope that it benefits the fish. That's very dangerous.
10 And despite the high stakes and tremendous cost of this
11 proposal, there is no proven benefit of what it is or
12 isn't going to do to the fish population.

13 The Central Valley counties have among the
14 highest unemployment rates in the state, as I mentioned
15 before. Agriculture has been one of the only bright
16 spots in this terrible economy for the last few years;
17 it's been a great job creator, and what this proposal
18 will do from Fresno to Sacramento is devastate an
19 already troubled region. And I think that's very
20 dangerous.

21 Locally, the agricultural sector income loss
22 could total as much as 187 million a year during the dry
23 years. And it's a dry year this year so far this year.
24 And a major region struck with this lingering recession.

25 So, again, I ask you to take a long, hard look

1 at what the impacts of this proposal do. Nothing about
2 this proposal says comprehensive -- or balancing equal
3 goals as we tried to do in that water bond.

4 So, with that, I want to thank you for giving me
5 this opportunity to say hello. And I think we have to
6 take a very hard look at this policy.

7 Thank you.

8 CHAIRMAN HOPPIN: Thank you, Mr. Berryhill.

9 While you're there, is there a hope that we're
10 going to get a revision to the water bond that's
11 something the Governor can put before the voters of this
12 State?

13 SENATOR BERRYHILL: Yes. I think the Governor
14 is going to be very engaged in this upcoming water bond.
15 We've got some concerns of opening it up, quite frankly.

16 But having said that, there is a couple billion
17 dollars that we think we can cut out of that bond to get
18 below \$10 billion. And I think if we can do that,
19 keeping the policy -- that was ten years in the making
20 to create that policy, and I think it's solid. And so
21 if we want to open that bond up and we want to cut out
22 the fat and put it in front of the people, I would be
23 all for it and will be working for it.

24 CHAIRMAN HOPPIN: And I think I can certainly
25 speak for myself and, hopefully, my colleagues, that the

1 co-equal goals of that legislation in 2009 were
2 something that caught my interests, and I thought that
3 it was something that was a very admirable compromise by
4 the Legislature.

5 Unfortunately, that bond, as often happens, had
6 a lot of fat in it; and I think the Governor was wise
7 not to put before the voters. But we're trying to do
8 our facet of -- you know, our obligations are here but
9 we're only part of it. And without that comprehensive
10 view that all of you have that could be facilitated with
11 that water bond, it's going to make it very difficult.
12 So hopefully that gets done.

13 SENATOR BERRYHILL: The co-equal goals was a
14 local idea, and we spent hours negotiating that bond, as
15 you well know. And a key component in that bond was
16 above-ground water storage, and you can't keep --
17 especially if you're going to start doing early
18 releases, you have to have additional storage so that we
19 can have that in dry years and have it especially for
20 our agriculture in some of these towns throughout the
21 valley.

22 So we're fully engaged in it. I think the
23 Governor is going to be fully engaged, and hopefully we
24 can spit something out at the end of the day that's
25 going to make some sense.

1 CHAIRMAN HOPPIN: Thank you, sir. I appreciate
2 your comments.

3 SENATOR BERRYHILL: Thanks for having me.

4 CHAIRMAN HOPPIN: Mark.

5 (Thereupon an overhead presentation was
6 presented as follows:)

7 MR. GOWDY: In addition to the numeric
8 objectives I just described, there is a program of
9 implementation for the objectives which describes the
10 various actions that will be taken to ensure that we
11 achieve the objectives.

12 The following is a list of the major components:

13 First, the U.S. Bureau of Reclamation, or USBR,
14 will be required to continue meeting the existing
15 compliance requirements at Vernalis. With this
16 requirement being lower than the new objectives being
17 considered at Vernalis during the April through August
18 period, helps maintain downstream of similar capacity
19 for downstream uses, beneficial uses.

20 --oOo--

21 MR. GOWDY: Next, USBR and the California
22 Department of Water Resources, or DWR, together will
23 then be required to develop and implement a coordinated
24 operations plan to address the impacts of the Central
25 Valley project and State water project export pumping

1 operations -- the effect those operations have on water
2 levels and flow conditions in the southern Delta.

3 It will also be required to perform monitoring
4 and modeling studies that will help inform the
5 development of a long-term monitoring and reporting
6 protocol which, in turn, will help assess the
7 effectiveness of the comprehensive operations plan.

8 --oOo--

9 MR. GOWDY: And, finally, USBR and DWR will be
10 required to continue installation and operation of the
11 temporary seasonal barriers which have been in operation
12 since the early 1990s.

13 The program of implementation also states that
14 the State Water Board may consider future changes to the
15 salinity objectives and program of implementation based
16 on information and recommendations developed by the
17 ongoing CV-SALTS process.

18 And, finally, the program of implementation
19 describes ongoing upstream salinity control programs
20 being conducted by the Central Valley Water Board and
21 other agencies which should assist in the attainment of
22 the new proposed salinity objectives.

23 --oOo--

24 MR. GOWDY: So now I'm going to shift gears and
25 provide an overview of the analysis contained in the

1 2,000 pages of substitute environmental document, or
2 SED, which is the analysis of the potential
3 environmental impacts associated with the flow and the
4 salinity objectives.

5 In the interests of time, I can only provide a
6 brief overview and touch on major elements. And I also
7 just want to clarify, as we begin, that when we speak of
8 impacts from the CEQA perspective, we mean negative
9 impacts.

10 The SED itself is focused on estimating
11 potential negative environmental and economic impacts of
12 the different alternatives. The potential benefits of
13 the proposed alternative have already been addressed as
14 part of their development.

15 --oOo--

16 MR. GOWDY: A preliminary screening of the
17 potential environmental impacts of the flow and salinity
18 objectives across 17 different environmental resources
19 was performed using the framework of the environmental
20 checklist contained in the CEQA regulations which are
21 applicable to State Water Board planning processes.
22 From this screening, the environmental resources listed
23 on this slide were identified as needing further
24 analysis.

25 The SED also evaluates potential economic

1 impacts of the alternatives in Chapter 18 and Appendix G
2 and Appendix J.

3 The SED also includes consideration of
4 cumulative impacts and growth-inducing effects and
5 consideration of environmental and economic impacts of
6 potential methods of compliance with our objectives.

7 Not available in time for the draft SED but to
8 be included in the final draft will be antidegradation
9 analysis as required by both state and federal
10 antidegradation policies.

11 And then, finally, several appendices to the SED
12 provide supporting technical and background information

13 --oOo--

14 MR. GOWDY: So now that I have discussed the SED
15 in general, I want to focus on these next few slides on
16 the SED analysis as it relates to the flow objectives of
17 the three tributaries.

18 The potential environmental and economic impacts
19 of the flow objectives are associated with either
20 changes in river flows, available surface water
21 diversions, or changes in reservoir storage levels.

22 Changes in river flows have an effect either
23 positively or negatively on various aspects of the
24 environment, such as aquatic and terrestrial biology and
25 water quality.

1 It can also affect things like flooding and bank
2 erosion. And changes in timing of flow can also have an
3 impact on things like hydropower.

4 Changes in available surface water diversions
5 can have a very direct impact on agriculture and
6 municipal water supplies, but also can have indirect
7 impacts on groundwater resources, energy consumption,
8 and greenhouse gas emissions resulting from any
9 corresponding increase in groundwater pumping.

10 And, finally, changes in the amount and timing
11 of reservoir storage can impact hydropower production,
12 water quality, such as cold water pools in the
13 reservoirs, recreation, and cultural resources.

14 --oOo--

15 MR. GOWDY: To estimate the changes in river
16 flows, available surface water diversions in reservoir
17 storage, we used the CALSIM 2 model of baseline
18 conditions and developed an in-house model referred to
19 as the Water Supply Effects Model, or WSE, for the
20 different flow alternatives.

21 The San Joaquin River module of this CALSIM
22 model was developed by the U.S. Bureau of Reclamation
23 and others to represent the current operating
24 requirements of the various facilities on the
25 Stanislaus, Tuolumne, Merced, and Joaquin rivers.

1 The model takes 82 years of historical hydrology
2 from water years 1922 through 2003 and runs it through
3 representations of current-day facilities and operations
4 to get an estimate of how the system would respond under
5 these hydrologic conditions.

6 Captured in this historical record are various
7 wet periods and periods of drought such as those in the
8 early 1930s, mid-'70s, and early '90s.

9 While the CALSIM model was widely used at the
10 time we started our analysis, it was not well suited for
11 evaluating the types of changes we were considering, so
12 we developed our own in-house model which operates on a
13 similar but simpler fashion. It runs on the same
14 historical input hydrology as the CALSIM model and
15 produces 82 years of results.

16 I won't go into the details of this line, but it
17 outlines how the model takes these hydrologic inputs and
18 readjusts available surface water diversions to achieve
19 our desired flow requirements.

20 In line then with the intentions of -- the
21 stated intentions of our program of implementation, the
22 model is then operated to maintain a pattern of
23 year-to-year reservoir storage levels similar to
24 baseline conditions. This represents a reasonable
25 assumption based, in part, on wanting to maintain

1 cold-water pools in the three main reservoirs.

2 We are confident in our use of the WSE model.
3 It was peer reviewed as part of our development of the
4 technical report contained in Appendix C and tracks well
5 with the results of CALSIM when set up to simulate
6 baseline conditions.

7 That said, we will get comments in how system
8 operations could be modified better or differently, and
9 look forward to evaluating whether such changes to our
10 approach are warranted or how they would actually affect
11 results.

12 --oOo--

13 MR. GOWDY: While all the potential impacts --
14 environmental and economic impacts of our proposed
15 objectives are important, for the sake of time I'm going
16 to focus on the larger and more controversial ones.

17 The first of these are the potential impacts on
18 economic resources and the related sectors of the
19 economy.

20 The analysis in this appendix -- in the
21 agricultural economics appendix follows three major
22 steps:

23 First, the effects of allowable -- excuse me --
24 of available surface water diversions from each of the
25 alternatives are estimated relative to baseline

1 conditions using the WSE model.

2 This then provides input to the Statewide
3 Agricultural Production, or SWAP model, and is used to
4 estimate the direct effect on agricultural production
5 and revenues.

6 Thirdly, the Impact Analysis for Planning, or
7 IMPLAN, regional economic model, is used to evaluate the
8 total economic and job effects, including the indirect
9 and induced effects of these changes on related regional
10 economic sectors.

11 --oOo--

12 MR. GOWDY: The CALSIM 2 and WSE models provide
13 estimates of the available surface water diversions from
14 each of the tributaries across 82 years of hydrology.

15 From the SED, this plot shows available surface
16 water diversions from the Tuolumne River under baseline
17 conditions.

18 We can see, starting on the left, maximum
19 diversions of about 1.1 million acre-feet generally
20 occurring in wet years, going down as you move to the
21 right to about 540,000 acre-feet in what are generally
22 drier years. This is about a 50-percent reduction
23 between wet and dry years under baseline conditions.

24 --oOo--

25 MR. GOWDY: Next, for the 40 percent unimpaired

1 flow alternative, we can see a maximum allowable
2 delivery -- excuse me -- available delivery of about
3 880,000 acre-feet in wet years, going down through about
4 350,000 in dry years, or about a 60 percent difference
5 between wet and dry years.

6 So, across the spectrum of 82 years we can see
7 that the distribution of these two curves has a similar
8 dropoff percentage-wise from wet to dry years, that they
9 track roughly parallel.

10 But the 40-percent alternative runs about 11 to
11 35 percent lower than baseline. But it does so fairly
12 consistently across the spectrum of water year types.

13 --oOo--

14 MR. GOWDY: We have a similar observation on the
15 Merced River. But on the Stanislaus River we have --
16 existing flows are already higher and reductions to --
17 diversions aren't needed as much, so we have very
18 similar available diversions on the Stanislaus for our
19 alternatives relative to baseline.

20 BOARD MEMBER MARCUS: What's your stray dot at
21 the bottom?

22 MR. GOWDY: I think that's -- I don't know right
23 off the top of my head.

24 CHAIRMAN HOPPIN: Does that answer your
25 question?

1 BOARD MEMBER MARCUS: We'll follow up on those
2 graphs.

3 MR. GOWDY: Yes.

4 --oOo--

5 MR. GOWDY: In the second step of our economic
6 analysis, we used the Statewide Agricultural Production
7 Model. This was developed by U.C. Davis, and has been
8 used for a number of policy analyses, including the 2009
9 California Water Plan.

10 I really want to emphasize here, though, that
11 for the purpose of this economic analysis it was assumed
12 that groundwater pumping would not be increased to make
13 up for any reduction in the surface water diversions
14 needed for a particular alternative.

15 While this is a conservative assumption for the
16 purpose of CEQA analysis, it's not necessarily a
17 reasonable assumption -- a realistic assumption about
18 what actually would happen in the watershed.

19 It is likely that conjunctive use and additional
20 groundwater pumping strategies would be used to make up
21 some portion of the surface water diversion impacts and
22 help minimize the crop production impact.

23 We will be taking a closer look at some more
24 realistic estimates of this in the final SED, and are
25 hoping for useful information from the stakeholders as

1 part of their comments.

2 --oOo--

3 MR. GOWDY: Briefly, the third step is to take
4 all of the output from the SWAP model and run it through
5 the IMPLAN model, which provides then an estimate of the
6 indirect and reduced effects, including jobs on
7 connected sectors of the economy. And, by the way, was
8 the model used by a number of agencies and was used in
9 the D-1641 analysis.

10 --oOo--

11 MR. GOWDY: Briefly, here we have the summary of
12 the total economic impacts as experienced across all
13 three watersheds.

14 Because the spatial resolution of the SWAP model
15 couldn't distinguish between the impacts in the
16 individual watersheds, we went ahead and showed the
17 impact here for the area as a whole.

18 And the dark blue line is economic activity
19 under baseline conditions. The green line is that for
20 40 percent. And you can see impacts ranging from about
21 40 million on the left end, down to about 190 million in
22 the worst-case drier years.

23 Again, I want to point --

24 BOARD MEMBER MARCUS: Can I ask you a question?

25 MR. GOWDY: Yes.

1 BOARD MEMBER MARCUS: I think I understand this,
2 but just to be sure -- I need remedial graph work at
3 some level, because I think it's not -- what you're
4 actually measuring isn't as obvious, I think, to someone
5 who's reading it, the words on the page, to let you know
6 in your head.

7 MR. GOWDY: Sure.

8 BOARD MEMBER MARCUS: And I'll try and help you
9 with that once I understand, which I'm not sure I do.

10 So these charts here and the earlier ones are
11 conservative, and the economic impacts are inflated
12 because you assumed that people wouldn't pump
13 groundwater?

14 MR. GOWDY: That's correct. This assumes that
15 there would be no makeup of reduced surface water
16 supplies from any other sources.

17 BOARD MEMBER MARCUS: Right. And so you've
18 asked people to give more information on what's more
19 realistic so by the final we'll have a more realistic
20 assessment of what's likely to happen. Perfection is
21 not required under this, but something more realistic
22 than an artificial conservative assumption?

23 MR. GOWDY: Yes.

24 BOARD MEMBER MARCUS: I think that would be
25 important for a lot of people's understanding of what it

1 is we're really proposing, as well as for us.

2 MR. GOWDY: Yes. Actually, that was the next
3 set of comments I was going to repeat, so thank you for
4 shortening my presentation.

5 --oOo--

6 MR. GOWDY: So we also took a look at the impact
7 of our flow objectives, hydropower generation. There's
8 two main things that happen to hydropower generation as
9 a result of our flow impacts. One is a shifting of flow
10 from the summer months to the spring months, and the
11 other is any potential changes to reservoir elevations
12 which impact hydropower generating capacity.

13 --oOo--

14 MR. GOWDY: The baseline -- the blue baseline
15 here is the average energy consumption in gigawatt hours
16 across the calendar months of the year. And the green
17 line -- the blue line is for baseline. The green line
18 is under our 40 percent alternative. And you can see an
19 increase in the amount generated in the months of May
20 and June but a decrease in the months of July and
21 August.

22 This has an impact on revenues associated with
23 hydropower because the price of energy in the spring
24 months is not as high as in summer months.

25 We also calculated impact on greenhouse gases,

1 assuming that -- excuse me. I skipped over the fact
2 that over the year the total amount of energy generated
3 is very similar but slightly less under our 40 percent
4 alternative, about 1.4 percent less, and our analysis
5 looks at the impacts on greenhouse gas emissions,
6 assuming that that makeup would come from fossil fuel
7 plants.

8 --oOo--

9 MR. GOWDY: The other consideration is whether
10 or not our objectives have an impact on reservoir
11 elevations, particularly the months of July and August.
12 But as I mentioned earlier, we're operating and assuming
13 that reservoir storage levels would be similar under our
14 alternatives to baseline conditions. So this plot of
15 baseline and 40 percent alternative numbers, or estimate
16 of generated capacity, show very little difference.

17 In addition to this, we also did a power flow
18 analysis model of the regional electric grid in the
19 vicinity of these three watersheds. And even though
20 we're not observing any impacts here in the reservoirs,
21 we still looked at a 5 to 8 percent increase in
22 generating capacity, and still found that the grid was
23 able to operate within its normal reliability levels
24 under the 40 percent alternative.

25 --oOo--

1 MR. GOWDY: Moving on then, groundwater impacts,
2 of course, are important. This analysis, however,
3 opposite to the agricultural economic impacts, assumes
4 that all the surface water diversions would be made up
5 for by additional groundwater pumping.

6 This was a conservative assumption to sort of
7 test the worst-case potential impacts on groundwater.

8 We also then evaluated potential increase in
9 greenhouse gases from the energy needed to do this
10 additional groundwater pumping.

11 --oOo--

12 MR. GOWDY: Another important potential impact
13 is that on service providers due to potential reductions
14 in available surface water diversions. So we took a
15 look at folks who were getting surface water supplies
16 and evaluated their potential to have alternate supplies
17 like groundwater, and also took a look at a general
18 level at sort of the contractual relationships that they
19 had and how they might be able to find other supplies,
20 and whether or not they might need to construct new
21 facilities to tap into those supplies. And we found
22 that there's a potential, particularly on the Tuolumne
23 and Merced rivers, to be impacted by this.

24 This was not found to be the case for the City
25 and County of San Francisco due to their water banking

1 agreement with the Modesto Irrigation District and
2 Turlock Irrigation District that they have in New Don
3 Pedro Reservoir.

4 And while some portion of the increased flows
5 needed to meet our flow objectives might need to be
6 shared by the City of San Francisco, this may only
7 require a change in their water bank accounting.

8 And this would also not likely interfere with
9 the City of San Francisco's aqueduct diversion from
10 Hetch Hetchy because its share of water rights on the
11 Tuolumne is usually greater than its diversions.
12 Therefore, it is not expected that the City would have a
13 significant impact on its diversion from the Tuolumne
14 River.

15 And then, finally, we did a brief analysis of
16 how exports to the CVP and SWP might be impacted by
17 changes in flow at Vernalis, and actually found a slight
18 increase in the amount of exports given current export
19 limitations and, therefore, we did not find a negative
20 potential impact to exports as a result of our flow
21 objectives.

22 So all of that for the flow objectives and that
23 one slide to describe the impact of our salinity
24 objective.

25 --oOo--

1 MR. GOWDY: And basically the analysis is quite
2 a bit simplified because we're really not making any
3 changes to the physical environment. There would be no
4 direct changes to the physical environment associated
5 with our objectives in the program of implementation.

6 This is in large part due to the USBR being held
7 to the same compliance requirements that they currently
8 have at Vernalis.

9 We would also expect reduced loading from
10 municipal discharges in the southern Delta as they
11 receive permit limitations implementing our new
12 objectives.

13 And then as I mentioned earlier, we have a
14 number of upstream salinity reduction efforts that are
15 anticipated to actually improve salinity conditions --
16 salinity levels entering the southern Delta at Vernalis.

17 That said, there is a significant impact,
18 obviously, to local wastewater treatment plant
19 dischargers like Tracy and the City of Stockton, but
20 we're hoping that there will be some flexibility in the
21 implementation of their NPDS permits so that there can
22 be as good a balancing as possible between their need to
23 discharge and agricultural beneficial uses.

24 And, certainly, as we are working on the final
25 SED, are looking for suggestions on how we can work that

1 sort of flexibility, or at least make sure we're not
2 getting in the way of that flexibility for those
3 dischargers.

4 And so this concludes my summary of things.

5 The draft SED was issued with the best available
6 information at the time. And we are interested in
7 knowing and understanding the potential impacts of our
8 plan amendments on the environment and the economy and
9 take their evaluation seriously.

10 So, to that end, with the issuance of this
11 draft, we are soliciting information from any and all
12 stakeholders to help ensure that the analysis is correct
13 and as comprehensive as possible.

14 Possible formal written comments are due --

15 CHAIRMAN HOPPIN: Go back to the last slide.

16 As it relates to USBR and their requirements at
17 Vernalis, it's pretty clear that we're not going to have
18 all this work done in the next month or so. Would you
19 anticipate the Bureau meeting their requirements at
20 Vernalis during this interim?

21 MR. GOWDY: Yes. Those requirements exist in
22 D-1641 already, so those requirements --

23 CHAIRMAN HOPPIN: There's a question about their
24 interpretation of that, though, I believe, isn't there?

25 MS. RIDDLE: They currently meet the Vernalis

1 salinity objectives. So what we're proposing is to
2 remove the requirement from -- before the interior
3 southern Delta compliance locations -- Brandt Bridge,
4 Old River and Middle River. So that would no longer be
5 a responsibility of the Bureau. In the interim, between
6 when we implement the current -- or adopt and implement
7 the current objectives and -- you know, now, I'm not
8 sure, you know, what the status of compliance will be
9 given that it's a drier year. This is typically the
10 times that they have problems achieving those southern
11 Delta compliance locations. But they are very
12 consistently compliant at Vernalis.

13 CHAIRMAN HOPPIN: Thank you.

14 MR. GOWDY: So that's pretty much it, other than
15 to remind folks that formal comments are due by
16 March 29th. We will then recirculate, if and as
17 necessary, with the intent of having a final draft SED
18 for your consideration of adoption later this year.

19 CHAIRMAN HOPPIN: Thank you, Mark.

20 BOARD MEMBER MOORE: Chair Hoppin, I have a
21 question for Mark.

22 Thanks everybody for making time today to join
23 the workshop. I welcome everyone here and your comments
24 on this draft environmental document.

25 Mark, one issue that was a little confusing to

1 me, and may be for other folks, is on the one hand
2 you've pointed out the assumption in the modeling was
3 there was not increased groundwater pumping as a result
4 of lower diversion, and yet on the other hand you did
5 describe potential environmental impacts projected for
6 the different alternatives due to groundwater pumping.
7 Could you help me reconcile that disconnect?

8 MR. GOWDY: Yes. We really were, from a CEQA
9 perspective, wanting to bracket worst-case conditions.

10 Admittedly, these are worst-case conditions that
11 can't exist at the same time. There, however, for
12 economic analysis isn't really that much of an impact
13 associated with the impacts on groundwater, say,
14 relative to agriculture; so there wasn't necessarily an
15 overlap in that analysis.

16 But I think for the final, as I mentioned
17 before, we really want to, rather than just do the
18 bracketing required by CEQA, actually come up with a
19 more realistic estimate of what we would actually expect
20 that balance to be.

21 CHAIRMAN HOPPIN: Mark, did you give any
22 consideration to the fact that -- you know, in my mind,
23 certainly any reduction in surface water delivery will
24 be equaled by a corresponding amount of groundwater
25 delivery as long as groundwater is available. With the

1 additional demand on the groundwater, aside from
2 subsidence, have you looked at the potential for
3 degradation of groundwater quality in the scenario?

4 MR. GOWDY: Yes, we looked at the increase. And
5 it's a difficult thing to estimate, but it seems as
6 though there could be some increase without it leading
7 to an immediate collapse of the aquifer. And it would
8 be our intention, obviously, to monitor that situation
9 to make sure that it didn't get out of hand. And we can
10 make adjustments in the future, if necessary, to
11 avoid --

12 CHAIRMAN HOPPIN: Those adjustments would be
13 pretty critical. And, in your view, obviously we
14 haven't reconciled all this. There are two ways of
15 going about it. You either -- if there is pronounced
16 degradation of groundwater and groundwater subsidence,
17 there's one or two ways in my mind you can deal with
18 that. Either increase the amount of surface water
19 available or tell those people that they're out of luck.
20 Obviously, either scenario is going to displease
21 someone. But it would seem like the potential for that
22 scenario in the not too far distant future would be, you
23 know, a reasonably acceptable idea.

24 MR. GOWDY: Yeah. You know, I think as we try
25 to develop an estimate of what a sustainable level of

1 additional groundwater pumping may be we may want to
2 consider, say, some conjunctive use or other strategies
3 that could be employed to minimize those effects but not
4 over rely our analysis on, you know, a level of
5 groundwater pumping that would not be sustainable.

6 MR. LES GROBER: If I may add -- Les Grober,
7 Assistant Deputy Director of Water Rights. The intent
8 of looking at the analysis both ways is really to look
9 at something that we can easily bracket to what is the
10 maximum possible effect for either one; but, of course,
11 either extreme is no realistic. It becomes more
12 speculative to determine, well, what is the right mix?

13 And that can be formed by -- even as now we have
14 the information that shows during dry years much of the
15 water supplies are made up by groundwater, and these
16 areas served by surface water generally have good
17 groundwater supplies, and that's how they've been able
18 to upgrade at such times.

19 So, Felicia, as you suggested, there's some
20 right mix that will likely happen. And that's going to
21 be based on making sound business decisions in the area
22 and is likely to draw more heavily from groundwater to
23 make up for the reduced surface water supplies but not
24 to the full extent of the surface water supplies,
25 because it then becomes an economic decision because of

1 those increased groundwater costs.

2 CHAIRMAN HOPPIN: Les, you referred to local
3 economic decisions. We really have no authority at this
4 point to regulate that groundwater pumping. We're going
5 to tell people, You go out and do the right thing,
6 without some coordinated effort. That seems like a
7 dangerous scenario to me.

8 MR. GROBER: Well, that's why it's difficult for
9 us to advance. "This is what's going to happen" becomes
10 very difficult because we can't dictate what exactly
11 will happen, and we can't know all of the information
12 that goes into making that decision.

13 But just as we see now, many of those surface
14 water supplies are made up to some extent by groundwater
15 pumping. They're not fully made up because decisions
16 are made even in the baseline economic analysis to not
17 grow some of the lower-value crops sometimes. So that's
18 going to happen.

19 And we can make some sort of assumptions to
20 show -- because you see many of the numbers that have
21 been presented to you here today, those extremes of,
22 well, this is how much fowling is going to happen, or
23 this is how much groundwater pumping. None of those
24 extremes are going to happen, but we cannot say with
25 precision it's going to be exactly this; but we can come

1 up with a better idea of what the mix would likely be.
2 But that number, of course, is going to be highly
3 debated.

4 CHAIRMAN HOPPIN: I'm going to call Assembly
5 Member Gray up now.

6 Member Gray, would you like to come forward?

7 ASSEMBLY MEMBER ADAM GRAY: Good morning. My
8 name is Adam Gray. I am the Assembly Member that
9 represents the 21st Assembly District, which encompasses
10 all of Merced County and the western portion of
11 Stanislaus County.

12 I'd first like to thank the Board for allowing
13 me to share some thoughts on the decisions that are
14 before us today.

15 You know, we're celebrating just a few blocks
16 from here Ag Day at the State Capitol and celebrating
17 the contributions that agriculture makes to California,
18 one of our great industries, and certainly the industry
19 in the part of the State that I come from.

20 It seems a little bit ironic that we have before
21 us a decision to remove the very life blood of what
22 makes agriculture tick in Merced and Stanislaus County,
23 which is our water.

24 I wanted to take this opportunity to speak with
25 the Board not just about water and the impacts but the

1 economic realities that face my region in the Central
2 Valley.

3 We have experienced unemployment rates, and
4 continue to today, as high as 40 percent, unemployment
5 rates more akin to the Great Depression than the Great
6 Recession.

7 You can certainly understand it doesn't take a
8 Ph.D in sociology to realize the impacts not just to
9 jobs but the impacts across the community when you face
10 such rates of poverty.

11 The Board's own economic projections illustrate
12 that the proposal before you could result in a loss of
13 up to a thousand jobs, millions of dollars in
14 hydropower, tens of million of dollars in crop revenue,
15 and hundreds of millions of dollars in lost economic
16 activity.

17 Taking more water from three rivers so vitally
18 important to our economic wellbeing is like asking
19 somebody on unemployment for a loan.

20 What does the Board say to the people in Dos
21 Palos where unemployment rates exceed 40 percent, in
22 Planada where it's almost 40 percent -- 37.6?

23 A few years ago on the west side of the valley
24 we saw the combination of high unemployment rates and
25 cuts to water result in food lines. Something you

1 wouldn't expect to see in the modern era. Something we
2 saw during the Great Depression.

3 Democrats and Republicans, I think, have many
4 differing ideas on how to solve the problem of food
5 lines, but I think one thing we all agree on is not
6 putting policies in place that create them.

7 As an elected official, I'm often asked to vote
8 on difficult issues, just as the difficult issues that
9 face this Board, and I oftentimes ask myself what are
10 the potential outcomes? And we balance those issues in
11 our own mind.

12 As I understand it, the science has not
13 guaranteed that increased flows will increase the salmon
14 population. But the studies have indicated that there
15 is catastrophic, economic damage as a guaranteed result.
16 It seems to me in such a context that this is not such a
17 difficult decision.

18 I would like to suggest that the Board explore
19 other options, including floodplain habitat restoration
20 and mitigation of predatory and invasive species in the
21 Delta.

22 I'm certainly not here to argue today against
23 the importance of the Delta. It is a great State
24 resource and needs to be protected. However, the
25 reality is we face unemployment and economic catastrophe

1 in the Central Valley, and I'm here to appeal to your
2 sense of decency and your sense of humanity in making
3 these considerations.

4 Thank you for your time.

5 CHAIRMAN HOPPIN: Thank you, Assembly member.

6 VICE CHAIR SPIVY-WEBER: Mark, I have a
7 question, particularly around your water supply effects
8 model.

9 MR. GOWDY: Yes.

10 VICE CHAIR SPIVY-WEBER: And it comes out of
11 CALSIM. And you're making assumptions based on
12 historical data of water year types, but from what I
13 understand -- and that certainly has been the practice
14 up until now, but as we're starting to look ahead we're
15 starting to see a change in the water year types and the
16 mix. And so how are you -- are you planning to rerun
17 your water supply effects model as you get more
18 scientific information about how that change in water
19 year types might unfold into the future?

20 MR. GOWDY: The model is certainly capable of
21 evaluating a change in hydrology that we might
22 anticipate in the future. And depending on the comments
23 that we get in the information that we obtain to that
24 effect, we will consider it and do the necessary model
25 runs.

1 We're definitely open to whatever analysis is
2 appropriate.

3 VICE CHAIR SPIVY-WEBER: That's great. So for
4 those who are here with information, particularly on
5 climate-related issues in the future, that's something
6 I'll be following.

7 A second area is in looking at hydropower, you
8 were looking at -- you are assuming no other alternative
9 energy supplies, like wind and solar and bio gas and,
10 you know, all the other things that are being developed
11 now. And I one hundred percent understand that, but is
12 that a factor that you'll be interested in looking at as
13 we move forward -- the alternatives, the alternative
14 powers to mix and match?

15 MR. GOWDY: Right. I see a couple of things
16 there. You know, we assume that all the additional
17 powers or changes in power associated with alternatives
18 will be made up for by fossil fuels. To the extent that
19 there's actually a mix that would be the source of that
20 power, we could take a look at that and adjust our
21 estimates accordingly.

22 We would also be interested in how -- the makeup
23 of the total portfolio of generating capacity in the
24 grid changes, what the needs are for peaking power, and
25 how hydropower would be fitting into those plans in the

1 future; but to date, we haven't gotten a lot of feedback
2 on that. And it would be useful information to
3 understanding whether our changes to generating capacity
4 would fit well or not with what the future holds.

5 CHAIRMAN HOPPIN: Ladies and gentlemen, there
6 are more people here than we anticipated. We have the
7 opportunity to move next door to the Air Resources Board
8 Hearing Room where there will be more space. We've got
9 about half to three-quarters of another room full on
10 overflow, so we'll try and accommodate all of you in a
11 comfortable way. We're going to take about a ten-minute
12 break and move next door.

13 (Thereupon a break was taken, after which the
14 proceedings were continued in the Byron Sher
15 auditorium.)

16 CHAIRMAN HOPPIN: We've got about 50-some odd
17 cards. Those of you that have not pre-requested a block
18 of time for group presentation, I'm going to have to
19 hold you to like a three-minute comment period. So, if
20 you would -- that's going to cut you short a minute or
21 so, if you could kind of think of how you could condense
22 your comments.

23 If not, we're going to have people that traveled
24 all the way up here that we're going to run out of
25 daytime.

1 Also, Mr. Guinee -- I don't see you out there,
2 but when we finish with the legislative folks, would
3 your group like to go? Are you there?

4 Thank you.

5 Do we have someone from Senator Denham's staff?
6 Congressman Denham. Excuse.

7 If you all would speak very directly into the
8 microphone. These are all very poor microphones and the
9 court reporter is having a difficult time hearing, and
10 I'm sure you want your comments on the record.

11 Go ahead, sir.

12 MR. DARREN McDANIEL: Good morning, Chairman,
13 Board members. My name is Darren McDaniel. I'm here on
14 behalf of United States Representative Jeff Denham, and
15 I'd like to request the following to be placed in the
16 record on his behalf:

17 It's a great honor to serve in the United States
18 House of Representatives on behalf of the people of
19 California's Tenth Congressional District.

20 Like you, I share a passion for California's
21 water, as well as a reverence of water rights.

22 We have a responsibility to those we serve to
23 provide a government that works efficiently and
24 cooperatively to solve problems. Such cooperation is
25 particularly critical with a resource as vital to

1 California as water.

2 The Central Valley of California is home to the
3 world's most productive farmland. The economies of most
4 communities in the valley are buoyed by the agricultural
5 production that occurs throughout the Valley. As such,
6 our farmers and communities alike depend on a reliable
7 water supply, both in the form of surface water and
8 groundwater.

9 Unfortunately, the San Joaquin River flow
10 proposal from the Board being discussed today is bad.
11 It's bad for those I represent; it's bad for the people
12 and the industry of the Central Valley already decimated
13 by economic pain.

14 But, above all, this proposal is bad because it
15 punishes agricultural water users and water districts
16 who have been efficiently putting water to its most
17 beneficial use since the water began to be diverted on
18 the tributaries affected by the proposal.

19 Further, the substitute environmental document
20 being presented makes sweeping assertions and stands in
21 direct conflict with the Delta stewardship councils'
22 co-equal goals of providing a more reliable water supply
23 for the State and protecting, restoring and enhancing
24 the Delta's ecosystem.

25 The public expects government actions to be

1 anchored in evidence. However, this plan provides no
2 scientific proof that increasing flows will help native
3 fish populations.

4 To move forward with the project without any
5 rationale or scientific basis behind it is
6 irresponsible.

7 But the issue here is not just water.
8 Stanislaus, Merced, and San Joaquin counties rely on
9 summer water supplies from reservoirs for irrigation and
10 hydropower. Under this proposal, water deliveries will
11 be cut, thousands of acres will be fallowed, and we will
12 need to purchase energy elsewhere during time of peak
13 demand.

14 I strongly encourage you to consider the
15 devastating impacts your proposal would have on our
16 communities and the farmers and ratepayers who call them
17 home. And then please take a hard look at the lack of
18 evidence supporting this proposal.

19 We've all heard the expression, "The devil's in
20 the details." And with California water, that's
21 especially true.

22 We can do better. California deserves better.
23 You must do better.

24 Thank you.

25 CHAIRMAN HOPPIN: Thank you.

1 MR. McDANIEL: And I also have his written
2 comments.

3 CHAIRMAN HOPPIN: You can give it to the young
4 lady here in the blue blouse, please. Thank you very
5 much.

6 Is Member Olsen here or a member of his staff
7 here?

8 Member Olsen?

9 Sherri Brennan, Board of Supervisors, Tuolumne
10 County?

11 Vito Chiesa.

12 MR. CHIESA: Good morning, Mr. Chair, fellow
13 members. We could play basketball in this place. I
14 thought I had a great seat. I went back to the other
15 auditorium and had a great seat up front.

16 CHAIRMAN HOPPIN: The trouble is when you are
17 old like I am and you haven't capitulated to bifocals
18 yet, you spend half the day putting on different pairs
19 of glasses so you can see who's in the back.

20 I know there's people in the back, but it's
21 hard. It's a difficult challenge. It comes with age, I
22 guess. You don't know yet. You will.

23 MR. CHIESA: I definitely know, and that's why
24 I'm holding the paper close to my face.

25 Well, thank you again for the opportunity to

1 come. My name is Vito Chiesa. I am a member of the
2 Board of Supervisors for Stanislaus County, and I am
3 currently serving as chairman of the Board.

4 I am not a water expert, nor do I purport to be
5 one. I am going to talk a little bit about some
6 perspectives from the County of Stanislaus and some
7 potential impacts.

8 Stanislaus County is a suburban county of about
9 a half a million folks. We're blessed with a temperate
10 climate, very rich soils, and mountains on the east of
11 us which accumulate snow. I think you'll be hearing
12 that over and over here about how we're blessed.

13 Agriculture is our number one industry by a long
14 shot. We have about three hundred commodities grown.
15 About a hundred of those commodities are exported to 90
16 countries. Our top ten manufacturing employers are
17 largely based around agriculture like Del Monte, like
18 Gallo, like ConAgra; so we're very agricultural centric
19 there.

20 I want to point out that farmers are resourceful
21 people. It took about a hundred years for them to get
22 to a billion dollars in farm gate value in Stanislaus
23 County. It took them 16 years to get to \$2 billion, and
24 it took them five years to get to \$3 billion. So you
25 actually see the acceleration.

1 Why is that? Global demand for our products,
2 for wine products, for nut products -- increase in
3 technology, water efficiencies, fertilizer efficiencies.
4 And most of all, it's because we had a supply of water
5 that is apt. I don't want to say that we have excess
6 water; I think that is a misnomer, but we do have water.

7 We are a county of challenges. And this is very
8 important. I think I've heard that from the other
9 electeds from our area.

10 We are ground zero for the foreclosure crisis.
11 We have chronic unemployment that is double the national
12 average. You can just track it for the last 30 years.
13 It's the same thing. We have 43,000 residents that
14 leave our county for their employment too. And high
15 poverty, and one in every three residents in Stanislaus
16 County is on some form of public assistance.

17 And that's a key factor. Because when things --
18 the economy gets worse, we have less revenue; there's
19 more people that need assistance. And we are the safety
20 net for most of the folks.

21 I'm going to give you a little merry-go-round on
22 the County's revenue stream, so if you'll just bear with
23 me.

24 We have about a billion dollars budget. Of
25 that, 14 percent is discretionary; and that's

1 essentially what myself and four colleagues have an
2 opportunity to have a say in. Most of that goes to law
3 enforcement: To the sheriffs, probation, district
4 attorney, library, things like that.

5 The majority of our discretionary revenue, the
6 important revenue, comes from property taxes. It's
7 close to 60 percent property taxes. And if you take
8 this full circle, what value is our property taxes?

9 And out in the ag area, it's the ability of the
10 land to produce, the soil type, and it's the
11 availability of water. And not just the availability
12 but sufficient water.

13 We're always on that fine balance dealing with
14 groundwater pumping and surface water. We're very
15 fortunate.

16 But the reason we have expanded acreage to the
17 east of us, most of it is on deep wells and is starting
18 to impact the water quality in the cities.

19 Again, we're not purveyors of water -- I'll let
20 the cities speak to that -- but because the whole
21 property tax system in Stanislaus County, our
22 discretionary revenue, is predicated on property taxes,
23 it is essentially predicated on the availability of
24 water. So that's very important to recognize going
25 forward.

1 I think if you look at what you're talking
2 about, it could have a profound effect and a detrimental
3 effect going forward. I would see this as cataclysmic.

4 As I said earlier, one problem begets another.
5 And as our economy -- if we lower property tax values,
6 we have less discretionary revenue to spend on things
7 when the need increases.

8 We've just gone through essentially the worst
9 economic situation since the Great Depression. I don't
10 want to see that happen again. And for a county that
11 continually struggle with chronic unemployment and
12 poverty, it seems to be an extreme stance to me.

13 I think it's ironic --

14 CHAIRMAN HOPPIN: Can you answer a question for
15 me?

16 MR. CHIESA: Yes, sir.

17 CHAIRMAN HOPPIN: With the enormous growth and
18 revenue from the agricultural sector, I would like to
19 think that there would be a corresponding increase in
20 employment. With that growth, does it seem strange to
21 you that you have such chronic unemployment?

22 MR. CHIESA: The unemployment -- you know, we
23 are a bedroom community, and the housing market is what
24 really crashed us, not the ag economy. That's the
25 bright spot that we have.

1 If you talk to -- the tractor dealers are
2 growing, all the ancillary businesses associated with
3 it. If you talk to Del Monte, they are on an increased
4 hiring. If you talk to Gallo, they're doing expansion.

5 So there is an increase in hiring in the
6 agricultural sector, but we've lost a proportional
7 amount of jobs in the housing sector and businesses, the
8 service sector. So there is a tradeoff.

9 CHAIRMAN HOPPIN: Thank you.

10 MR. CHIESA: And I wanted to point out one thing
11 that I thought was pretty ironic. Mr. Chairman, if you
12 remember riding in the elevator with me a couple of
13 months ago -- I was here in this building. I just
14 happened to ride down and talk to you for a couple of
15 moments.

16 CHAIRMAN HOPPIN: The way I was dressed, you
17 said, "You must be a farmer"?

18 MR. CHIESA: I said, "You must be a farmer."
19 That's right.

20 It's ironic because I was here to talk about Cal
21 EnviroScreen. And Cal EnviroScreen is something that
22 CalEPA is doing. It's talking about the health impacts.
23 They're down to ZIP codes, and it talks about the
24 cumulative health impacts. And so then it allowed the
25 State to target disadvantaged communities.

1 If you look at the map, the top 10 percent of
2 the disadvantaged communities almost exclusively are in
3 the Central Valley, from San Joaquin down to Kern.

4 There are hotspots around where there were air
5 bases, and there's some pollution issues, but by and
6 large the majority of those are in the Central Valley.

7 So what you are charged with here, what you're
8 talking about, has a potential negative impact and will
9 just accelerate the enviroscreen of covering the valley
10 essentially in the top 10 percent. So be very careful.
11 And I think that's ironic that we're having this meeting
12 here.

13 Last night I wanted to talk about -- we had a
14 Board of Supervisor's meeting, and we passed a
15 resolution opposing the State Water Resources Control
16 Board's Draft Substitute Environmental Document. I'm
17 going to put that as a part of the record.

18 I just hope going forward -- it is really
19 important -- oh, one other fact I learned last night. I
20 think I learned it. I heard a little something
21 different from your staff. I heard that the upper
22 watershed, which is the Hetch Hetchy system, was exempt.
23 And that was very worrisome to me because that comes to
24 a conquer-and-divide-type strategy.

25 I'm always cognizant of why San Francisco is

1 not a part of this fight standing along the tributary
2 authority. So I hope to hear an explanation -- a little
3 bit explanation of that going forward.

4 But I fully expect that all your decisions going
5 forward -- you know, my hope, but I expect it, is that
6 it will be based upon sound science. I think we will
7 hear that over and over and over again. It's very
8 important going forward.

9 I would also like to tell you that I would love
10 to have a meeting down at the impacted area. It seems
11 only fair that -- you know, all these folks that drove
12 up here -- I took a bus up here myself -- that you guys
13 would come down. And I invite you. I will get you the
14 forum; I will get you the venue; I will get you the
15 speaker system; I will get you the security, everything.
16 Guaranteed.

17 So I really appreciate the time.

18 One last thing. I see your Board uses levity.
19 I like to see that. That builds cohesiveness. You
20 collaborate better that way.

21 Last night I used something tongue in cheek
22 after the presentation and talking about the counties,
23 and we had something on the agenda about enterprise
24 zones. So the State took our redevelopment zones;
25 they're trying to take our enterprise price zones;

1 they're attempting to take our water, but they gave us
2 their prisoners.

3 Thank you very much.

4 (Laughter and applause.)

5 CHAIRMAN HOPPIN: One thing about it, it looks
6 like those prisoners are a sustainable population.

7 (Laughter.)

8 CHAIRPERSON HOPPIN: Mr. Larry Byrd from MID.

9 MR. BLOM: Actually, my name is Nick Blom. I'm
10 from MID also.

11 Larry's deferred. He's the vice president of
12 the Board; I'm the president of the Board, so he's
13 deferred to me to make a presentation today.

14 Thank you very much for providing us this
15 opportunity and to voice our concerns on the proposed
16 required 35 percent unimpaired flow from the Tuolumne,
17 Merced, and Stanislaus rivers.

18 As I said, my name is Nick Blom, and I am not
19 only the chairman -- or the president of the Board of
20 Modesto Irrigation District, I'm also a farmer in that
21 district.

22 MID, together with TID, owns some of the oldest
23 water rights in the State, and since the last 1800s has
24 managed these water rights to serve thriving
25 agricultural communities in the Central Valley.

1 MID water rights are put to beneficial use
2 either as water storage, irrigation water for
3 agriculture, water for drinking, and other urban uses or
4 environmental water releases that support fish and
5 wildlife in the river ecosystem.

6 We provide irrigation water to approximately
7 3100 agricultural customers who irrigate close to
8 60,000 acres of almonds, walnuts, peaches, grapes and
9 other crops.

10 Since 1994, MID has had a successful partnership
11 with the City of Modesto treating and delivering up to
12 40 million gallons of water per day to provide up to
13 half of the City's drinking water needs.

14 The Modesto Regional Water Treatment Plant is
15 currently being expanded to double its capacity, which
16 will allow MID to provide up to two-thirds of Modesto's
17 drinking water supply.

18 The 35 percent unimpaired flow proposal would
19 redirect water supplies away from our communities
20 without any recognizable benefit to salmon or the rest
21 of the Delta ecosystem.

22 The State Water Board staff's own impact
23 analysis forecasts significant and unavoidable damage to
24 the region's economy. But, in reality, the damage is
25 measured in lost crop production, lost farms, lost jobs,

1 and downturn to an already struggling economy.

2 MID would have to sacrifice up to a hundred
3 thousand acre-feet of water annually. Reductions in
4 water deliveries could require thousands of agriculture
5 acreage within MID to be fallowed in the dry years. And
6 almond crops, unlike some of the seasonal crops, you
7 cannot foul.

8 Agriculture sector income losses in our
9 community could be tens of millions of dollars during
10 dry years. Resulting job losses would exacerbate
11 already high unemployment in our region.

12 With less water and power available, our rates
13 for both would have to rise, further straining
14 households and businesses.

15 Without the hydropower, there will be pumping.
16 And with that pumping there will be costs to the
17 farmers, and those costs will then be redirected to the
18 consumers, which you just -- it's that cycle.

19 The impacts to our hydrogeneration conflicts
20 with the State's proposed goal of increasing green
21 energy or production.

22 Increasing flows from February to June generates
23 more energy when low energy demand -- when it's a low
24 energy demand. Leaving less water in the reservoirs in
25 the summer means less hydropower at the time of peak

1 demand. Reductions in hydroelectric generation create
2 the need to buy costly supplemental power from carbon
3 producing conventional sources.

4 To account for lost surface water, users will
5 increase the pumping of groundwater, overdrafting of the
6 water table and increasing energy uses and costs.

7 MID, together with TID, take the brunt of this
8 impact at great cost to our customers in our community.

9 We have always been good environmental stewards
10 of the Tuolumne River, participating in habitat
11 restoration, as well as river flow experiments; however,
12 with the proposed 35 percent unimpaired flow criteria,
13 our communities are looking at significant cost with no
14 evidence that additional water will get where it needs
15 to go or achieve the fishery goals identified by the
16 State.

17 The Board makes an assumption that greater flows
18 will meet these objectives, but no evidence to support
19 this assumption has been provided.

20 We hope the Board will take these community
21 impacts into consideration as you move forward with this
22 process.

23 Thank you.

24 CHAIRMAN HOPPIN: Thank you, sir.

25 Michael Frantz.

1 Mr. Guinee, if you could kindly assemble your
2 group.

3 MR. FRANTZ: Good morning, Chairman Hoppin and
4 members of the Board. My name is Michael Frantz.

5 Before I begin, Chairman Hoffman, I should thank
6 you for your years of service and congratulate you on
7 your upcoming retirement.

8 CHAIRMAN HOPPIN: Thank you. I'm not really
9 going to be retiring. It's just kind of like changing
10 your socks.

11 (Laughter.)

12 MR. FRANTZ: For the last three years, it's been
13 my honor to serve the communities of Turlock, Denair,
14 Hickman and Hughson as their representative to the TID
15 Board of Directors.

16 My constituents are both electric ratepayers and
17 small family farmers. The average parcel size in my
18 division is 24 acres. Many families have farmed on
19 their land for multiple generations.

20 This matter being discussed today has the
21 potential to impact them severely, and as their elected
22 representative it is my duty to share our grave concerns
23 with this SED.

24 I would like to comment specifically on four
25 areas of potential inadequacy. The first is that we, as

1 an irrigation district, at TID do not feel heard by your
2 organization.

3 TID, as the operators of the New Don Pedro
4 Project, have invested heavily in the Tuolumne River.
5 We have tremendous pride and love for the health of the
6 river.

7 We have had a full-time biologist paid for by
8 both MID and TID for over 40 years studying the
9 Tuolumne. We have conducted and published more studies
10 about the health of the fish and wildlife in and along
11 the Tuolumne River than any other agency or NGO.

12 Seemingly, none of the 650 pages of comments
13 that we have submitted through our agent, the SGTA,
14 through the comment period, as was said was being
15 formulated -- apparently nearly none of them have been
16 incorporated into your document.

17 How is it possible that the agency closest to
18 the river with more institutional knowledge about this
19 precious resource than any other could possibly be
20 completely disregarded?

21 My central concern is the overriding thesis in
22 the SED that increased in-stream flows will improve
23 salmon smolt returns. Volumes of peer-reviewed science
24 show this belief to be incorrect. I can list the
25 studies. NMFS 2009. The list goes on, but I'll, for

1 the sake of time, spare you. Just to name a few.

2 Unfortunately, staff seems willing to ignore our
3 science and fallow vast swaths of productive farmland to
4 increase the flows.

5 The fallowed land listed in your environmental
6 impacts are stated as unavoidable, but is it really? I
7 implore you this: Before you ask some of the most
8 disadvantaged communities in the State with our
9 unemployment, as you heard from Supervisor Chiesa, as
10 high as it is, to give up a third of their economic
11 engine, the Porter-Cologne Water Quality Control Act,
12 common sense, and even just basic human compassion would
13 compel you to consider alternatives.

14 My request is that you would partner with us,
15 partner with the resource closer to the river, bring
16 your ability to affect statewide policy changes and our
17 understanding of the resource.

18 I'm going to veer from my script for one second.
19 When you were having your conversation, Chairman Hoppin,
20 I believe, Ms. Marcus -- Mark. Mark, I'm sorry. I'm
21 talking to the back of your head. But when it talked
22 about the conjunctive use of groundwater and the model
23 you are using and the model that you are hoping to use,
24 I can't help but think as I'm sitting here in the crowd,
25 we have a hundred years of experiential data.

1 We don't have to model it. We can look back at
2 history. We know that when times are dry we rely more
3 on groundwater; and when times are more wet, more flood
4 stages, we're able to recharge.

5 For example, at the end of the '80s and early
6 '90s and the end of the seven-year drought, we were out
7 of surface water, and we had numerous lawsuits come our
8 way at TID because we were running residential and
9 municipal groundwater wells.

10 So we know that the model that we run at today
11 during periods of dry runs out of both surface water and
12 groundwater. And we can show you that based on a long
13 track record. We don't have to model it. We can give
14 you hard, factual data.

15 CHAIRMAN HOPPIN: Mr. Frantz, this is a golden
16 opportunity for me to remind not only you but others
17 that are here today that's why we're dealing with a
18 draft and that's why we're here taking your input and
19 why your written comments following this meeting will be
20 so critical. It's not that that data and those ideas
21 are going to be precluded.

22 This is an opportunity for people to come up,
23 just as you're doing, and present their point of view
24 and follow it up with whatever they need to substantiate
25 it and have it considered as the Board goes forward.

1 I'm not just saying that to you but everyone in
2 the room.

3 MR. FRANTZ: Well, thank you. That embodies the
4 concept of the critical goals, so thank you.

5 My third concern is that the south Delta
6 salinity is the stated reason for the increased flows.
7 However, our increased flows -- I'm sorry. Our current
8 existing flows are not allowed to help flush the
9 salinity out of the Delta.

10 We have studies -- Susan Poulson, 2006, will
11 prove that 98 percent of our existing -- all of the
12 existing San Joaquin River flows never make it past the
13 south Delta. Virtually all flows are picked up by both
14 the State and federal export pumps.

15 Why not wait until the BDCP has concluded its
16 plan, which would allow the State Board to look at the
17 Delta in a more comprehensive fashion?

18 To rely on a plan that requires increased flows
19 at the expense of senior water rights holders for the
20 benefit of those with junior water rights puts the State
21 Board in an awkward legal position of facilitating an
22 illegal taking from one region to the benefit of some of
23 the richest in the state.

24 Lastly, this document has areas that makes it
25 difficult to assume that fish, wildlife and Delta

1 salinity are the true objectives. How am I to explain
2 to my constituents why the Hetch Hetchy water system is
3 excluded from the mandate?

4 How do I explain that the SED excludes the
5 entire upper San Joaquin River with source of
6 approximately one-third of the San Joaquin's unimpaired
7 flows?

8 How do I explain that the plan proposed today is
9 an adaptive one, yet the plan for next year's flow rates
10 will be determined before the snowfall hardly begins?

11 In addition to asking you to give serious
12 consideration to the points that I have raised, I have
13 one other special request, and that's already been heard
14 today: Please hold a listening session in the Modesto
15 or Turlock area.

16 The sacrifices you are asking the families of my
17 community to make are great. I respectfully ask that
18 you meet them and to hear their stories. Come visit our
19 farms.

20 If you come to my family's farm, you will find
21 micro irrigation and an elaborate water recycling
22 system. My farm is not unusual. Most of the farmers I
23 meet are experts at conserving water. No one wants to
24 overwater their crop and, therefore, reduce their yield.

25 If you would be willing to invest one day of

1 your time, I suspect you will come away impressed with
2 the farming practices currently in place in my district.

3 In closing, the farms in my community only exist
4 because of the sacrifices of prior generations. Our
5 parents and grandparents mortgaged their farms that we
6 now inhabit to pay for the irrigation system that greens
7 the San Joaquin. Today we feed the world, and the
8 economy of the entire state benefits.

9 Before you propose to turn parts of it back to a
10 brown, fallowed, barren land, the people that I serve
11 deserve answers to the questions we have raised today.
12 They deserve better.

13 Thank you for your time and your consideration.

14 CHAIRMAN HOPPIN: Thank you, sir.

15 (Applause.)

16 CHAIRMAN HOPPIN: Ladies and gentlemen, before
17 Mr. Guinee and his group come up -- we are not going to
18 take lunch today. And I have enough cards here and -- I
19 know people have traveled a long way. I don't want to
20 get to the end of the day and tell people that's the end
21 of public comment and then you need to turn around and
22 come back tomorrow.

23 I know that's going to be a burden on staff
24 because -- you know, I hope you can rotate out and go
25 get something to eat.

1 If for some reason you decide to leave and go
2 down to the cafeteria -- which I can assure you won't
3 take very long for you to get your fill down there --
4 and I call your name and you're out, I will not discard
5 it. I will put it aside and call it later in the day.
6 So, sorry for that inconvenience, but it's really a
7 matter of courtesy.

8 Mr. Guinee?

9 MR. GUINEE: Thank you, Chairman Hoffman, for
10 accommodating us going now. We have a couple presenters
11 that are not available to come back tomorrow or Friday.

12 I think we're going to take the chairs up in the
13 front.

14 CHAIRMAN HOPPIN: Before you start, there are
15 some people in the overflow in the Coastal Room. If
16 they would like to come into this room, there are plenty
17 of seats in here. Please take advantage of that.
18 Excuse me.

19 Talking about glasses, the comment that I
20 received, there are still some personal items left in
21 the Coastal Room. If you are missing a purse, a lunch
22 bag, an iPhone, or something, you might check and get it
23 before somebody else does.

24 MR. GUINEE: Again, thank you, Chair Hoppin.
25 John Shelton from the State Department of Fish and

1 Wildlife is going to start on behalf of the fish
2 agencies.

3 CHAIRMAN HOFFMAN: Roger, is that microphone
4 turned on?

5 MR. SHELTON: The green light is on. Can you
6 not hear me. How's that? Is that better?

7 So first thing I want to do is again thank Board
8 Chair Hoffman and the rest of the Board members for
9 having us here. As you understand from your staff, and
10 I'm sure you're going to hear in the next couple of
11 days, this is a very complex set of documents; and the
12 science behind it is pretty complex, both the ecological
13 science and the social and economic sciences.

14 So we did put together a panel of the fish
15 agencies. It includes the State Department of Fish and
16 Wildlife, U.S. Fish and Wildlife Service, the National
17 Fishery Service and the US/EPA. We are including them
18 as the honorary fish agency, although they look more at
19 water quality and the Clean Water Act.

20 BOARD MEMBER MARCUS: That's about 20 years too
21 late, but I appreciate that sentiment. You're going
22 back to old history.

23 MR. SHELTON: So I'll go ahead and start off on
24 this. And I think at the end we do have a little bit of
25 summary slides. But most of us, although we have worked

1 together, we have separate slides, separate agency
2 missions. There's a lot of overlap, but we tried to not
3 focus on saying the same thing over and over again.

4 CHAIRMAN HOPPIN: You know, if you said the same
5 thing over and over again, it might mean you all agree.
6 I kind of find that refreshing.

7 MR. SHELTON: One of those that I think we all
8 agreed on is we do think your staff has done an
9 excellent job of working through this. We don't think
10 they got everything right, but if they got everything
11 right that would be just -- that would be tremendous,
12 because it's very, very tough to just figure it out.

13 So we do have some recommendations, but we do
14 believe your staff did a very good job.

15 Now if I can get the mouse to work.

16 (Thereupon an overhead presentation was
17 presented as follows:)

18 MR. SHELTON: So the Department of Fish and
19 Wildlife has a few key points. This is the recommended
20 summary of the things we're going to do at the
21 beginning. So this is your slide. You can look at it
22 at again to go back to see what we said.

23 So the first thing is we would like to see the
24 salmon doubling goals included in --

25 CHAIRMAN HOPPIN: Can I interrupt you for one

1 second?

2 Larry, this panel has a more complete
3 presentation than some. Would this be a good time for
4 the court reporter to take a break? Why don't you do
5 that?

6 And I think we've probably got enough material
7 here that we can include it in the record and not have
8 her fingers cramp up and not, you know, delete a comment
9 from someone else, if that's all right.

10 MR. SHELTON: So are you saying you won't type
11 this into the record?

12 CHAIRMAN HOPPIN: Are you going to have enough
13 for the record that you can supplant it? Or is that a
14 good idea?

15 MS. MAHANEY: I think the purpose of the court
16 reporter is to transcribe the entire proceedings. So I
17 think if someone is speaking, it would be appropriate
18 for her to be transcribing.

19 CHAIRMAN HOPPIN: All right. Young lady, when
20 you start cramping up, make a signal and we'll take a
21 little break.

22 MR. SHELTON: So our first key point is we do
23 believe the salmon-doubling goal should be explicitly
24 stated in the Water Quality Control Plan. We had talked
25 to your staff, and they said the intent wasn't to really

1 not have it as part of it, but we do think it is should
2 be explicitly in the document.

3 Second point, our department analysis does show
4 that the 35 percent of unimpaired flow isn't adequate
5 for juvenile salmonid outmigration pulse flows. Our
6 recommendations -- and I have future slides that will
7 show what we mean on that.

8 And it's also not adequate if you're trying to
9 combine both what we would like to see for pulse flows
10 and to try to mimic the natural flow regime. You can't
11 do both. You have a hard-enough time doing our pulse
12 flows by themselves. If you do those, you definitely
13 don't have enough room to do anything else with the
14 natural flow.

15 And the other is that our analysis is that 50
16 percent of unimpaired flow does achieve what -- our
17 recommendations from prior times. Those recommendations
18 that we had made, those pulse flows were based on the
19 old Vernalis criteria. They were also based on
20 something we were doing before we started talking about
21 natural flow regimes.

22 So we had worked pretty hard to try to put it
23 and change it into a flow amount per year. And I think
24 the work that your staff did didn't quite hit it the
25 same way we would hit it. And I'll have a slide on that

1 to show you that. So I think they tried, but I think
2 they missed it.

3 The other thing that we wanted to point out, the
4 SED does recommend a 14-day running average at the 35
5 percent unimpaired flow. We also see that doesn't
6 achieve the salmon-doubling objective. It does pretty
7 well wipe out a lot of the reason for the unimpaired
8 flow.

9 And while it will show that the economic impact
10 to declining fisheries are very significant and they are
11 important to consider as part of your balancing, we did
12 hear your staff say that, you know, CEQA does not
13 require the analysis of positive impacts. So if you did
14 better things for salmon, salmon fisheries, and the
15 economic services that go through, that doesn't
16 necessarily get into an SED format; but we understand
17 that you do need to balance. And in balancing you
18 should have a big picture idea of the economics that are
19 both negative to continuing declining salmonids and,
20 also, what could be possibly done.

21 And, the last one, the revised water quality
22 control program of implementation needs details, and we
23 have some suggestions on that.

24 CHAIRMAN HOPPIN: Excuse me, John. What was the
25 REC period on that last slide?

1 MR. SHELTON: The recommended period.

2 --oOo--

3 MR. SHELTON: So this is just the existing water
4 quality Lower San Joaquin Fish and Wildlife objective,
5 just again to show that it does have the doubling in
6 there. We think it's important. The other part of that
7 is -- if I can get it to move.

8 The other is both State and federal laws require
9 doubling. So Fish and Game Code section 6900, etc.,
10 Salmon, Steelhead Trout, and Anadromous Fisheries
11 Program Act requires it, and then also the Central
12 Valley Project Improvement Act. So it is the basis for
13 both of these.

14 --oOo--

15 MR. SHELTON: So flows needed to achieve the
16 salmon doubling. The development of flow criteria for
17 the San Joaquin-Sacramento Delta ecosystem 2010 report.
18 The flow criteria seek second criteria that you did.

19 One of the important things that came out of
20 there was the idea of threshold flows. There were two
21 things that we quoted in here. I won't read the whole
22 quote, but it basically says that March through June
23 flows of 5,000 cfs out of the San Joaquin are important
24 basically just to sustain. It will do some things, but
25 if you really want to do good things and start heading

1 towards the doubling, they recommended a flow of 10,000
2 cfs average flow during that period. So it's very
3 important to get up to these threshold flows to be able
4 to do things.

5 --oOo--

6 MR. SHELTON: One of the ways we wanted to look
7 at this -- if you can see on this chart, there are two
8 bars, two solid lines that are flat that go across.
9 Those represent the two threshold flows, the 5,000 and
10 10,000. And then there's three lines that look at
11 different alternatives. There's the 35 percent
12 alternative, which is the recommended alternative;
13 60 percent alternative, and then we added a 60 percent
14 of unimpaired at Vernalis. This would be the total 60
15 percent of flow at Vernalis if you included all the
16 different tributaries to show that at the Vernalis area
17 when you're talking about how much flow would be there
18 under unimpaired conditions.

19 There's actually more than what we're requiring
20 in the SED and the draft Water Quality Control Plan. We
21 include that amount just to give you kind of a basis for
22 what the overall system could be doing.

23 The important takeaway on this is that if you
24 look at the 35 percent flow, right about 50 percent
25 exceedance you drop below the 5,000 cfs threshold. So

1 we're not even getting to the lower threshold that your
2 own document recommended that we needed to get up to
3 most times.

4 We believe that there are the times during the
5 dry years, the normal years, and below-normal years,
6 that are really very critical to maintain the fisheries.
7 We also believe that the wet years are very good on
8 increasing the fisheries, but you need to at least
9 maintain during the dry and normal years.

10 And this shows right here a 35 percent right
11 about the average, the 50 percent year, you get
12 underneath that threshold; so you're not maintaining
13 very well even in normal years.

14 --oOo--

15 MR. SHELTON: So our analysis of the 35 percent
16 unimpaired: We do look at what the State Board did.
17 The State Board underestimated our total volume of flow.
18 So the idea that your staff had put into the SED -- they
19 took a look at our recommendations, and our
20 recommendations came as pulse flows on top of base
21 blows. And they looked at our base flows and they
22 looked at the figures that we had put together for our
23 pulse flows and just took the times of years from that
24 for our base flows.

25 We are actually showing you when the pulse flows

1 should occur and not how long the base flows should
2 happen.

3 In our own Fish and Game Flow Criteria Report
4 that we put out, we showed a further extension of when
5 those base flows should be happening. It basically goes
6 throughout the February through June period. So we need
7 those base flows. We need water in the river through
8 the whole season, through the whole spring.

9 It would not be a very good idea to have no flow
10 at all just so that we can mold our pulse flows for a
11 couple weeks and then all of a sudden be water again.

12 CHAIRMAN HOPPIN: John, historically there were
13 times when there was little, if any, flow in the lower
14 San Joaquin; is that not correct?

15 MR. SHELTON: That is correct. What we did
16 looking at our base flows, is we looked at -- basically,
17 what has historically been going on over the last decade
18 of the flows coming down the system right now. A lot of
19 those flows are required from other agreements, FERC
20 agreements, some two-party, three-party agreements. So
21 that water is in there. And the ability for us to mold
22 that water into a pulse flow would be difficult.

23 So that water is still there; you still need to
24 add that water to the system to keep it in there.

25 We also come back with the idea -- I think you

1 hear this more from the National Fishery Service. We
2 have a fishery that is on the edge. When you look at
3 steelhead, it's, you know, formally recognized as being
4 on the edge. But even the fall-run salmon are on the
5 edge. And we will recommend strongly that you've got to
6 protect it in the low-flow years. Because if you don't
7 protect it, it can get wiped out.

8 Historically, our great years were great --
9 hundreds of thousands of fish -- and so we could rebound
10 through some of the bad years. Now, when we only get up
11 to thousands of fish, at best sometimes, we need
12 protection during the dry years.

13 --oOo--

14 MR. SHELTON: The other thing that we showed --
15 or that we had put in our earlier comments, is that we
16 want to make sure everybody understands that when we put
17 together our pulse flows, we're looking at one species,
18 one life stage. All right. There is a critical life
19 stage for fall-run salmon, and fall-run salmon are a
20 critically important species for this system.

21 But we have said over and over again that
22 species needs -- other times of the year needs the
23 water, during the summer for any juveniles that hold
24 over. We definitely need fall pulse flows, and we have
25 a little bit in October, but we've got to make sure

1 there's enough there. So it's year-round protection.

2 The other thing is there's a lot of other
3 species, like the steelhead, that definitely needs
4 year-round; but there's other ones too that are both
5 within the watershed but are in the south Delta and
6 central Delta that need the extra flows.

7 So although we understand the reasoning behind
8 looking at this particular time, we want to keep making
9 sure that everybody understands the rest of the year
10 water is important.

11 And the other thing is that ecosystem functions
12 and services are important. So this is just the whole
13 idea of the natural-flow concept and what those natural
14 flows are supposed to support and maintain, is the
15 ecosystem services and functions beyond just the native
16 and individual species.

17 I don't know if it's a bad battery or -- there
18 we go.

19 --oOo--

20 MR. SHELTON: I've got a series of slides. This
21 is the figure from the SED, figure 3.2. And it does
22 show what your staff put together as our
23 recommendations.

24 So the red line is our recommendations. This is
25 an exceedance spot, which sometimes makes it a little

1 bit difficult to initially look at.

2 What it does tell you is that -- on the hundred
3 percent side. So the "X" axis is the amount of times
4 something is exceeded. So as you get further and
5 further on that, we have drier and drier years, which
6 means we have more times where we have less water and
7 not as much times that we have the high water. So
8 50 percent exceedance is about the normal on this stuff.

9 What we have done -- I'm hoping -- there it
10 goes.

11 --oOo--

12 MR. SHELTON: So we added a couple lines just to
13 help show you where these things are. There's a
14 35 percent alternative and a 50 percent alternative.

15 And in one of our earlier recommendations -- I
16 think it was the revised notice panel when we were a
17 part of that -- we did say that 50 percent of unimpaired
18 flow basically gives us enough water to work with our
19 pulse flows for most of the years, especially the wet
20 years; so we included the 50 percent in there.

21 Then we add the black line. The black line is
22 the department's recommendations when you include the
23 base flows throughout the February through June period.
24 So it increases the amount, the volume of water. This
25 graph is based on volume but not flow.

1 And what it shows you is that, yes, it does
2 increase the amount of water that you need. And the
3 35 percent no longer really hits our numbers very well.
4 It's mostly below our line.

5 If I can go one more -- there's our line.

6 And the other thing that we can see on this is
7 it's only about 30 percent of the years that are above
8 the black line that gives us enough water to be able to
9 get to our pulse flows. And those are mostly the wet
10 years.

11 We also included some graphs that we have of
12 some years that we used just as examples. We tried to
13 pick a few different types of years, but the most recent
14 ones of wet, dry years.

15 This is a wet year, 35 percent of unimpaired
16 flow is sufficient. We think we can move things around
17 fairly easily and get the pulse flow.

18 So the red line in there is our recommended
19 flows. We think we can move things around in a wet
20 year.

21 But if you get into an above-normal year, it's
22 still got a fair amount of water but not as much as a
23 wet year. We start running into problems, and the
24 ability to adaptively manage during that year and remold
25 that water into the pulse flows is going to be quite

1 difficult without dipping into our regular base flows
2 later on.

3 We are very concerned, also, about just the
4 practicality of trying to get these sort of agreements
5 in place as you're trying to forecast what the rest of
6 the year is going to be.

7 Basically, in order to do our pulse flows, you
8 would have to look at the beginning of the year and
9 start saving water, hoping that you still have that sort
10 of year at the end of the year.

11 --oOo--

12 MR. SHELTON: During a below-normal year, this
13 does show that -- the green line, the 35 percent, would
14 be very difficult. In this instance, if you try to mold
15 pulse flows, we'd be taking water away from the
16 remainder of the 35 percent of the year.

17 And I would suspect the water suppliers would
18 come up and say, Well, we don't think we're going to
19 have that water; or, We're not sure we're going to have
20 that water, so we should be conservative and not put it
21 into a pulse flow.

22 --oOo--

23 MR. SHELTON: The other thing, the SED, their
24 14-day averaging doesn't help restore and maintain the
25 ecosystem functions and services.

1 Remember, the natural flow regime is based on
2 the idea that you have some fairly high peaks at natural
3 times when precipitation events are occurring and other
4 times are occurring. That helps set the times for seed
5 set, for germination of riparian plants, for growth of
6 riparian plants. There are other animals that rely on
7 this stuff. The 14-day averaging does away with those
8 peaks.

9 We did point out your basis of science report
10 for the natural flow regime. Again, a very good report.
11 And I think, as some have already come up and said, that
12 there's not much science. There really is a tremendous
13 amount of science.

14 And your report, both the flow criteria and the
15 basis of science report, is very good on this. It shows
16 that the natural flow regime is the state of the science
17 and does show that you can maintain variability in
18 patterns of hydrograph when you maintain the ecosystem
19 services and functions. But that requires the right
20 timing, the right magnitude, and the right duration of
21 high flows.

22 Also, usually it does require low flows. But
23 then we have the problems in the system in that we've
24 had so many low flows in the past that are unnatural
25 that we've got a system in crisis, so we do need to be

1 careful in the very low flows.

2 --oOo--

3 MR. SHELTON: The other thing that we have
4 concerns with in the Department, the model. I can't
5 remember the name of your model, but your spreadsheet
6 model that was put together to look at the water supply
7 impact, the WSE model, it has in there limits because of
8 flood impact.

9 The problem with that limit for flood impact is
10 that sometimes it gets in the way and conflicts with the
11 ability to get the threshold of 10,000 cfs. And so
12 having that in there and having it in your water quality
13 control plan may not allow us to do some of the
14 ecosystem services and functions that we need to do.

15 And I know this is a question between
16 authorities on how far you can go on flood flows and
17 all, but it's something that seriously needs to be
18 considered.

19 We also have this question, because we couldn't
20 find it in the document -- it might be there -- what
21 happens to those flows if you're 200 or 300 cfs about
22 flood flows? Is that just something that doesn't belong
23 to the environment anymore and has been given away? So
24 on a wet year is it actually less than 35 percent that's
25 required because you've hit maximum in some of the

1 systems? So we had looked at that. I think our
2 recommendation is to make sure that that's clearly
3 defined and that's just stored for later. If you can't
4 put it down then, you can put it down later.

5 --oOo--

6 MR. SHELTON: This is actually a slide that Les
7 presented at a Davis conference, and it just shows the
8 difference between the 3-day and 14-day averaging. I
9 think we have an arrow that points to them.

10 So the red line is the daily observed. The blue
11 line is a 3-day averaging. You're able to keep your
12 peaks. Right underneath in between is the green line
13 which is a 14-day averaging. You've lost that peak
14 there at the 14-day averaging completely.

15 So a three-day averaging, which we think is
16 possible for the operators to be able to work with, is a
17 much better averaging period to work with.

18 We've had internal discussions where we've said
19 three to five days. We're not set that it has to be one
20 day or two days or three days, but we know 14 days does
21 away with a lot of the peaks.

22 --oOo--

23 MR. SHELTON: The next idea: The economic
24 impacts of declining fisheries are significant and
25 important.

1 For balancing, the Board needs to understand the
2 full range of economic impact. I've already explained
3 that, yeah, in a single document you don't necessarily
4 need to look at positive stuff. But for your balancing
5 you do, you need to see both positive and negative
6 impacts, recreation, commercial fisheries.

7 Again, you've already had people already testify
8 that, you know, you have in these communities a lot of
9 very low-income folks. Low-income folks very much enjoy
10 going out to the river where it's free.

11 The ecological services -- not just fishing but
12 including fishing. Just going out on the river, going
13 out and going for a swim in a nice thriving, living
14 river is very important to areas that have high poverty.
15 So it is very important to have a high quality of life
16 for everybody that's out there.

17 So when we look at this, there are economic
18 impacts. If we talk about driving the value of the
19 land, again, if you have a living river next to your
20 land, you usually have a higher-valued land.

21 So it's very important to look at these things
22 and try to make this part of your balancing.

23 The other thing that we did look at in our
24 written comments, we looked at the economic impacts to
25 agricultural use. And I think you had said you had

1 heard from your staff saying that the model that was
2 used, it is basically some state of the art model on
3 there but it has assumptions in there, one of those
4 assumptions being groundwater taking the place of
5 surface water.

6 But the other assumption that they do explicitly
7 state in there is that it's a short-term model. It
8 looks like short-term impact to the agricultural
9 economics. It doesn't allow farmers to make a decision
10 in the model for long term.

11 So if you shut down the amount of water that
12 they get over a period of time, there are ways that
13 farmers will adapt to what's coming down the system. We
14 have seen that with both the State and federal
15 contractors, that they have done a lot of things to
16 still keep vibrant economic conditions on the west side.
17 There are issues out there, but they can do some things.

18 So the model is about as good as you can have,
19 but there are some things that need to be addressed on
20 the model, too.

21 CHAIRMAN HOPPIN: John, I think we should be
22 mindful of the fact that a lot of the things they have
23 done is go to the permanent crops with micro irrigation,
24 but those permanent crops don't allow for fallowing and
25 a great deal of annual variability.

1 MR. SHELTON: Yeah. And, you know, back to
2 the -- again, this is not my area of expertise, other
3 than this is the area that I live. I also know it's
4 also very tough as you go to more high-dollar value
5 crops you also have less need for a lot of basic farm
6 labor. So there's still employment issues. We
7 recognize economic impacts and employment issues are
8 impacted.

9 CHAIRMAN HOPPIN: I don't think we're ever going
10 to get to the point where we encourage people or force
11 them into lower-valued crops so they can hire more
12 people. I guarantee you that.

13 MR. SHELTON: Yeah. But what I'm saying is that
14 the economic impacts of the model do not capture that
15 very well. And that is said in the SED and the
16 appendix. It's more like, yeah, this is just more that
17 needs to be done. So I agree with Les's
18 characterization that it gives you a book end, but how
19 far from that book end it really is -- especially over
20 time.

21 And then you also had somebody already say that
22 this is a \$4 billion industry, and you're talking about
23 2 percent that's moving it, which is important,
24 especially to the people who are feeling that 2 percent.
25 But with the fishery industry -- the fishery industry

1 gets a huge percent.

2 --oOo--

3 MR. SHELTON: So the SED on this last -- on this
4 one, the SED does not assess the future negative impact
5 of the salmon fisheries which will continue to decline
6 under the 35 percent.

7 We do agree with a lot of the folks who have
8 come up and said that we don't think 35 percent is going
9 to be enough to really stop the decline. It's not much
10 better than what's going on right now.

11 We think you need more. We would be happy to
12 give any improvement in the system, but if we want to do
13 adaptive management, we have to get enough in the system
14 to see what's going on so we adaptively manage.

15 If you give us a very little amount and then you
16 say we can go up or down, depending on how well we're
17 doing and we don't have enough increase or decrease in
18 the system -- I'm afraid we may have enough decrease to
19 make a determination; but if we don't have enough
20 increase in the system, we're not going to ever be able
21 to say we can come back down.

22 So part of the idea that we've talked with a lot
23 of people is if you want to adaptively manage, you've
24 got to have enough water in there to show some results.
25 We would recommend more than 35 percent.

1 You should base it on specific measurable, achievable,
2 relevant, timely objectives, smart objectives. It's
3 very important to have this set up so that you can know
4 how you are going to adapt and manage it into the
5 future.

6 Have management triggers, performance measures,
7 and times frames identified as interval components.

8 You should include an adequate process for
9 implementing and evaluating higher flows.

10 You should expand the incorporation of the
11 independent science review and advise. We think that is
12 very, very important before you go to make
13 determinations in the next go-round. As you know, we
14 will continue to have those.

15 BOARD MEMBER MOORE: I have a quick question.
16 On those smart objectives and getting more details in
17 the program of implementation, are you going to furnish
18 some suggestions in your written comments?

19 MR. SHELTON: We have some. Some of those are
20 still based on the doubling goals, so there are some
21 pretty good numbers out there.

22 Some of those suggestions are also on how to
23 develop those smart objectives. So we may not have
24 them, but it's our focus to have them when we get to the
25 implementation. And we have so far worked very well

1 with your staff, and they have worked with all the
2 agencies. We have monthly calls that they are a part
3 of, and we hope that will continue.

4 BOARD MEMBER MOORE: I just would point out
5 there is attention there between how specific we are in
6 the Bay-Delta Plan versus as we work through our
7 adaptive management collaborative structure that we're
8 proposing when we get that far down the road.

9 I think we all understand the importance of that
10 kind of adaptive management approach. It's just where
11 do we place it, the plan and the program of
12 implementation?

13 VICE CHAIR SPIVY-WEBER: I'm assuming that
14 you're assuming the range is basically 25 to 45, but if
15 the range is 35 to 45, are you analyzing activities
16 within the range or are you just targeting 35?

17 MR. SHELTON: We looked at with our analysis the
18 35. We like the idea of the range. One of our issues
19 with the range based on past experience is the
20 practicality of moving things within a year.

21 And this may go back to the way we set up the
22 COG. And I can't remember what the COG stands for, but
23 the different implementation committees and groups. We
24 have some specific suggestions on that.

25 But we think implementing from year to year is

1 fairly tough. And one of the things we do recommend is
2 that if you have a range, you need to start on the high
3 end of the range because coming down is relatively easy
4 to do.

5 And not that we always see everything perfectly
6 as a State department and other trust agencies, but if
7 we have information that says, yes, we are getting
8 enough other actions taking place and that we're doing
9 great and we can have less water in the system, we
10 have -- that information will get developed and will be
11 in front of us.

12 But the other way around, if the system is doing
13 the same as its always done and its variation and other
14 things are in there so we don't know what's going on,
15 our arguments for more flow to show that it is going on,
16 we'll have the same argument that we always get: No,
17 it's something else. It's gradation or it's -- or we
18 don't have enough habitat that you guys paid for, or
19 something like that.

20 We know all those are important, but we need the
21 flow, and we think we need the flow ahead of time. A
22 lot of restoration actions take time.

23 MR. LINDSAY: Chairman Hoffman, I've gotten the
24 signal from the court reporter. If we're changing in
25 speakers, this might be a good time.

1 CHAIR HOPPIN: All right. We're going to have a
2 break for about 15 minutes.

3 (Break taken.)

4 CHAIRMAN HOPPIN: I'm going to do what I can to
5 accommodate those who came by bus that I assume may not
6 be on the bus tomorrow, but we will have an
7 opportunity -- we've got about a three-and-a-half hour
8 presentation to start at 9:00 o'clock tomorrow morning,
9 and any cards that I call and the people aren't here, if
10 you need to leave, I will call them again tomorrow
11 sometime after 1:00 o'clock. I can't tell you exactly
12 what time it would be. Mr. Lindsay has been flooded by
13 people who need to go next.

14 I'm not trying to be rude; I just can't change
15 it all that much. So please know if you don't get a
16 chance today there will be an opportunity tomorrow. And
17 I apologize for the inconvenience.

18 No pressure, Roger.

19 MR. ROGER GUINEE: Thank you, Chairman Hoffman.

20 Can you hear me with the microphone? Okay.

21 Thank you, again.

22 Chairman Hoffman, members of the Board, and
23 Board staff, I appreciate the opportunity to come talk
24 to you today.

25 And on behalf of the U.S. Fish and Wildlife

1 Service, my name is Roger Guinea. I'm the Assistant
2 Field Supervisor for the water operations and science --
3 Water Science Division in our Sacramento Bay-Delta
4 office.

5 And with me is my colleague, Julie Zimmerman.
6 She has a Ph.D in fisheries and extensive experience on
7 flow management for aquatic resources. She and I are
8 going to share this presentation.

9 I'll start with, first of all, acknowledging the
10 effort of the State Board staff and the hard work that
11 they put into preparing the environmental document, and
12 we appreciate that the SED evaluated the percent
13 unimpaired in all three tributaries: Stanislaus,
14 Tuolumne, and Merced. That's going to be important to
15 restoring salmonids in all those tributaries.

16 In the spirit of Chair Hoppin's comments at the
17 beginning, to make sure we let you know some of the
18 specific comments on the adequacy of the SED, I will
19 start by saying that in our view the SED didn't do an
20 adequate analysis of the effects of the alternatives,
21 especially the third alternative on fish, habitat, and
22 particularly things like inundated floodplain, things
23 like that.

24 Also, the SED does not encompass a reasonable
25 range of alternatives -- excuse me. The Board's

1 narrative objective of supporting reasonable natural
2 production of viable native fish populations is not
3 specific or measurable.

4 And then -- let's see if I can talk and run this
5 at the same time. It's going to be an adventure for me.

6 (Thereupon an overhead presentation was
7 presented as follows:)

8 MR. GUINEE: So it is unclear why the SED does
9 not evaluate the service's proposed alternative from the
10 AFRP 2005 report as part of evaluating a full range of
11 alternatives to encompass all strategies that can
12 achieve the Board's objectives; and so -- here we go.

13 --oOo--

14 MR. GUINEE: So I wanted to put this graph up to
15 point out that the Service, in developing the Anadromous
16 Fish Restoration program's doubling, this is an example
17 of a specific and measurable quantitative goal.

18 You can see under CVPIA doubling goals for all
19 three tributaries. Well, maybe you can't see it. Here
20 we go.

21 The baseline during the '67 and '91 period was
22 approximately 39,000 fish in those three tributaries.
23 The doubling goal since the CVPIA was enacted in 1992 is
24 78,000 salmon, fall-run Chinook salmon, again combined
25 for all three tribs.

1 And the current population estimate from '92 to
2 2011 has been a little over 19,000, which represents
3 less than half, 50 percent, of what was there, even
4 during the baseline. So we're not making progress
5 toward doubling. In fact, the population has continued
6 to decline. But, again, these are examples of
7 quantitative goals.

8 So, just again, that comes up over 50 percent
9 decline central baseline.

10 --oOo--

11 MR. GUINEE: So in addition to not evaluating
12 the AFRP 2005, the SED does not evaluate or link the
13 percent of unimpaired flows to its ecological functions.
14 And those ecological functions are intended to provide
15 habitat variability, to mimic the natural patterns and
16 enhance functions, to inundate floodplain habitat for
17 juvenile rearing, and to provide emigration cues for
18 salmonid smolds going to the ocean.

19 The Board may remember this table we submitted
20 in our AFRP 2005 showing an average total annual volume
21 of water in acre-feet and a percent unimpaired flow
22 required to increase fall-run Chinook salmon in this
23 first table by 53 percent, and then in the table below
24 by a hundred percent, or IE doubling.

25 So Julie will discuss adaptive management and

1 uncertainly in her talk, so I'm going to move on to an
2 example of an analysis that the SED could do in the
3 future. And this slide is based on preliminary data and
4 analysis from Mark Gard from the Fish and Wildlife
5 Service, and it's on the Stanislaus River.

6 You can see he has several study sites where he
7 has modeled and evaluated flows up to 5,000 cfs, and the
8 amount of wetted acres. As soon as I can get that to
9 come up. There it is.

10 --oOo--

11 MR. GUINEE: So those are the study sites from
12 Goodwin Dam down to Ripon. Those are the three that
13 modeling has been completed.

14 There's another study site downstream of Ripon
15 that he's still working on, and hoping to have his
16 report -- the goal is to get it completed by the end
17 2013.

18 And so this table is something that one of our
19 staff, J.D. Wiker, did for us, and it shows how you can
20 link the flows to average minimum acres inundated for at
21 least two weeks, which provides the benefits of
22 floodplain inundation.

23 So you have the actual from 1995, which shows
24 that you have the 145 acres under the 35 percent
25 alternative. In the SED, it would be 95 acres, or about

1 65 percent of what was actually seen in the last 18
2 years. And then under the AFRP doubling flows, you
3 would get 296 acres, or 204 percent.

4 And so this is an analysis that the Board could
5 conduct, because in terms of using a combination of
6 flows and non-flow habitat restoration measures, you can
7 see the minimum acres needed for doubling and how short
8 the alternative is; so you would have to try to
9 establish some non -- some minimum acres using non-flow
10 measures.

11 --oOo--

12 MR. GUINEE: Here we go. Another way of looking
13 at this bar graph is a hundred percent, '95 and 2012,
14 and then 65 percent in the SED, and 204 percent in the
15 doubling.

16 --oOo--

17 MR. GUINEE: So my next slide also has a few
18 animations. Let's see if I can get this to work.

19 The first line you see is the Goodwin flow.
20 This is an example, again, of a year such as 2000, which
21 is an above-normal year. And on the left side is wetted
22 acres of floodplain. So in the blue you saw how many
23 acres of floodplain were inundated in the actual year
24 2000.

25 The red is what would have been inundated using

1 the Board's 35 percent of natural flow in the SED.

2 And then the next line is this green line, which
3 is the same 35 percent using a two-week averaging
4 period. And it makes the same point that John made
5 earlier: That you lose a lot of the peaks in terms of
6 acres of inundated floodplain when you smooth it out
7 over a two-week period.

8 And then this next slide is -- or this next line
9 is -- dashed line is representing the AFRP doubling
10 flows. Not from that previous table but, I believe,
11 it's Table 2 in that report. And they were displayed as
12 monthly averages but intended to be implemented as a
13 percent of unimpaired.

14 --oOo--

15 MR. GUINEE: Lastly, is this graph where you see
16 in the black is a full 100 percent of unimpaired. So
17 just to kind of give you a basis of comparison again for
18 that same year, 2000.

19 So I offer this as an example of an analysis
20 that our staff did. And we'd be happy to work with the
21 Board to do additional analyses like this to connect the
22 percent of unimpaired flow to the actual ecological
23 function that it's intended to address in this case --
24 inundated floodplain.

25 BOARD MEMBER MARCUS: Did you analyze 45

1 percent?

2 MR. GUINEE: No, we did not, Felicia. We just
3 took the time to do this one. But it could easily be
4 done. 45, 50, 60 percent, all of those could easily be
5 done. Not by me but my staff.

6 --oOo--

7 MR. GUINEE: So moving on then, the next slide
8 is just sort of a visual and -- okay. So back it up for
9 a minute.

10 This is an example of a photograph taken by J.D.
11 on the Stanislaus River. This is floodplain habitat
12 where some non-flow habitat restoration has been done.
13 It's near Lover's Leap, for those of you familiar with
14 the Stanislaus River.

15 --oOo--

16 MR. GUINEE: And this next slide shows that same
17 site with water in. And so, again, to emphasize the
18 point that we can't just accomplish -- you know,
19 there's -- how do I go back? Oh, there it is.

20 There are no fish going to be able to use this
21 habitat, obviously; and so it's important to have a
22 combination of flow and non-flow measures when restoring
23 habitat for the management of fish, and particularly
24 salmon and steelhead.

25 --oOo--

1 MR. GUINEE: And so this last slide, I think the
2 point I want to make here -- you know, John kind of
3 covered this one pretty well. And I think the main
4 point I want to make with this slide is the box that's
5 going to come up -- as soon as I figure out how to --
6 there we go.

7 Looking at the 40 percent of unimpaired,
8 approximately 42 percent of the points on the graph
9 exceed the AFRP -- 33 out of 79 -- and the rest do not.
10 So we're highly concerned there that the analysis didn't
11 fully encompass the range of alternatives needed to
12 achieve the Board's objective for viable fish
13 population.

14 --oOo--

15 MR. GUINEE: And to recap then, the SED -- there
16 we go. The SED did not include specific measurable
17 objectives such as doubling. The range of alternatives
18 did not fully encompass the AFRP 2005 flows, and the SED
19 didn't link the percent of unimpaired on the effects on
20 fish, their habitat, and ecosystem function. And so
21 that would be important in terms of addressing the
22 natural variability, the inundated floodplain habitat,
23 riparian colonization of native species, of willows and
24 cottonwoods, and adequate juvenile salmon emigration
25 flows during the February through May period.

1 And so before we transition to Dr. Zimmerman and
2 her adaptive management presentation, you can either --
3 well, I guess we're transitioning. So you can ask
4 questions at the end again.

5 CHAIRMAN HOPPIN: Is it true that that last
6 photo was a sonogram of the inside of a striped bass?

7 (Laughter.)

8 MR. GUINEE: No. I think those are actually a
9 sample in one of the --

10 DR. JULIE ZIMMERMAN: So I'm going to focus more
11 on adaptive management as it was described in Appendix
12 K. And we think that it is important that adaptive
13 management is included in the SED, so we applaud that.
14 And that encompasses the range of unimpaired flows, but
15 we think there needs to be a lot more specificity in how
16 it's intended to be implemented and what it is intended
17 to achieve.

18 As it's described in Appendix K, it sounds like
19 it's more allowing for flexible regulations rather than
20 providing a science-based framework to achieve
21 information or gain information to improve
22 decision-making over time.

23 So we would encourage the Board to think about
24 the latter: That it really needs to be more of a
25 science-based program for gaining information and

1 improving decision-making.

2 So just to give an overview of our points, we
3 think adaptive management should be included as part of
4 the decision-making framework and as part of the
5 Workshop 3 from Phase II of the update of the Bay-Delta
6 Plan I presented on structured decision-making as an
7 approach that we recommended for doing the whole overall
8 decision-making. And adaptive management is a special
9 case of structured decision-making and is a good way to
10 integrate it into the whole decision-making framework.

11 And this would be a good reason not to do
12 animation in your slides.

13 --oOo--

14 DR. ZIMMERMAN: And the second point we really
15 want to highlight is that we think the objectives in the
16 SED were not measurable and specific enough to really be
17 able to determine what was meant to be accomplished.

18 So one of the main points in adaptive management
19 is that measurable objectives need to be defined. And
20 not just for fish but for other objectives that are
21 trying to be achieved.

22 Models and metrics need to be developed so that
23 you can begin to examine the predicted effects of
24 management alternatives on your performance metrics and,
25 ultimately, your objectives. And then you can evaluate

1 tradeoffs among those objectives and have it be clear
2 for everyone how you're doing your balancing.

3 And then, finally, targets and triggers need to
4 be quantified for all actions. So not just flow but
5 also the restoration actions and predation and other
6 actions that are included in the SED as ways to achieve
7 the narrative objective for fish.

8 --oOo--

9 DR. ZIMMERMAN: And this is just an overview of
10 structured decision-making. I presented this slide in
11 that last workshop. As part of a structured
12 decision-making framework, you have a problem that
13 you're trying to solve, and then you develop your
14 objectives. And so those would be value based.

15 So it would be not just the fish objective that
16 you're trying to achieve but what are your other
17 objectives for balancing beneficial uses for water
18 supply? And those should all be very specific and have
19 performance metrics associated with them.

20 --oOo--

21 DR. ZIMMERMAN: Once you have those objectives,
22 you can come up with management alternatives that you
23 would predict would achieve those objectives, and then
24 develop models that let you examine the consequences of
25 implementing different alternatives.

1 would actually cause you to make a different decision.

2 And then, finally, you incorporate new data into
3 whatever model you have to base your predictions on your
4 alternatives to improve decision-making.

5 So the rest of what I'm going to talk about with
6 these slides really are focused on how to create this
7 plan or what should be included in it.

8 --oOo--

9 DR. ZIMMERMAN: So the fish viability metric is
10 the narrative objective for fish in the SED, and we
11 think that that is a good one; but, again, we don't
12 think that it's measurable or specific enough.

13 And then, again, there aren't any other
14 objectives that are included in there, other than the
15 discussion about balancing for beneficial uses; so we
16 would like to see very specific metrics for each of
17 those beneficial uses so that it's clear what's being
18 evaluated and how they're being developed.

19 So then in the plan you have all of these
20 different actions that you could take. You have flow,
21 habitat restoration, predation, water quality and
22 changes in temperature and dissolved oxygen.

23 And for flow, there are some targets that were
24 examined, such as the 20 up to 60 percent of unimpaired,
25 and then the preferred alternative of 35 percent. But

1 there weren't any targets specified for these other
2 actions, these other management alternatives.

3 So in your adaptive management plan you would
4 need to have targets for all of these management
5 actions. And you would gain those targets from models
6 and from analyses such as what Roger showed earlier
7 about looking at the floodplain inundation under
8 different flows.

9 And then you would want to link those targets to
10 all of your performance metrics for your objectives.
11 So, for example, for fish viability, you might have
12 performance metrics that included natural production,
13 number of spawning populations in the basin, spawning
14 grounds, or number of juvenile out-migrants.

15 These are things that are really specific and
16 can be measured, and you can either decide to try to
17 maximize those performance metrics or come up with some
18 numbers that you want to achieve.

19 And then for your other objectives for other
20 beneficial uses, you should also have specific
21 performance metrics that are associated with them.

22 And then when you're implementing adaptive
23 management, you would need to have some sort of triggers
24 that would cause you to evaluate different targets for
25 each of your different management actions or different

1 So we would suggest that you may need to
2 increase that up to 60 percent, which is what has been
3 identified as what's needed to show recovery.

4 So if you can encompass what's needed for
5 recovery, then you would have a broader range that will
6 let you look at the sensitivity of your performance
7 metrics to your management action, as well as the shape
8 of that response. It might not be linear; it might have
9 some other shape, and then within that 25 to 45 percent.

10 And then another concern we had that wasn't very
11 clear to us is the difference between the annual and
12 long-term adaptive management. So it seems like in the
13 SED there are two different time scales and two
14 different objectives.

15 So for the annual adaptive management, it looks
16 more like allowing for flexible implementation within a
17 year. And so you need to average 35 percent of
18 unimpaired flow within the February to June time period,
19 but we can reshape those flows if we want to achieve
20 some other benefit, like floodplain inundation.

21 But that's doing something a little different,
22 so you're not implementing unimpaired flow then; you're
23 implementing an ecosystem function flow. And so, if
24 that's the case, if we want to evaluate that as a
25 management action, we would need to set up an adaptive

1 management plan to let us see if that does a better job
2 than straight percent unimpaired flow at getting the
3 response that we're looking for.

4 So it should be integrated with this long-term
5 time scale of adaptive management which seems to be set
6 up more for determining the actual percent of unimpaired
7 flow that would be most beneficial; although, without
8 the specific objectives it's a little bit unclear as to
9 what that percent unimpaired is meant to achieve. Is it
10 supposed to provide the greatest fish benefit within
11 that 25 to 45 percent, or is it supposed to balance
12 between beneficial uses?

13 So I think we just need -- it just would be
14 useful to have more clarity in that plan about what you
15 actually are trying to get within the range of flows.

16 --oOo--

17 DR. ZIMMERMAN: So I have in here just one
18 conceptual model example of adaptive management. So the
19 first thing to do, again, is to define specific and
20 measurable objectives. And this one here might be to
21 have juvenile salmon survival of .5. This is just for
22 hypothetical purposes.

23 So then you would use models to determine the
24 flows, as well as other management actions that you
25 would need to meet that biological objective, and then

1 alternate targets that you would want to evaluate.

2 So for flow alone, we have here 25 percent of
3 unimpaired, 45 percent, and 65 percent; but you have to
4 incorporate the other actions, too.

5 So if you have low levels of unimpaired flow,
6 25 percent of unimpaired is not going to provide
7 floodplain inundation; you're not going to get that
8 function, whereas you might with 65 percent. So
9 obviously you would have to do a lot more of the other
10 actions, like floodplain restoration, to achieve the
11 necessary benefits in the lower flows.

12 So these alternative actions are linked in that
13 way, and they have to be thought through.

14 So then you would implement your experimental
15 flows based on triggers of what water type it is or what
16 the population is doing and which one you want to
17 examine. And then you monitor where your objective is
18 achieved with that flow level that was prescribed, as
19 well as the other actions that were implemented. And
20 then you see what happens.

21 If yes, then you continue your present flow
22 standards and monitor in case of changes in the feature.
23 You might have some confounding factors that you need to
24 take apart, but you would stay with what you were doing
25 until that happened.

1 management alternatives, the specific targets, the
2 performance metrics, and the triggers as to when each of
3 these management alternatives would be implemented so
4 that we get data points across the whole range and
5 actually see what works best.

6 MR. GUINEE: Thank you, Julie.

7 And then before we yield to Rhonda Reed from
8 NOAA Fisheries, I did have a couple of closing points
9 that I missed earlier, if I could just add those right
10 now.

11 You know, we said that the SED needs to evaluate
12 effects on aquatic resources and the habitats they use
13 of both flow and non-flow measures. As you know from
14 past presentations we've made, the service and its
15 partners, both federal and stakeholder partners, have
16 been implementing a lot of non-flow habitat measures
17 using CVPA funds or CALFED bond money. And we've been
18 doing this for about 20 years, and yet the populations
19 continue to decline.

20 And so when we're asked, "Why is that?" it's
21 mainly because we haven't been able to achieve the flow
22 objectives that have been described not only in the AFRP
23 2005 report but we haven't even met the ones in the AFRP
24 2001 restoration plan.

25 And I know you're going to hear from others --

1 maybe even tomorrow morning -- that we've already done
2 flow; we did VAMP and all that. But, again, those flows
3 were not adequate in the same level to flow that was
4 needed and so, again, those entire flows, as Julie just
5 said, should be more thoroughly evaluated.

6 Also, as was mentioned earlier, we're at a
7 critical juncture right now where the Board has the
8 opportunity to not only provide adequate flows for the
9 Delta in Phase II to, you know, sustain a healthy
10 productive Delta ecosystem, it needs to ensure a healthy
11 productive ecosystem in the San Joaquin basin as well;
12 and so the SED should evaluate the relationship of the
13 San Joaquin flows in Phase I in the Delta and Phase II.

14 And then the last couple of points I wanted to
15 mention is that with me today in the audience are
16 members of our Fish and Wildlife service staff in Lodi,
17 and we would be really happy to invite any of the
18 members of the Board or the Board staff to come see some
19 of the salmon restoration sites at the inundated
20 floodplain on the Stanislaus River, Tuolumne River, or
21 Merced, whichever you would prefer.

22 And I think it's important to get out and see
23 those, and we can explore opportunities to co-exist with
24 agriculture. Because it's not really about agriculture
25 versus fish -- and we can consider examples like the

1 Cosumnes River where agricultural production co-exists
2 with the inundated floodplain and fish reproduction on
3 an annual basis. So all of that the SED needs to
4 evaluate.

5 So thank you. Do you have any questions for
6 Julie or I before we defer to Rhonda?

7 Thank you for your time.

8 MS. REED: My name is Rhonda Reed. Good
9 morning. Good afternoon, Chairman Hoppin and other
10 members of the Board. I want to say thank you for
11 allowing us to have this block of time to present our
12 concerns to help address the question of the adequacy of
13 the substitute environmental document.

14 I am the San Joaquin River Basin Branch Chief
15 for the National Marine Fishery Service out of our
16 Central Valley Office here. And you've seen me here
17 before talking on San Joaquin issues.

18 (Thereupon an overhead presentation was
19 presented as follows:)

20 MS. REED: So I wanted to start with a quick
21 kind of run-through of some of the key issues that the
22 National Marine Fishery Service has brought to the
23 attention of the Board with respect to our concerns on
24 the San Joaquin River and the flows associated with it.

25 The previous comments that we've provided

1 identified our desire that the Board identify standards
2 at Vernalis, as well as with each tributary, because
3 each of the tributaries that stream to the San Joaquin
4 River are salmonid streams, and particularly they have
5 steelhead populations which are listed as threatened
6 under the Endangered Species Act. And those populations
7 are not doing well, so we're seeking opportunities to
8 provide benefits and ways of supporting those
9 populations.

10 We agreed that the concept of using a percent of
11 unimpaired flow was a good starting point, with the
12 concept that it can provide the sorts of natural signals
13 and ecosystems services that our species need in order
14 to survive in the rivers; but the caution that we had
15 was using unimpaired flow metric, given that our systems
16 are very flashy -- we can have high water years and very
17 low water years -- a percent of unimpaired flow in a
18 variable water year can be disastrous for fish and be
19 totally not sufficient.

20 Our experience also in developing the reasonable
21 and prudent alternative suite of actions on the
22 Stanislaus River for the 2009 biological opinion and a
23 lot of the modeling we did gave us a certain amount of
24 experience in understanding that if you are looking at
25 increasing flows at one time of the year you may have an

1 unintended consequence of reduced reservoir storage
2 which may have temperature consequences. And so looking
3 at an annual flow schedule which allows you to model
4 both the desired effects for fish, as well as the
5 potential effects on reservoirs and other operations
6 that can also affect fish habitat, is important. And
7 looking at an annual schedule that includes not just
8 flow but effects on temperature, on habitat quality, and
9 the geomorphic processes that are important for rivers
10 to kind of maintain the natural functions of rivers.

11 In particular, on the rivers of the San Joaquin
12 system, the summertime temperature is especially
13 important and critical for steelhead because they are in
14 the river year-round. And if you look at the
15 temperature modeling that has been done in the past, and
16 even in the SED, it identifies that there are some very
17 key areas, especially late summer, that are problematic
18 for temperatures for fish in the San Joaquin.

19 So the key issues that we had with the adequacy
20 of the substitute environmental document is that the
21 thousand cfs criteria for Vernalis is inadequate. We
22 recommend that the Board reconsider some of the previous
23 criteria that were established for guiding the VAMP
24 period, which were based on water year type. And they
25 varied, if I recall correctly, from about 3,000 to 8,000

1 to 10,000 cfs, depending on the water year type.

2 Okay. I think Valentina will talk a little more
3 about the modeling under the SED and how that tracks the
4 Vernalis flows. But I guess the point is if your
5 proposed alternative is going to meet a particular
6 standard that is significantly greater than the thousand
7 cfs, it's like a thousand cfs doesn't create any value,
8 and biologically it's not a useful biological flow.

9 The specific justification for the 35 percent
10 unimpaired flows in the analysis. It doesn't show how
11 specifically the doubling objective would be met. I
12 think that's been identified by my previous fish agency
13 partners.

14 The analysis, as your staff identified this
15 morning, it doesn't meet the RPA flows. The analysis
16 says that in some years it provides more. I would like
17 to point out that the reasonable and prudent alternative
18 is a suite of actions that are intended to avoid
19 jeopardizing the continued existence of the species. If
20 your objective is to double the species, just avoiding
21 jeopardy is not going to get you there.

22 And, as your staff has identified in terms of
23 the larger picture, the reasonable and prudent
24 alternative is a flow component that's part of a larger
25 suite of actions that need to be addressed. And it is a

1 minimum flow that -- the modeling, using the conditions
2 defined in the reasonable prudent alternative and
3 current CALSIM models will also include additional flows
4 provided at other times of year for water quality.

5 So the comparison of the models using the
6 SED with -- you know, calling them RPA flows is not
7 necessarily an exact comparison. It's basically the
8 that flows haven't given existing conditions on the
9 D-1641, as well as flows required by the biological
10 opinion.

11 We believe there is an over reliance on
12 restoration and other actions to offset the need for
13 real flows in the rivers. And, as you are aware, that
14 restoration actions take time to implement and also time
15 to show the benefits on a population level. We've yet
16 to see those, except in certain areas in the areas where
17 we've made great investments under the Central Valley
18 Project Improvement Act. These are the areas of the
19 CVPIA where we've had significant changes in the fish
20 populations. It's usually been accompanied with an
21 increment -- at increment flows. Specifically, I'm
22 thinking of Clear Creek and Butte Creek.

23 Further, we are a little confused on why the
24 selection of the third alternative, the 35 percent
25 unimpaired flow, doesn't seem to correlate with the 2010

1 report that calls for 60 percent unimpaired flow
2 requirement for the Delta. Given that fish move through
3 the Delta, we need a healthy environment there for them.

4 I was trying to buy some time. I will continue
5 with my notes, and eventually I'm hoping that the slides
6 will catch up.

7 --oOo--

8 MS. REED: The 14-day running average tends to
9 flatten the flows and defeats the purpose of having an
10 unimpaired flow metric that could give some of the
11 natural signals of an unimpaired flow.

12 We also had concerns with respect to the model
13 time steps that are used. A monthly temperature time
14 step is not biologically valuable, and neither is an
15 average maximum temperature for the fish in a month.

16 Day-to-day temperatures are important. Just
17 yourself, if it's a hundred degrees today but it's
18 80 degrees tomorrow, if your average temperature is then
19 90, you're still a lot hotter on the day that it was a
20 hundred degrees than when it was 80 degrees; so
21 biologically it makes a difference, and fish are exactly
22 the same.

23 Trying to use these sort of broad-brush model
24 tools to make comparisons with the RPA flow schedule is
25 kind of like comparing apples and pears. The flow

1 schedule that was designed under the reasonable prudent
2 alternative looked at a variety of things, not just a
3 percent of unimpaired flow. I mean, it does bring in
4 some of that natural variability that we would expect
5 from an unimpaired flow, but it was crafted with a
6 variety of conditions in mind: The water year type,
7 because if it's correlated with reservoir storage, and
8 that's correlated with cold water that can be
9 immediately available to achieve the temperature
10 objectives for the fish.

11 We are also concerned that the preferred
12 alternative has a very low cap on the peak flows that
13 are called for in the percent of unimpaired flows. They
14 don't correlate with the allowable flood capacity for
15 any of the rivers; and they are, in general, lower than
16 what's needed to be able to do geomorphic work to
17 maintain gravel, spawning gravel, and riparian habitat
18 in those floodplains.

19 --oOo--

20 We are also echoing that we are concerned with
21 the adaptive management process as described is not
22 likely to be successful. It doesn't have a clearly
23 defined decision-making process. We felt that the
24 objectives were unclear. And we also thought that the
25 process was delegated very strongly from the Board to

1 another party.

2 So we would recommend that the Board staff lead
3 such an adaptive management process and be very clear
4 about the objectives and the outcomes that they are
5 looking for.

6 The proposed model includes a lot of involvement
7 from local stakeholders and agencies, including NMFS.
8 And I know we all have limited resources, so the ability
9 to participate and make that process effective could be
10 very challenging for NMFS.

11 --oOo--

12 MS. REED: We're also concerned that the
13 economic analysis is inadequate. The preferred
14 alternative seems to be driven by the economic analysis
15 of presumed agricultural changes or agricultural impacts
16 from the status quo.

17 It also does not consider the economic benefits
18 of doubling on recreational commercial fishing-related
19 activities, or the consequences, as was brought up by
20 the Department of Fish and Wildlife, of not improving
21 the fishing conditions for the -- the fishery conditions
22 and continuing the trajectory that the populations are
23 going so it would be not viable and not able to support
24 those fishing and migration activities.

25 With respect to the agricultural effects and the

1 models that were done, we believe it's flawed. We
2 assumed that there would be no shift to groundwater.
3 The diversification of agricultural water supplies is
4 already under way. If you did take a trip down to
5 Modesto to hold a listening session down there, you
6 would be very aware of the number of new trees and new
7 orchards that are being planted in the areas of concern.
8 It is true that these are permanent crops, and they
9 require water every year.

10 And what isn't happening and is beyond the
11 purview of the organization is to -- it would be, from a
12 logical perspective, useful to have a holistic
13 perspective in terms of how our agricultural uses impact
14 us and the crops we choose as a society, or
15 individually, to support how that comports with
16 available water supply, whether it's groundwater,
17 surface water, whatever.

18 As totally dependent on surface water -- we're
19 in a Mediterranean climate. That is, we have wet years
20 and dry years, and permanent crops are always challenged
21 by those dry years. So assuming that the changes in
22 surface water would have the drastic effects that were
23 categorized in the worst-case scenario models, I think,
24 is an unrealistic assumption.

25 Cameron Speer, who is an economist -- we are

1 part of the Department of Commerce. He's an economist
2 working in our history/science center, and he has
3 provided an analysis of the agricultural evaluation
4 that -- economic evaluation that was done. The models
5 that were used were consistent with the models that are
6 used for these sorts of analyses, but they're known to
7 overestimate the impacts. And, in particular, there was
8 a study done that estimated the impacts in 2009 of water
9 policy decisions and the effect of the biological
10 opinions on the Delta export facilities.

11 In January of 2009, in a report done at UC
12 Davis, the projected impact was 40,000 lost jobs and a
13 loss of revenue of \$1.4 billion. Those estimates were
14 revised in May of 2009, September 2009, and
15 September 2010. The ultimate model analysis estimated a
16 loss of 7500 jobs, as compared to the original estimate
17 of 40,0000 jobs, and a revenue loss not of \$1.4 billion
18 but of \$307 million. The actual figures in that time
19 period were changed in 1900 jobs and \$340 million.

20 So the message is that these models need to be
21 taken with a grain of salt to kind of understand the
22 range of variability in the -- in their reliability to
23 do predictions.

24 While the agricultural community is able to
25 diversify their water supply, there are a number of

1 programs that have been in place through the Department
2 of Water Resources and other CALFED funding, etc., to
3 encourage agricultural conservation, diversity, and
4 conjunctive use to be able to use the water, surface
5 water and groundwater, in a more conjunctive and
6 creative way to be effective.

7 On the other hand, with respect to fishery
8 resources, the fish cannot diversify their water supply.
9 And we have requested the Board consider in your
10 balancing that the fish have just one source of water
11 for survival, and that is the water that's in the
12 streams.

13 So we're concerned that third alternative relies
14 upon economic analyses that are variable in their
15 reliability, but we're concerned about real effects to
16 fish as a result of changes in in-stream flows.

17 Our recommendations are that the Board adopt
18 protective standards at Vernalis and for each
19 contributing tributary; that the Board look at a
20 year-round flow schedule for each tributary that
21 addresses temperature, summer conditions, and habitat
22 maintenance. The spring period is important, but it
23 needs to be supported by a year-round flow for the fish
24 in the river.

25 If the Board chooses to move forward with the

1 percent of unimpaired flows, we advise starting at a
2 higher level, at least 45 percent, which is an
3 improvement on the conditions in all of the rivers, and
4 revise that level as populations respond and restoration
5 actions are brought online, rather than waiting for the
6 fish to try to survive with an inadequate flow and hope
7 that the restoration efforts become successful.

8 Thank you.

9 MS. CABRERA-STAGNO: I'm Valentina
10 Cabrera-Stagno, and I work at the watershed office of
11 the EPA. I have a background in water quality and I'm
12 with the San Joaquin River Basin in the EPA office,
13 which is why I am here today.

14 EPA greatly appreciates the opportunity to
15 comment, and we're encouraged the SED the State Board
16 has proposed fresh water flows for the protection of
17 aquatic water. We do fully recognize that there are
18 multiple stressors in the Bay-Delta aquatic ecosystem.

19 --oOo--

20 MS. CABRERA-STAGNO: We urge the Board to
21 update the water quality control plan as expeditiously
22 as possible.

23 It is important that the State Board act and use
24 the authority that it does have to control the stressors
25 that it can.

1 The Board has articulated a valid approach to
2 addressing flows as a primary stressor. Many other
3 agencies, as well as other Waterboard actions, are
4 already addressing contaminants in restoring habitats in
5 the basin. The benefits of increasing fresh water flows
6 can be realized quickly and help recover struggling
7 native migratory species.

8 Once the Board concludes these actions, EPA will
9 review any new or revised criteria.

10 I'm going to cover for you on the screen the
11 text of the narrative objective as proposed in the SED.
12 It describes having flow conditions that are protective
13 of viable native migratory fish population. This is a
14 great goal and very compatible with Clean Water Act
15 goals.

16 One concern we do have is that it's only
17 identified as occurring from February through June. It
18 seems contra to the goal itself to say that you only
19 want a viable native migratory fish population in just
20 five months of the life cycle, so we think that one
21 approach could be to only have the program
22 implementation apply actions to certain months of the
23 year, as it currently does, yet has the goal overall
24 defined as addressing -- as occurring year-round.

25 As it is now, both the narrative criteria and

1 the program of implementation are identified as only
2 occurring five months of the year.

3 We are also looking at the Board could clarify
4 the relationship between the business narrative criteria
5 that is proposed in the Water Quality Control Plan and
6 another one, the salmon-doubling objective that's
7 already in there. We're wondering if "viable"
8 means doubling or if viable means better than doubling
9 the salmon population. Some clarity on that would be
10 good.

11 And then the last thing I'm going to point out
12 from the definitions in the SED is the phrase "together
13 with other reasonably controllable measures." We think
14 that this phrase confuses the purpose of the objective.
15 It's unclear whether only if these other measures are
16 happening then the flow conditions are required. And
17 it's also unclear what those other reasonably
18 controllable measures are. Are those the things that
19 the Board is already doing with its many other programs
20 and policies, or are these things that are outside of
21 the Board's control?

22 --oOo--

23 MS. CABRERA-STAGNO: So, as you heard here today
24 already, the 35 percent of unimpaired flow as proposed
25 applies to the three tributaries and does not apply at

1 Vernalis. So it translates to something less than that
2 at Vernalis. The flows were very appropriately
3 apportioned to the three tribes based on their historic
4 percent of unimpaired contributions.

5 The upper San Joaquin River, however, was left
6 out of the analysis and modeled at something less than
7 the 35 percent. So when you look at what would be seen
8 at Vernalis, it becomes lower than the 35 percent on
9 average.

10 What we've got shown on the screen is a passage
11 of time, so 1984 to 2009. And the "Y" axis is the
12 percent unimpaired flow for the February through June
13 period. And those little red squares are what was
14 observed at Vernalis in each of those years. And the
15 predicted is the little -- it's the orange circles. And
16 that's showing what is the 35 percent alternative
17 modeled that would be reaching Vernalis. And the models
18 stop for 2003, so that's sort of where those dots stop.

19 One thing that popped out to us as we were
20 looking at this is that these two sets of numbers aren't
21 a lot different. So we looked at the period after 1995,
22 which was the last major update to the Water Quality
23 Control Plan that required flow changes, and when you
24 look at the median flows that are observed in that
25 period, it's about 31 percent. And when you look at the

1 median of the observed flows that would be predicted for
2 that period, it's about 33. So there's a difference
3 there but not a huge difference.

4 I searched around the SED to see if I could find
5 a margin of error for the model and I couldn't find one.
6 I'm guessing that's within the margin of error.

7 And as you're well aware, these conditions are
8 not adequate for salmon and steelhead populations. This
9 is identified by both the Department of Fish and Game
10 biological objective that they recommended in 2010 and
11 the State Board's 2010 flows report. A meaningful
12 change from the status quo is going to be necessary to
13 improve conditions.

14 As you heard in Phase II workshops, other
15 countries and other parts of the U.S. have also adopted
16 similar flow standards. The example, though, that are
17 represented from other basins usually include a much
18 greater percentage of flow that is left in the river.

19 This flow is 35 percent. The standards make it
20 hard -- I'm sorry -- the flows are no longer adequate
21 for such basic functions as flushing of gravel,
22 activating floodplains, and providing adequate
23 temperatures.

24 This underscores a need for base flows at the
25 tributaries and at Vernalis to allow the survival of

1 sensitive species in critical years.

2 --oOo--

3 MS. CABRERA-STAGNO: This graph that I am
4 showing here is one that you have seen before. This
5 actually is the Fish and Wildlife Service's recommended
6 doubling flows from their 2005 report. That's the red
7 line. But let me sort of describe it because it is very
8 important.

9 The "X" axis is the exceedance frequencies. So
10 on the right-hand side is the very dry years and on the
11 right-hand side is the wet years. And then the "Y" axis
12 is the cumulative flow in thousand-acre feet for the
13 February through June period.

14 The three sets of lines -- sorry -- four sets of
15 lines describe the hundred percent unimpaired flow
16 scenario, the 60, the 40, and the 20.

17 The 35 percent flows analyzed in this particular
18 section of the SED is a graph pulled from there, but
19 even at this 40 percent, as you heard before, the 2005
20 salmon doubling flows are only met in 42 percent of the
21 years.

22 The Department of Fish and Wildlife shows on the
23 their chart their recommendations. And something that
24 pops out from both those and these is that the
25 recommendations in the dry set of years, which is at the

1 bottom 10 to 15 percent -- so in the 85 to 100
2 percent on the chart -- aren't adequate in that they
3 don't meet what fishery agencies have been recommending
4 for flows. This suggests that the 1,000 cfs at Vernalis
5 is not adequate as a base flow for protecting sensitive
6 species.

7 --oOo--

8 MS. CABRERA-STAGNO: As you heard a few times
9 now, the proposed flows are restricted to February
10 through June. And particularly this is problematic
11 because there are other sensitive species in the fall
12 run and other parts of the year in the system. For
13 example, fall-run Chinook salmon migrate from September
14 through October; they spawn October through December,
15 and steelhead rear from June to September. These time
16 frames are almost entirely out of the window that is
17 being considered.

18 One thing that is concerning about that is that
19 when you look at the analysis of temperature, there are
20 some things that pop up outside of the window that are
21 rather important and dramatic to aquatic life. The
22 40 percent unimpaired flow alternative was analyzed in
23 the SED, and the temperatures show that on average in an
24 average year they would reach equal limits in September
25 on Stanislaus, Tuolumne, and Merced; and then in the

1 That's the Bay into the ocean. As you know, native
2 migratory fish migrate. So salmonids from the San
3 Joaquin River basin have to make it all the way out into
4 the Bay to the ocean, and then turn around and find
5 their way back.

6 The return journey in the San Joaquin River
7 becomes a little bit complicated because the physical
8 and chemical cues that would typically be used to find
9 an available stream by a salmon are no longer there.
10 Sufficient flows are needed from the San Joaquin River
11 basin to address this issue. If it's not addressed now
12 in Phase I, it should be revisited in Phase II.

13 Additionally, the EPA recommends the State Board
14 analyze the effects of the proposed flows, the base
15 flows at Vernalis, and the alterations to the salinity
16 standard on meeting dissolved oxygen objectives in the
17 Stockton deepwater ship channel, the main stem of the
18 San Joaquin, the Old and Middle rivers, all the channels
19 in which salmon must migrate.

20 --oOo--

21 MS. CABRERA-STAGNO: You're heard a lot about
22 adaptive management here on the panel, and EPA echoes
23 the same concerns. Greater clarity on the goals, the
24 decision-making structure, and the triggers from the
25 management actions are going to be needed in the

1 in the adaptive management framework will be necessary
2 for establishing an effective objective, if possible to
3 be measured. A decision support structure with built-in
4 triggers will also be necessary so that the difficult
5 natural resource management choices can be made
6 effectively.

7 Secondly, you heard from all of us our agency is
8 having a year-round standard. All months of the year
9 should be included in the proposed objectives because
10 native and migratory fish are the system in all months
11 of the year.

12 And, lastly, the proposed plan of implementation
13 does not provide enough water to reach the existing
14 salmon doubling objective.

15 The panel would like to thank you for your time,
16 and we'll open the floor to any questions.

17 BOARD MEMBER DODUC: Not a question, thank you,
18 but a suggestion. It seems like you have some notes
19 from which you are reading. It might be helpful to the
20 court reporter if you could share those with here in the
21 event she couldn't hear quite what you were saying.

22 CHAIRMAN HOPPIN: Thank you very much.

23 Has Representative Olsen or a member of his
24 staff arrived?

25 Sherri Brennan from the Tuolumne Board of

1 Supervisors?

2 I'm going to call up five public members. If
3 the folks right on this end of the first row, if you can
4 move over and give me five seats there, then I can call
5 people up in groups.

6 The first group will be led by John Rubin.
7 After that, Chris Scheuring from the Farm Bureau, or
8 Justin -- Frederickson is not here. John Sakura, Kala
9 Hirschbein and Bill Mattos. If you'd stage yourselves
10 up here in the first row.

11 Mr. Rubin, do you want to lead off, please?

12 MR. RUBIN: Good afternoon, Chair Hoppin,
13 members of the Board. My name is John Rubin. I'm
14 Senior Staff Counsel for the San Luis & Delta-Mendota
15 Water Authority. I'll be presenting today, coordinated
16 with representatives from the State Water Contractors
17 and Metropolitan Water District. And you'll also hear
18 from Allison Feebo and Rebecca Sheehan.

19 I would like to start by commending your staff.
20 The proposed update contains a substantial improvement
21 upon the draft objectives presented in the April 1,
22 2011, Revised Notice of Preparation, and specifically
23 noting the elimination of the water level and
24 circulation narrative objective.

25 I also wanted to note that the proposed update

1 reflects an important change. The program of
2 implementation contained in the 2006 Water Quality
3 Control Plan, and specifically the elimination of an
4 intent to condition the water rights of Reclamation and
5 DWR on compliance with interior south Delta salinity
6 objectives -- those measured in the San Joaquin at
7 Brandt Bridge, Old River near Middle River, and Old
8 River near Tracy Road Bridge.

9 With that being said, the San Luis &
10 Delta-Mendota Water Authority and State Water
11 Contractors have significant concerns with the proposed
12 update and the draft SED.

13 The State Board's update to the Water Quality
14 Control Plan presents important opportunities. It
15 presents an opportunity to improve the understanding of
16 the factors comparing beneficial uses by fish and
17 wildlife within the Bay-Delta estuary to move past
18 surrogates to consider mechanisms that are directly
19 impacting fish and wildlife.

20 The update presents an opportunity to improve
21 the likelihood proposed actions will provide the
22 intended benefits to meaningfully assess whether
23 proposed actions will address the mechanisms that are
24 affecting fish and wildlife.

25 The update also presents an opportunity to

1 establish salinity objectives and a program of
2 implementation for those objectives based upon a
3 complete and balanced presentation of information.
4 Unfortunately, the proposed update and the draft SED do
5 not take full advantage of those opportunities.

6 I will be discussing two critical failings, and
7 Ms. Allison Feebo will expand on the second.

8 Ms. Rebecca Sheehan will be presenting two additional
9 failings.

10 The first failing I will be discussing concerns
11 the south Delta salinity objectives.

12 By raising a concern with the objectives, the
13 San Luis & Delta-Mendota Water Authority and the State
14 Water Contractors are not advocating at this time for
15 specific increases to the objectives. Rather, we are
16 seeking sufficient information to be presented to you to
17 allow you to balance all relevant factors before
18 determining what objectives are reasonable.

19 Simply put, the documents released for review do
20 not provide sufficient information to allow the State
21 Water Board to determine what amount of increase is
22 reasonable. And I'll provide some examples to
23 demonstrate the failing.

24 The draft SED indicates that an increase in the
25 south Delta salinity objective to 1.4 EC would impact

1 two crops: Dry beans and almonds. The document
2 indicates a 5 percent yield reduction to dry beans and a
3 3 percent yield reduction to almonds.

4 The draft SED, however, does not characterize
5 the highly conservative nature of those impact
6 estimates. The draft SED should have explained that the
7 underlying analysis are based upon assumptions that are
8 not realistic, and that if realistic assumptions were
9 used -- excuse me -- if realistic assumptions were used,
10 lesser or no impacts would be identified.

11 The draft SED also does not attempt to monetize
12 the impacts to the southern Delta agricultural
13 community. Based upon information published by the San
14 Joaquin County Agricultural Commissioner, assuming the
15 extent of impacts identified in the SED are true,
16 southern Delta agriculture would experience roughly
17 \$500,000 of economic loss due to the yield reduction.
18 That information is not presented.

19 Further, the draft SED does not consider those
20 monetary losses in relation to the costs for
21 implementing the salinity objectives. If it did, the
22 draft SED would likely show that the costs for
23 implementation are magnitudes greater than the
24 overstated impacts to southern Delta agriculture. The
25 annual installation and operation of the ag barriers

1 alone run approximately six million dollars a year.

2 Finally, the draft SED fails to consider how
3 changes in salinity may impact water service providers.
4 As you probably are aware, salinity in drinking water
5 can cause corrosion, unpleasant taste and odor, economic
6 impacts to utilities and their customers, and can
7 constrain water recycling and groundwater management
8 programs.

9 With changes in salinity, entities that supply
10 drinking water may experience increased costs because of
11 the need to blend the water with water of lower
12 salinity. And with the changes, entities that supply
13 drinking water may also experience increased costs
14 because of the need to incorporate additional facilities
15 or processes to treat the water. And these options may
16 not be available to all service providers.

17 These types of issues are not discussed in the
18 draft SED.

19 I'll now turn to the second concern that the San
20 Luis & Delta-Mendota Water Authority and the State Water
21 Contractors will highlight today, and that is on the
22 factors that are discussed that affect salinity in the
23 Delta.

24 And on this second issue I will highlight two
25 failures. And these failures appear to cause the

1 salinity program of implementation to assign improperly
2 significant responsibility to Reclamation and the
3 Department of Water Resources.

4 First, the proposed update and the draft SED do
5 not appreciate the results of drainage management
6 efforts that have occurred on the west side of the San
7 Joaquin Valley.

8 The draft SED does not acknowledge that the
9 entities that discharge to the San Joaquin River have
10 substantially reduced their discharge of salt, selenium,
11 and boron.

12 And as many, if not most of the Board members,
13 have seen personally, the Grassland's Bypass Project has
14 been a very successful program. And I'll highlight here
15 and our written comments will expand on this.

16 But if you were to compare the conditions in
17 1995 to 2012, what you would see is the Grasslands
18 Bypass Project reduced the annual salt discharge by
19 84 percent, from approximately 237,000 tons to
20 38,000 tons.

21 Comparing that same period, the Grasslands
22 Bypass Project reduced the annual selenium discharge by
23 94 percent, from roughly 11,900 pounds to 750 pounds.
24 And during that period, the lands that are served by the
25 Grasslands Bypass Project have remained highly

1 productive.

2 There's no discussion about the program -- any
3 meaningful discussion about the program and the benefits
4 of the program in the documents that are out for review.

5 The second failure that appears to cause the
6 program of implementation to improperly assign
7 significant responsibility to Reclamation and DWR
8 concerns water levels and circulation.

9 The proposed update in the draft SED do not
10 appreciate the limited effect that operation of the
11 Central Valley project and State Water project
12 facilities in the Sacramento River Basin and Delta have
13 on water levels and circulation in the Delta.

14 At this point, I will turn to Ms. Feebo, who
15 will now discuss some data concerning water levels and
16 circulation in the south Delta data that are not
17 apparent in the draft SED.

18 MS. FEEBO: Good afternoon. I am Allison Feebo.
19 I am a Senior Water Resource Scientist with the State
20 Water Contractors. I am going to specifically discuss,
21 as John Rubin just mentioned, the effects of CVP and SWP
22 pumping on south Delta water quality, water levels and
23 circulation.

24 Department of Water Resources has performed a
25 significant modeling effort using DSM 2, and they've

1 submitted that modeling effort to you and your staff.

2 That effort specifically analyzes the effects of
3 CVP and SWP pumping on the south Delta issues. And
4 while it analyzes that, it does not consider effects of
5 other factors that might contribute to issues in the
6 south Delta, including channel configurations, including
7 delta inflows, and including other local users in the
8 south Delta.

9 So this analysis specifically just isolates the
10 effects of the CVP and SWP pumping and probably
11 over-characterizes these effects because it's an
12 isolated analysis.

13 This modeling information can be used to dispel
14 three major myths that have been ongoing about the
15 effects of CVP and SWP pumping.

16 The first myth is that CVP has to be pumping and
17 caused -- increased their elevated salinity in the south
18 Delta. The reality, when you look at the DSM 2 modeling
19 result, you see that the CVP and SWP pumping actually
20 have a neutral effect on south Delta water quality or
21 actually sometimes improve south Delta water quality, or
22 actually, sometimes improved south Delta water quality.

23 The second myth that we see is that CVP and SWP
24 pumping cause water levels to drop below acceptable
25 levels more often than would occur without CVP and SWP

1 pumping.

2 The reality, again, when you look at the DSM 2
3 modeling, is that you see that with CVP and SWP pumping
4 and without temporary barriers installed, you see a
5 decrease in water levels relatively small, about six to
6 eight inches; and the amount of time that it drops below
7 the commonly acceptable levels that are reached by local
8 pumps and siphons is increased by maybe two to three
9 hours per day.

10 With temporary barriers installed, those effects
11 go away and the water levels increase to levels far
12 beyond what they would be without CVP and SWP pumping;
13 so the effects of the CVP and SWP pumping are highly
14 over-mitigated with installation of temporary barriers.

15 We believe that there are other ways to deal
16 with these relatively small water level effects,
17 including agricultural management practices, different
18 ways to irrigate the land in the area, different
19 timings. Also, possibly, physical changes, including
20 physical changes, including physical changes in the
21 location of the pumps or siphons in the south Delta that
22 are experiencing issues due to water levels. The third
23 myth that we see is that salinity spikes experienced in
24 the Delta are due to poor circulation and that poor
25 circulation is caused by CVP and SWP pumping. And based

1 on preliminary analysis of the DMS 2 modeling, we looked
2 at null zones which are a common metric for analyzing
3 circulation, and found that the occurrence -- the
4 frequency of occurrence and duration of occurrence are
5 generally the same with and without CVP and SWP pumping.
6 The actual location of null zones just changes within
7 the south Delta.

8 An additional consideration is that salinity
9 spikes do occur in the south Delta and have been
10 observed even at periods of high flow, indicating that
11 it is possible that null zones and poor circulation are
12 not the problem or are not causing the salinity spikes
13 that we're seeing.

14 So based on the modeling evidence, we believe
15 it's inappropriate to assign significant responsibility
16 to the Bureau of Reclamation and Department of Water
17 Resources for activities for implementing south Delta
18 water quality objectives.

19 We also believe that requirements for
20 installation of the temporary barriers is not
21 appropriate to address water quality concerns in the
22 south Delta.

23 I was unable to attend earlier this morning, but
24 I was told there was some discussion on project effects
25 or effects from CVP and SWP pumping on assimilative

1 capacity in the south Delta. I don't totally understand
2 this assertion at this time, and so I would need more
3 information before I can comment on that issue.

4 And I also believe that Department of Water
5 Resources will be providing more detail on the modeling
6 analysis that I've discussed here later to you.

7 Thank you.

8 MS. REBECCA SHEEHAN: Good afternoon.

9 My name is Becky Sheehan. I'm Senior Deputy
10 General Counsel with Metropolitan Water District, and
11 I'm here on behalf of the San Luis Delta-Mendota Water
12 Authority and State Water Contractors.

13 The proposed amendment to the San Joaquin River
14 numeric flow criteria contains analytical and technical
15 issues that rise the level of the Stanislaus with the
16 Bay-Delta Plan, as well as invoking several CEQA
17 concerns. Primarily, we're concerned about the failure
18 to rigorously apply the best available science.

19 The proposed narrative objective is based on two
20 fundamental assumptions that are not evaluated anywhere
21 in the SED or in Appendix C, which does purport to be
22 the document that describes the biological benefits of
23 the proposal.

24 The first not evaluated -- unevaluated
25 assumption is that by mimicking the percent of the

1 hydrograph and using that as the approach that there
2 would actually be a measurable benefit in the salmon
3 viability factors.

4 The second assumption that is also not evaluated
5 is that by mimicking the percent of unimpaired
6 hydrograph that this represents conditions to which the
7 native fish are adapted.

8 The SED does not contain any analysis showing
9 that by using the percent of unimpaired hydrograph
10 approach there would be any measurable improvement in
11 any of the salmon viability factors in the system.

12 Appendix C contains a partial description of the
13 results of experiments around the world where a similar
14 approach has been attempted. However, what Appendix C
15 does not explain is that the results of these studies
16 are mixed. Those studies do not support the concept
17 that more flow will always enhance the targeted
18 environmental conditions.

19 As Poth and Zimmerman reported in their 2010
20 paper after reviewing 165 papers on this topic, they
21 also concluded that the results are mixed and uncertain.
22 Their analysis revealed that there is apparently some
23 sensitivity to different ecological groups that
24 alterations inflow magnitudes, but they found no
25 consistent robust statistical relationships between

1 flows and many important biological responses of the
2 aquatic community.

3 As Pauth in his 1997 paper reported, that using
4 natural flows as a restoration tool could be effective,
5 although to varying degrees, depending on the present
6 extent of human intervention and flow alteration
7 effecting a particular river. And, of course, our
8 system is one of those highly altered systems.

9 The SED should have evaluated the extent that
10 flow can be used as a restoration tool in our system.

11 However, even if that showing had been made,
12 there is also no analysis or discussion in the SED about
13 to which using a percent of unimpaired hydrographic
14 approach is -- or represents natural conditions to which
15 native fish were adapted.

16 The percent of the unimpaired hydrographic
17 approach might approximate natural flows or more natural
18 flows very high up in the system of the tributaries, but
19 it does not do so down in the valley in the main stem of
20 the San Joaquin or in the south Delta.

21 As described in the recent SSFEI report, the
22 physical environment has been significantly altered from
23 historic or natural conditions and, as a result, the
24 natural historic flow and flow patterns are very
25 different; and under today's conditions, regardless of

1 the magnitude of flow, the physical environment is so
2 changed.

3 What the Water Board needs to do is undertake a
4 rigorous investigation using various analytical tools to
5 approximate the natural physical environment, and then
6 determine what ecological functions flows served in that
7 environment and then take action to target those flow
8 functions. And while flow may be one of the tools, it
9 is certainly not the only tool. And the Board should be
10 looking at other actions as well, including gravel
11 augmentation and habitat restoration.

12 Our second category of scientific concern is
13 actually with the Adaptive Management Plan. And we
14 actually might have agreement with the fishery agencies
15 on this one.

16 The Adaptive Management Plan is an overlay on
17 every one of the implementation programs or plans for
18 the fishery flows, and it contains a COG group that
19 would advise the executive director on what flows should
20 be ordered in any year or in any portion of the year.
21 We categorized or summarized our concerns into five main
22 points.

23 First, this is not adaptive management.
24 Adaptive management in the scientific context is very
25 different than what's being proposed.

1 Second, the SED does not provide any analysis or
2 any disclosure of what the range of actions may be that
3 the executive director may take. And those
4 environmental effects are not evaluated, rendering the
5 SED inadequate.

6 We're also concerned that -- as was also raised
7 by the fishery group -- that this appears to be an
8 inappropriate allocation or dedication of responsibility
9 to the fishery agencies and the executive director, and
10 may also be a violation of due process as flow schedules
11 could be changed at any point of the year without any
12 hearing or review by the Water Board.

13 We're also concerned that this adaptive
14 management proposal really changes the nature of the
15 unimpaired-flow approach, making more of a water bank,
16 the bounds of which, the quantity of which, are bound by
17 a percent of the hydrographic approach but the actual
18 flow actions and actual flows that will be ordered are
19 dictated by the executive director.

20 And, finally, we're concerned that the Adaptive
21 Management Program's success will be measured by its
22 ability to increase the standard viability factors; but
23 there's no evaluation of the actual 20, 40 and 60
24 percent of hydrographic approaches and their ability to
25 achieve the salmon viability factors.

1 In fact, many of the benefits that are
2 hypothesized to occur in Appendix C, when you look at
3 Chapter 7 of the SED, they in fact are not occurring at
4 all. There's a fair number of them. I won't say half,
5 but probably about four of the big ones won't occur
6 based on the analysis in Chapter 7.

7 And, finally, we have a number of legal concerns
8 as well. The one that I'll share with you this
9 afternoon we think is the most fundamental, and that
10 being that the proposed implementation plan appears to
11 be making project-level determinations without providing
12 procedural protections of a water rights proceeding.

13 In the 1995 and 2006 Water Quality Control
14 Plans, those implementation programs were truly
15 programmatic; however, the currently proposed
16 implementation plan is allocating responsibility to
17 certain users and also limiting the tools the Board will
18 have available to it to meet those standards.

19 As Judge Robie's decision reminded us, the water
20 quality control plan objectives have to be fully
21 implemented, but what the proposed implementation does
22 is limit the water forces scratched in, in determining
23 who is responsible, and limiting the tools available to
24 the Board in fashioning an implementation plan that can
25 fully satisfy the proposed water quality standards.

1 We will be submitting a joint written submittal
2 with more technical comments and concerns.

3 CHAIRMAN HOPPIN: Thank you.

4 MR. SCHEURING: Good afternoon, Chairman Hoffin
5 and members of the Board. I am Chris Scheuring, and
6 today I appear on behalf of the California Farm Bureau
7 Federation and its statewide membership. I apologize if
8 I'm squinting. I did not prepare my remarks in 24 point
9 font like John Rubin did, so I may have to squint here.

10 Thank you for the opportunity to appear before
11 you today and to provide some comments on what we think
12 is a very important public policy issue in its
13 environmental review in the substitute environmental
14 document. We are fully intending to provide extensive
15 written comments before the deadline on March 29th, so
16 what I am giving you today is just a brief set of
17 highlights.

18 On behalf of agriculture, we certainly have a
19 number of concerns about the proposed flow standards and
20 their environmental impacts in the SED and other
21 analysis the staff is putting in front of you. We're
22 going to focus in greater detail in a written
23 submission; but, in shorthand, these are the main
24 points.

25 The first relates to -- and I won't belabor

1 this. It relates to the project's purpose and need.
2 And as you've already heard, folks have concerns about
3 the classic issue of a flow centric approach to
4 rehabilitating fisheries in a system that is as altered
5 as the Delta watershed is and with as many stressors as
6 it has which are apart from the flow regime.

7 We question the science and the scientific-basis
8 report which would underpin these flow standards and
9 whether there is any meaningful basis on which to trade
10 off the numerous certain adverse agricultural impacts
11 for the elusive goal of rehabilitating fisheries through
12 flows. And I would stress the word "elusive" again in
13 that context because I think that -- and I'm not a
14 scientist but as near as I can tell, it remains an
15 elusive goal to rehabilitate a fishery through flows.

16 Secondly, we are concerned, of course, about the
17 fallowing of what is a marvelously productive
18 agricultural landscape which has been water for
19 generation by very senior water rights on these rivers.

20 It is important to note not only the economic
21 impacts of that, which you've heard about today, but
22 also the environmental impacts in terms of habitat,
23 recharging, and all the other public good that are
24 supported by the application of water to a working
25 agricultural landscape.

1 Third, as the SED notes, there's going to be a
2 serious impact in groundwater resource as farmers turn
3 to their pumps increasingly. This is probably only the
4 most obvious of the substitution effects that are going
5 to result from the implementation of flow standards.

6 Like anything else in the field of water policy,
7 proposed flow standards run the serious risk of a ripple
8 effect on other water resources across the Board as
9 farmers and other users cast about for other sources of
10 water to replace what may be lost in the flow standards.
11 Those are the so-called redirected impacts.

12 And then, finally, we would most definitely
13 support flexibility and implementation to relax the flow
14 standards during certain very dry years in order to
15 avoid the worst impacts to agriculture which I just
16 discussed.

17 So those are just a few of the highlights. The
18 written submission will be a lot better than that.

19 I should finally also note that we at the State
20 Farm Bureau are supportive of protecting the
21 agricultural beneficial use of water throughout the
22 delta watershed upstream and downstream.

23 So I appreciate your time today and your careful
24 review of what the State Board staff has put in front of
25 you and the comments that you're going to hear, and we

1 look forward to further engagement on the issue.

2 CHAIRMAN HOPPIN: Thank you.

3 MR. SCHEURING: Thank you.

4 CHAIRMAN HOPPIN: Mr. Sakura.

5 MR. SAKURA: Good afternoon, Mr. Chair and
6 Board. I'm John Sakura, and I'm from Trout Unlimited.

7 I've been a fisherman for about 60 years, and
8 I'm speaking on behalf of myself, as well as I'm the
9 secretary of the California State Council of Fisheries.
10 We represent over 10,000 members in the State.

11 I'll be brief. You've heard a lot of discussion
12 on various aspects of your draft. Bottom line is we see
13 from all the studies, all the surveys, that 35 percent
14 is just not adequate. That's not going to cover the
15 water needed to sustain the fisheries.

16 What appears to be the ticket item is like
17 60 percent of the unimpaired flow, and we would support
18 that. But also understanding we're looking at
19 compromise here, 50 percent might cut it. And that
20 would probably be about as low as we could safely say
21 would be adequate for trying to either restore or
22 sustain the fisheries.

23 And, too, that's our main purpose, is we're
24 trying to sustain and restore the cold water fisheries
25 in California. We're doing it up and down the State.

1 I'm with the chapter out in El Dorado County, and we've
2 got our hands full working with the forest service to do
3 exactly that.

4 But with respect to this identified area, you
5 talk about the adaptively managed flows, and on that
6 respect I would just say that we are supportive;
7 however, the way it's drafted -- at least the way I read
8 it -- it's not clear enough to me with any specificity
9 to know what you're getting.

10 The comments earlier about the devil being in
11 the detail I certainly think applies here; that you do
12 need to have a little more specificity.

13 If it goes as drafted, then I would say that
14 then you would probably be required to scope every one
15 of those adaptively managed flow returns for the various
16 stretches of the tribs or the San Joaquin.

17 Later on, more of our staff will be here talking
18 about this in detail; but, you know, I've been listening
19 to a lot of the comments, and to a certain extent I
20 guess I'm going to take off my team off my TUD hat and
21 speak as John the fisherman.

22 The obvious under statement: Not enough water;
23 too many users. And how do you manage that? I mean,
24 it's an incredible burden you guys have.

25 One thing that kind of jumps out at me is that

1 when we talk about -- we just heard that, you know, for
2 years the senior water rights users had plenty of water
3 to water their fields. But if you took that number of
4 acreage and looked at what they're trying to water now,
5 you're probably going to find it's doubled or tripled or
6 quadrupled. That's one of the big problems.

7 There's only so much water coming out of the
8 faucet and you can only put so many teacups under three
9 to keep drawing that water out. So somebody has to say,
10 hey, there's is a limit on this. You can't keep coming
11 back here trying to take more of the finite amount of
12 water and infinitely spreading it around. How do you do
13 that? Maybe it's the water districts. Maybe it's the
14 counties.

15 We heard earlier today where one county was
16 talking about how they've really increased the amount of
17 money they've been receiving. Their profits are up in
18 the -- in five years they're up to \$3 billion, even
19 though their unemployment is down. And I share your
20 same question, Mr. Chairman. How does that happen?
21 But, again, maybe they need to look at how they are
22 doing things a little differently.

23 The fishing industry is a booming industry and
24 the outdoor recreation industry is a booming industry.
25 Through the depression, fishing has increased

1 dramatically in the state. Over \$2 billion is spent in
2 this state in fishing, and that's as of 2006. And it's
3 increased since 2006 and 2011.

4 The outdoor recreation is up to about
5 \$85 billion in this state. So when you talk about
6 increasing the flows through the San Joaquin and through
7 its tribs, you're talking about now opening up more
8 recreation for all of California.

9 So possibly in these areas where they may be
10 losing some of the ground that they want to water and
11 not being able to produce some of the crops that they
12 want to produce and they can't add more acreage, as we
13 just heard they're doing, they're kind of, like -- to
14 me, it's like adding, you know, more problems to deal
15 with, not trying to solve the problems that you
16 currently have. Maybe we should focus on
17 fishing-related or outdoor-related activities and see
18 what kind of income you can generate for that specific
19 area.

20 One of the reasons you don't see a lot of it in
21 the lower San Joaquin is because the river has been
22 dried up so much. It's not a great fishery, although it
23 could be. It could be a great fishery.

24 I don't know. I'm just saying as far as what
25 TUD and what most of the fisherman like to see is to

1 have a happy medium. Farmers and ranchers are some of
2 our best friends. You know, we work with them; they
3 work with us all over the state. And we'd like to keep
4 that harmonious relationship going.

5 But as far as their comments here, the comments
6 to you today, I would just ask for more specificity on
7 what kind of flows you intend to put out there. The
8 35 percent is just not going to cut it. That's way too
9 low. Even starting at 45 percent as a minimum might be
10 a bit on the low side. But, again, I'll let the experts
11 deal with that.

12 I like to fish. I want you to know that there's
13 a lot of us out here. And there's also quite a number
14 of commercial fishermen who may not be able to get here
15 to speak who have a lot of the same interests and share
16 a lot of the same interests we do.

17 Thank you for your time.

18 CHAIRMAN HOPPIN: Thank you.

19 If all of you for public comment could do your
20 very best to limit your comments to three minutes, I'd
21 really appreciate it, in consideration of those
22 following. I've got about 60 cards left to go through.
23 We're clearly not going to get through them today.

24 I am going to call one more five-group panel up,
25 and then I'm going to get to the folks that I believe

1 are the ones who came on the bus, which I am assuming it
2 is going to be difficult for you to get here tomorrow.
3 But if you would please keep your comments as concise as
4 possible.

5 Go ahead.

6 MS. HIRSCHBEIN: I'm Kalla Hirschbein. I'm here
7 on behalf of the Pacific Coast Federation of Fishermen's
8 Associations and Salmon Aid. Both are nonprofits. Both
9 represent fisherman, fishing interests. PCFAA generally
10 represents commercial fishermen.

11 We have hundreds of members among 13 member
12 ports along the Pacific Coast. A lot of them fish for
13 salmon. Salmon is the lifeblood of California's fishing
14 industry. And we, in the 1980s and 1990s, had about
15 5,000 fishing boats fishing for salmon. We had some
16 droughts. We had two years of closure. We definitely
17 understand the unemployment because during those two
18 years we had a hundred percent unemployment in the
19 commercial fishing sector of those who fished for
20 salmon. It still is remaining, and a lot of people are
21 still feeling from that. Right now we have about
22 600 boats that are fishing that fished in 2012.

23 I am trying to go through my notes and not
24 repeat things said by the agencies and go quickly.

25 I was really encouraged by a lot of the

1 agencies' comments that they would like to see an
2 economic analysis of fishing in the SED. It's the
3 oldest industry in California, and salmon is an iconic
4 species. And we have here an opportunity to really
5 restore the fisheries. And the fishermen will come back
6 if that salmon were back. So it would be a travesty to
7 let them continue to decline.

8 And I also want to make the point that the Delta
9 and the Bay don't only support salmon. They also
10 support Dungeness crab and herring, which are two really
11 important fisheries in the Bay Area as well.

12 I want to encourage you not to let your focus
13 stray to gradation. It's an issue that's in the Delta,
14 but it really is not the main issue here. We really
15 should be focused on flow, which is the master variable.
16 It will affect all the other variables, and gradation
17 will be diminished if flow is increased.

18 We can waste a lot of time on money like they
19 did on the Columbia River where they implemented a lot
20 of gradation reduction programs and it just really
21 wastes time and money. So I encourage you, just focus
22 on the flows.

23 All of the fish agencies support increased
24 flows, and we support their comments and their
25 percentages.

1 That's pretty much it. I wanted to be brief,
2 and I know a lot of other people are going to be
3 speaking on behalf of fisheries, so thank you.

4 CHAIRMAN HOPPIN: Thank you.

5 Bill Mattos.

6 MR. MATTOS: Good afternoon, Mr. Chairman,
7 members of the Board. I'm Bill Mattos, president of the
8 California Poultry Federation. I'm here on behalf of
9 Foster Farms, who is the largest employer in Merced
10 County and the largest chicken producer in the west.

11 Just for your information, obviously water is
12 the lifeblood of agricultural, but we don't talk a lot
13 about birds. A lot of times you are hearing about
14 crops, so I want to bring you up to date.

15 Foster Farms in Merced has 12,000 employees
16 throughout the nation. In the Merced County/Stanislaus
17 County area, they employ about six to seven thousand.

18 Most of these folks are unskilled laborers.
19 They're trained to work in the processing facilities.
20 And they have complete medical and health benefits;
21 they're members of UFCW, Teamsters, the Machinists
22 Union. And it's a good employment for the Merced County
23 Area.

24 You heard earlier about the lack of employment
25 in that county. And this is one industry that's very

1 employee rich.

2 We're very concerned about what you're
3 considering today just because we're just not sure where
4 the water is going to come from in the future for what
5 we do.

6 Foster Farms, for example, Livingston processes
7 450,000 to 550,000 chickens a day. All those chickens
8 take water to wash. They have a very sophisticated
9 system to where the water is recycled and reused. Their
10 waste treatment plant is recycled and reused.

11 But outside of the ranches, they're raising in
12 Merced County 80 million chickens in a year; in the
13 Stanislaus County, 55 million chickens a year. So all
14 those chickens also take water. And they've done as
15 efficient a job as they can. They've worked on the
16 carbon footprint.

17 They're out at the Ag Day today announcing that
18 they're the first American humane certified large
19 company in the nation, and they're announcing that up
20 and down the West Coast today.

21 They're a very good company in Livingston and in
22 Turlock. They are in Fresno and in other places
23 throughout the Central Valley, but the two impacts in
24 Stanislaus and in Merced County could be devastating if
25 there's not enough water there to actually process the

1 product.

2 The reason their plant is large -- and they're
3 only about the ninth largest company in the nation, but
4 their plant is the largest plant in the world because
5 they tried to reduce the carbon footprint and do most of
6 it in one area rather than having it in all the
7 different communities where the trucks would go up and
8 down the Central Valley.

9 So it's a very progressive family oriented
10 company. It's only one of our companies, but it is the
11 biggest. And they wanted me to at least come here and
12 testify on behalf of them today, saying it's potentially
13 very -- could be devastating to the employees that they
14 would have to let go if they have to shift chickens or
15 stuff -- growing so many birds in that particular area.

16 I really appreciate the opportunity to speak to
17 you. The industry is a \$22 billion economic-generated
18 industry for California, which is a lot, and Foster's
19 probably 90 percent of the chicken industry and half of
20 the turkey industry.

21 So I appreciate being here today.

22 CHAIRMAN HOPPIN: Thank you very much.

23 Will the next five come up, please. Jacky
24 Douglas, Roger Thomas, Ruth Muzzin, Mike Perreira, and
25 Stan Zen.

1 Jacky, why don't you go right to the podium,
2 please.

3 MS. DOUGLAS: Thank you. Thank you very much
4 for your time. And I'm surprised that I'm still here.
5 I don't know how many times I've had to get up and say,
6 "Yeah for Salmon." Well, I'm still doing it. I really
7 appreciate you listening for a couple of minutes.

8 First of all, I am on five different boards.
9 No. Three boards and five different outfits. The first
10 one I joined even before I became a skipper years ago
11 because I fell in will love with salmon. Thank heavens
12 I did, or I wouldn't be able to stand here.

13 The Golden Gate Fishermen's Association back
14 in -- well, early 50s -- 60s. I'm sorry. And that was
15 my beginning. I didn't know I was going to become a
16 skipper and to be able to take thousands and thousands
17 of people out fishing and enjoy it like I do.

18 And, also, as I raised four girls, they had fish
19 all the time. Now they're fully grown and their way and
20 out of the house and everything, and now they say,
21 "Where's the fish, Mom?"

22 It's just like you've got to save the anchovies
23 for the fish, you've got to save -- everything's for the
24 fish, but mainly they need water. They can't be
25 subsidized. They need water. And the only way we are

1 going to get water is from you people figuring out how
2 much water that they can have. And I hope they can get
3 it.

4 I have a bad osteoporosis problem, and I just
5 kind of, like, was really fading if it wasn't for
6 salmon. Not just because it's fun to get out there and
7 enjoy the whole outdoors and the water and fresh air and
8 all the nature around you but it's so good to eat.
9 There's nothing better than the wild salmon.

10 And I wish the commercial boys were here. I
11 think back to the Yukon gang with their little
12 commercial boats going out there, and I think of old
13 Captain -- oh, boy. I better watch my English here.
14 Wait a minute. Captain Al Sancimino, the Spadaros, all
15 the old-timers. I miss them. But if they were here,
16 you'd get a mouthful, believe me. They were pretty
17 strong, witty guys, I know, and tuff. But I managed to
18 get through all that and enjoy life with them for a
19 while. Thank God.

20 I appreciate your time, and God bless the
21 salmon.

22 CHAIRMAN HOPPIN: Thank you, Jacky.

23 Roger Thomas.

24 MR. THOMAS: Good afternoon, Mr. Chairman, and
25 members.

1 My name is Roger Thomas. I'm the president of
2 the Golden Gate Fishermen's Association.

3 Jacky Douglas is one of our great members. We
4 represent the majority of the commercial passenger
5 fishing vessels from Morrow Bay north to the Oregon
6 border.

7 I think all of you know but I'm going to say it
8 again: Salmon is the heart of fishing on the Pacific
9 Coast from Morrow Bay to Oregon -- the Oregon,
10 Washington border, and our Central Valley fish make up
11 the majority of the fish that are caught.

12 You can see what happened when the runs went
13 down when the seasons were closed or shortened
14 dramatically. Many harbors lost their fuel docs. They
15 lost the shipyards. They lost everything in the smaller
16 communities.

17 Salmon is a great resource. It saves all the
18 coastal communities, the infrastructure. It's estimated
19 if the doubling happens the commercial industry will
20 employ 23,000 people, and that will contribute
21 one-and-a-half billion dollars. So doubling is very
22 important; and, obviously, water is very important to
23 doing that.

24 We all support the fish and wildlife agencies
25 and their recommendations, and we hope that you folks

1 consider that very seriously.

2 Thank you for the opportunity to speak with you.

3 CHAIRMAN HOPPIN: Thank you, Roger.

4 Stan Sabin.

5 MR. SABIN: My name is Stan Sabin. I'm from
6 Pacifica on the coast, and I'm here because I love the
7 Delta.

8 I don't think anybody would argue that the Delta
9 is one of the great ecosystems in the western United
10 States, and at this point it is broke.

11 Human beings are one of the most adaptive
12 species in the world, as evidenced by seven billion of
13 us sharing this planet. However, fish and flora and
14 fauna have a very narrow window for adaptation. And
15 that's why the Delta is broke.

16 I've heard all the numbers today that everybody
17 else has heard, so I'm not going go to -- I'll throw
18 that away and basically say I'm for the 50 to 60 percent
19 of flow that most of the scientists back.

20 I believe we're here to and we are responsible
21 for protecting the land that we live on, and a healthy
22 Delta will lead to a healthier California.

23 Thank you.

24 CHAIRMAN HOPPIN: Thank you very much.

25 Ruth.

1 MS. MUZZIN: Board members, thank you very much.

2 My name is Ruth Stoner Muzzin, M-u-z-z-i-n. I
3 live in Montara on the San Mateo County Coast near the
4 harbor where a lot fishermen are based. I work in San
5 Francisco. I'm an attorney. I'm a member of the Loma
6 Prieta chapter of the Sierra Club, which has territory
7 both on the Bay and on the Pacific Ocean coast side.
8 And I'm also a member of NRDC. But I'm here today just
9 to give you my own view.

10 And I believe that the decision you need to make
11 has to be supported by the best available science. I
12 think that there is substantial evidence in the record
13 that is before you and that is being developed today --
14 because clearly you're getting a lot of information that
15 you didn't already have -- and it will go into the final
16 environmental document.

17 I think there is substantial evidence to support
18 a decision for a 60 percent flow. And I think the
19 fishery agencies have some very interesting information
20 that appeals to me to consider a range that could be
21 variable, you know, five percent up or down from a basic
22 flow number; and I encourage you to think about that as
23 you're coming to a final conclusion.

24 Now, I do sympathize with the farmers and the
25 communities in the Central Valley. I understand that we

1 need to be having, perhaps, a very comprehensive
2 statewide conversation about the crops that we grow in
3 California, where we grow them, how and when we irrigate
4 them. But that's not the issue that's in front of you
5 today and with this document.

6 The issue that you are addressing is restoration
7 and protection of the Delta. And I think that you have
8 a lot of very good information; you may need some more,
9 and it seems to be coming towards you.

10 And I'm very grateful for your time and
11 attention and the ability to speak to you today. I
12 encourage you to consider something in the neighborhood
13 of 60 percent flows.

14 Thank you very much.

15 CHAIRMAN HOPPIN: Thank you, Ruth.

16 MS. MUZZIN: And I also join in Senator Lois
17 Wolk's comments.

18 CHAIRMAN HOPPIN: Mike Ferreira.

19 MR. FERREIRA: Good afternoon, Commissioners.
20 I'm Mike Ferreira. I'm from the small town of Moss
21 Beach currently on the San Mateo coast. I'm a former
22 council member and planning commissioner for the City of
23 Half Moon Bay just south of Pillar Point Harbor, which
24 went through some stressful years, economically
25 speaking, when we had the salmon and other species shut

1 down.

2 What brought me here today is -- and I'm not a
3 scientist, but intuitively a crashing ecology that
4 evolved at the hundred percent flow is not likely to be
5 restored by a 35 percent.

6 I would just like to say that in coming here I
7 have listened to the agencies' presentations to you. I
8 would agree with what they've put forward; that we need
9 to follow the science carefully. The 2010 plans at
10 60 percent, to me that seems a bit chancy even at 60.

11 One other thing that I think I would like to add
12 is that, you know, we are aware that climate change is
13 staring us in the face. It's highly unlikely that
14 climate change is going to give us more water. We need
15 now to be looking at some ways to try to control and
16 protect the environment, as well as to help our
17 agricultural community.

18 Speaking as a taxpayer, I have no problem with
19 the idea that the State should try to invest in helping
20 our agricultural community, make better use of the
21 dwindling resources.

22 And the last thing I would say is that -- I
23 don't know that it's within your purview, but I don't
24 know that it's helpful for these water-wheeling things
25 to be done that would move water to large developments

1 of the Bay Area.

2 That would conclude my remarks. I would hope
3 that you could direct staff to move to a more protective
4 percentage.

5 Thank you.

6 CHAIRMAN HOPPIN: Thank you.

7 The next group of five, if you'd come up. Bret
8 Warner, Andy Gottlieb, Karen Bryant, Carolyn
9 Campodonica, and Tony Betschart.

10 MR. LINDSAY: I think we might have missed one
11 person.

12 CHAIR HOPPIN: What was your name?

13 MS. CUTLEMAN: Mary Cutleman.

14 CHAIRMAN HOPPIN: I didn't call you. I'm sorry.
15 Bret.

16 MR. WARNER: My name is Bret Warner.

17 I'm a walnut farmer in the Turlock Irrigation
18 District. My family is third generation. My
19 grandfather started farming our ranch in 1913.

20 It's funny how everybody else has an opinion
21 about our water; that we're senior water rights holders.
22 My livelihood is worth nothing, I guess, to these people
23 and the under-assessment of what it costs to ag. And as
24 far as I'm concerned, we're the food basket of the
25 world. You can starve people by doing this.

1 And we're talking 35 percent. I never heard of
2 this 60 percent and more of our water.

3 Every person in the District would have to put
4 in a well. And the fish guy was saying that there's
5 more trees going in and more ag going in. There's more
6 ag in, but it's all -- they supply their own water.

7 The irrigation district has not grown. The
8 district was set back in the beginning and it's still
9 the same. There is no more land in the district than
10 there ever was. We aren't taking more water than we
11 ever did.

12 I'm between the Turlock main canal and the
13 Tuolumne River at the spawning grounds, so I'm right in
14 the middle of all this. We've had with the Salmon River
15 Reclamation projects trying to take property from us.
16 They put billions of dollars and millions of dollars
17 into salmon riffles. Every five years Bert takes more
18 water from us for salmon. Yet, constantly the numbers
19 have gone down.

20 You are going to take away my livelihood, my
21 kids' livelihood. Would you guys like to give up
22 50 percent of all your income and give it toward salmon?
23 That's what you're asking me to do.

24 There's six billion people in the world and
25 we're trying to feed them. When we have a few salmon

1 and no people left, maybe everybody in this room will be
2 happy. I think it's coming at a huge cost.

3 I ask you not to do this. There's other -- I
4 don't know what the answer is, but there's too little
5 water.

6 All the new acreage is going in are all wells.
7 In my situation, I have 77 acres of walnuts. If you do
8 this, even the 35 percent level, I would have to put in
9 a well. That costs about \$150,000. I'd have to pay an
10 additional \$1500 in property taxes for that improvement.
11 It would be about \$6,000 a month for electricity.

12 Right now I have gravity-flow irrigation. I
13 have micros on the gravity flow, so no pumps. I'm not
14 using electricity. Electricity would be probably 20
15 times more electricity than I am using now.

16 I have rights on the Tuolumne River, too.
17 Because with the regulations and whatever, I probably
18 couldn't irrigate. We have some ponds. It's illegal to
19 pump from those. My only choice is to dig a well.

20 I think this is insanity, really. All the lies
21 and the assumptions that I've heard today is -- I can't
22 believe.

23 Choose fish or people. We've all got to get
24 along somehow, but -- that's all I have to say.

25 Thank you for your time.

1 CHAIRMAN HOPPIN: Thank you for your time, Bret.

2 (Applause.)

3 MR. GOTTLIEB: Chairman and members of the
4 Board. This is the first time I've spoke to the State
5 Board. We did get a -- the Divisional Board sometimes
6 comes out to our ag building in Modesto, and we
7 appreciate that. And we get time to talk to them on the
8 side. But I just never could get up here until they had
9 a free bus today from the MID; so, thank the people that
10 put that together -- TID and MID.

11 I came specifically to talk about two manmade
12 pollutants that are being eventually dumped into the San
13 Francisco Bay, even starting up in Merced and Los Banos.

14 The name of the -- well, San Francisco Water
15 Department switched from chlorine to sanitize the water
16 to chloramine.

17 And about four years ago I did a -- I was
18 invited by the Internet to put together some comments on
19 the effects of ammonia. Because when you put chlorine
20 and ammonia together, which tells you on your bleach on
21 your washing machine don't do that, but somehow they
22 figured out how to do that.

23 And, now, what they assure me is at the
24 wastewater treatment plants they're taking the ammonia
25 out. But I don't think all wastewater treatment

1 plants -- it may not be tertiary. Maybe somebody is
2 getting waivers. I'd like to have you check that out.
3 I made 15 copies of my meta study that I did.

4 The other thing is that for over 40 years I
5 calculated that there's like two rail cars per every two
6 days, like San Francisco; and they're going to the water
7 treatment plant and the East Bay MUD water treatment
8 plant where they put in what's called silicofluoride.

9 And silicofluoride comes from the phosphate, or
10 primarily phosphate -- or there's a national shortage of
11 it right now. We're importing containers of it,
12 primarily from China right now. You can get those
13 reports on the Internet.

14 But what happens is there's been some big
15 studies where silicofluoride and chloramine get together
16 and it pulls the lead off the plumbing. And so the
17 schools, specifically in the towns of Washington D.C.
18 and Seattle, had to do some replumbing because they
19 determined the lead was too high in their drinking water
20 due to that fact of those two getting together.

21 Anyway, San Francisco sells their -- wholesales
22 their water for about 29 -- I've lost count -- cities
23 around the San Francisco Bay. They wholesale it to
24 them. And they deliver it already treated with the
25 chloramine and this silicofluoride.

1 You can read the whole study. There's a major
2 study here that relates specifically to salmon. What
3 happens is when they get hit by fluoride, they lose
4 their sense of direction on how to get back to where
5 they came from.

6 An Oregon State has done extensive lab studies
7 and realtime studies on the Snake River and Columbia
8 River, and those are all shown in this report. I would
9 appreciate if you would read about that.

10 Plus there's some other studies of how these
11 chemicals affect salmon. And I think the end result is
12 the whole putting of those chemicals in for what's
13 called better oral health should be stopped. Many
14 cities are stopping this in the U.S.A. because -- well,
15 primarily now because --

16 CHAIRMAN HOPPIN: Andy, if you could wrap it up
17 so I don't run out of time for other people here,
18 please.

19 MR. GOTTLIEB: Yes, sir. And I'll leave these
20 with the secretary.

21 CHAIRMAN HOPPIN: Karen, do you want to come up?

22 MS. MAHANEY: Chair Hoppin, just as a reminder,
23 if the speakers would identify themselves for the
24 record, that would be helpful.

25 CHAIRMAN HOPPIN: Karen Bryant.

1 Carol?

2 MS. CAMPODONICA: Hi. Carolyn Campodonica, and
3 I am from Merced.

4 And I want to tell you that I am really
5 disappointed with a lot of you people because I think
6 you're overzealous. I think some of the things that you
7 do are right.

8 I save all my bottles and bring them back to
9 have them replant -- or recycled, most of the stuff.
10 But, you know, farmers are the best caretakers of the
11 earth, and you don't give them credit for it.

12 And I believe the panel is biased. You make a
13 hundred bucks a day, each one of you. I believe you
14 make up stories and your facts are incorrect. I think
15 they're embellished. I think you use scientists -- I
16 don't know if they got paid off or what.

17 CHAIRMAN HOPPIN: Let me tell you something.
18 We're here listening. Don't call us zealots and --

19 MS. CAMPODONICA: Well, I do believe you are.

20 CHAIRMAN HOPPIN: All we're doing is listening
21 to you.

22 MS. CAMPODONICA: Because guess what you're
23 doing? You are not -- you are listening to these
24 people, and I bet if you turn around you will wind up
25 not hearing what they say.

1 And the thing of it is, Foster Farms is not too
2 far away from me, and guess what? I know a lot of
3 people who work for Foster Farms. If they lose their
4 jobs, they've probably lost their houses and they've
5 lost their cars. And you people would be responsible
6 for it.

7 The thing of it is, is that we have a lot of
8 people -- we had 30 to 40,000 people on the west side
9 who lost their jobs. They've never ever been in the
10 food stamp line, and they were stuck in the food stamp
11 line. A lot of them have moved to Fresno and that area.
12 We have a lot in the Merced area. They're still in the
13 food stamp line. They are very proud people.

14 It's unfortunate that a lot of you mess with the
15 water and think that it's a A-okay. Well, it is not
16 A-okay.

17 Everybody eats. Everybody thinks, oh, well,
18 let's see. We'll get it from Argentina. We'll get it
19 from there. We're broke. Folks, we are broke.

20 We're not only broke as a state but we are also
21 broke as a nation. We're printing our own money. And
22 when the other countries -- we used to be the number
23 third one for people to want to invest in our country.
24 In Nevada state, I'm sure they did. Because there's a
25 lot of businesses fleeing out of this state and going to

1 other states. And it's because of the regulations and
2 the older regulations that you have created for all the
3 farmers for every single business person that is here in
4 California. They are leaving in droves.

5 I've seen vehicles from other states come in.
6 And I know that they're probably from the state, and
7 they have enticed people to leave. You have Governor
8 Perry. You had North Dakota governor. You had New
9 Mexico governor coming in and enticing. I saw three --
10 three trailer trucks -- they were called cattle drive --
11 and they were leaving the state. Our cows were being
12 hauled to Utah.

13 And so people from all the other states are
14 coming and enticing businesses. And I'm going to tell
15 you that off of farming, whether it's directly or
16 indirectly, let me tell you something. There are 300
17 different businesses, and when you mess with one -- when
18 one farmer goes out or one person goes out, that deals
19 with -- okay. You got the paper. Okay. Who has the
20 paper? Somebody else has the -- what do you call it?

21 CHAIRMAN HOPPIN: Carolyn, would you wrap up
22 your time, please?

23 MS. CAMPODONICA: The cell phone. They have
24 different -- and the ink. And you're -- all those are
25 indirect businesses, just like the bank. They loan

1 money.

2 So I'm letting you know. Do not cut our water
3 in Merced nor Stanislaus because we need that water.

4 And I'm going to tell you personally -- I don't
5 care. I hate salmon. I don't like the taste of salmon.
6 I don't care which side of the river it comes on. But
7 you know what? What you need to do is what Santa
8 Barbara did. You need to do desalinization.

9 CHAIRMAN HOPPIN: Please finish your comments.

10 MS. CAMPODONICA: Then you'll have plenty of
11 fresh water.

12 CHAIRMAN HOPPIN: Thank you very much.

13 MS. CAMPODONICA: You're welcome.

14 CHAIRMAN HOPPIN: Tony Betschart.

15 MR. BETSCHART: Good afternoon. My name is Tony
16 Betschart. I'm in the Turlock Irrigation District,
17 Stanislaus County. And I don't know if I want to talk
18 after that, but --

19 (Laughter.)

20 I'm a farmer there. And I've never -- you know,
21 I've heard all of this about water and for the fish and
22 stuff, but I haven't heard anything about maybe putting
23 up more dams for just the fish to bank their own water
24 and release it down the Tuolumne or, you know, rivers as
25 they need it.

1 They just want to take and -- you know, I have
2 to buy the water. I pay the water that my grandfather
3 helped put on it behind that bank, you know. If I want
4 a new vehicle, I go buy one. I don't take somebody
5 else's.

6 Thank you.

7 CHAIRMAN HOPPIN: Thank you.

8 (Applause.)

9 CHAIRMAN HOPPIN: If the next five speakers
10 would come up, please. Jake Winger, Jeffrey Goshen,
11 Debbie Webster.

12 You came on the bus, Debbie?

13 Joe Scoto and Loren Scoto.

14 Jake, come up to the podium, please.

15 MR. WINGER: Good afternoon.

16 My name is Jake Winger, fourth-generation farmer
17 from Modesto. We farm walnuts and almonds. It's
18 "am-monds" not "all-monds." We've got to get that set
19 first off. Just like you don't say "saul-mon"; it's
20 "Sam-mon," right?

21 (Laughter.)

22 First off, I want to address just a few of the
23 comments that were made. There was one that -- you
24 know, a lot of this comes up we gotta -- we gotta pull
25 water from the farmers. They gotta do more. We need to

1 do better. One comment was: I would even invest in
2 something in the state to help farmers come up with a
3 better way.

4 Well, we have, since 1914 when the Cooperative
5 Extension was created for the UC system through the land
6 grant university system.

7 I've worked really close with agents from our
8 cooperative extension, and we take very serious how we
9 irrigate. We use pressure testers, and we actually pull
10 leaf samples off the trees and test the amount of
11 moisture within that leaf to determine exactly what that
12 tree needs so we know exactly when to irrigate, how much
13 water to put on, so we're not over-irrigating our trees.

14 It does a multitude of things for us, because
15 when those trees sit in an environment that's over
16 watered -- at least in walnuts specifically -- they can
17 develop diseases that are going to hinder their growth;
18 so I don't want to overwater them. I don't want to put
19 on too much.

20 So we are doing everything that we can to try
21 and establish how much water we need and how much we
22 need to use.

23 We've heard that, well, drip irrigation will
24 solve all of our problems. Everybody needs to go to
25 drip irrigation. Well, NRCS does soil mapping to

1 determine what types of soils that we have in our areas.
2 I have a neighbor who has a ten-acre block who has four
3 different soil types on that ten acres. Each one of
4 those soil types is going to take that water
5 differently.

6 So to say we're going to do a massive cut to the
7 amount of water available to you and everybody go to
8 drip irrigation would be like telling everybody in this
9 room you need to survive on a thousand calories a day.

10 Some people -- a few of them might get by, but
11 pretty much everyone else, you are going to start to
12 whither away and hope to survive. Because maybe not all
13 of our diets, depending on our activity levels,
14 depending on our metabolisms -- they cannot sustain that
15 massive decrease in need of nutrients. I think the
16 metaphor, at least, is fitting to an extent.

17 We heard that the models that we're using over
18 estimate the impacts on agriculture, when we also know
19 that they don't even take into consideration the
20 groundwater effects. That's kind of peculiar.

21 We heard a little bit to the extent of what's
22 going to happen within the districts. And that's where
23 my main concern is as an irrigator in the Modesto
24 Irrigation District.

25 If we're going to go to groundwater pumping,

1 which would have to happen, we're going to have to start
2 putting in a lot of pumps. We already know that the
3 water table is going to drop. The City of Modesto gets
4 most of their water -- much of their water from pumping.
5 They now have to offset some of that water with surface
6 water.

7 A lot of their pumps that are still in
8 existence, the water that those pumps produce by
9 themselves is not fit for human consumption because the
10 levels of arsenic. So they are dependent upon that
11 surface water to help dilute the levels of arsenic to
12 make the water drinkable for the residents of Modesto.

13 So what happens when there's less water out
14 there and we're pumping more groundwater? We're not
15 only reducing the table but now the arsenic levels go
16 up. So what happens? They need more water.

17 Well, Modesto Irrigation District was just cut
18 back on their allotment, so they don't have a lot more
19 water to give. So where is that water going to come
20 from? Well, it's going to be converted from ag use to
21 municipal use. And what happens then is we need more
22 wells. And it creates this vicious cycle.

23 I know my time is already up. Man, three
24 minutes goes by awfully fast.

25 So I just want to sum it up with one thought.

1 It seems on the outside looking in that this is a
2 complicated issue with an easy solution: More water.
3 35 percent, not enough. Let's go to 60. Let's crank it
4 on. More water is the solution.

5 Unfortunately, as we all know, complicated
6 issues aren't generally solved by simple solutions.
7 They require complicated solutions. If simple solutions
8 worked, I think our government would be in a little
9 better position. We wouldn't be in sequestration. We
10 wouldn't have bailouts, and I wouldn't be in this
11 meeting. I'd be flying to my beach house in my flying
12 car.

13 Thank you.

14 (Applause.)

15 MR. JEFF GOSHEN: He made a lot of sense. He's
16 a hard act to follow.

17 My name is Jeff Goshen. I'm from Oakdale,
18 California. I'm a local businessman.

19 The numbers in some of the things I'm seeing
20 here scare the living heck out of me, simply put.

21 One of the things too I have is a community
22 center. I actually hear all the needs of families and
23 everything else. Some people may love salmon. You know
24 something? I love families. I love the families in my
25 community and I love my community.

1 From what I am seeing, the pictures you had up
2 there -- from my backyard I actually see Lover's Leap.
3 That was Knights Ferry Bridge that you're seeing. I
4 actually go out and see the salmon run. I fish. I'm
5 that average guy. I'm the one that everybody is trying
6 to protect.

7 Sure, you have 10,000 people. I represent those
8 millions of people that use our natural resources. We
9 really care about this stuff. What's going to happen
10 with these type of flows? We're going to devastate
11 areas.

12 There's other ways to do things. The salmon
13 industry, maybe take less salmon. Just common sense
14 stuff. I'm just the average guy. It worked for rock
15 fish in Chesapeake Bay. You can tell from my crazy
16 accent I came from Maryland. I've been here twenty
17 years.

18 I've seen what can happen to a ecosystem. I'm
19 an environmental Republican, which is an oxymoron. I
20 have solar at my house. I truly care. But at the end
21 of the day, I see some false science here.

22 When I hear a gentleman saying we'll pull twice
23 as much or three times -- oh, by the way, we'll still
24 base all our hydroelectric rates on a full flow, the
25 math doesn't make sense. You just drained it down.

1 I would have you -- please look at some of the
2 information you're looking at. I don't think the
3 numbers are correct.

4 So, on that, love family. Everybody loves
5 family. Please protect my family and other families in
6 our area. Because California, this is what made us
7 special -- where people care. I'm seeing some things
8 that really concern me.

9 Thank you for the time.

10 CHAIRMAN HOPPIN: Thank you.

11 Debbie Webster.

12 Did you really come hest on the bus, or did you
13 just figure that was a good way to speak?

14 MS. WEBSTER: No. I came in at the same time.

15 CHAIRMAN HOPPIN: All right.

16 MS. WEBSTER: Good afternoon, Chair Hoppin,
17 members of the Board. Debbie Webster. I'm with the
18 Central Valley Clean Water Association.

19 I appreciate this time to talk.

20 (Thereupon an overhead presentation was
21 presented as follows:)

22 MS. WEBSTER: The substitute environmental
23 document appropriately states that POTWs will not
24 significantly affect the salinity problem -- affect the
25 objectives and could result in some significant

1 requirements for POTWs.

2 About six years ago there was a modeling effort
3 that was done with multi-stakeholders that included some
4 of the cities, DWR, CSPA, and others to model what the
5 effects of some of the POTWs were.

6 --oOo--

7 MS. WEBSTER: They looked at comparisons and
8 flows and high exports. And we're looking at current
9 objectives. And basically here's the low export slide.
10 And the next slide will show you the high. It found
11 that the POTWs are *de minimus* requirements.

12 --oOo--

13 MS. WEBSTER: However, if we go to this table
14 from table 17.1, when we look at the alternatives, we
15 see that the only significant impact comes to service
16 providers, or POTWs. So we're looking at a significant
17 impact with insignificant results. And so that's what
18 I'm here to talk to you about.

19 I think that there's remedies that you can do in
20 order to minimize the significant impact. And that
21 includes looking at an alternative salinity effective
22 somewhere between Alternative 2 and 3, say 1200, because
23 that's where POTWs comply without having to go to
24 reverse osmosis.

25 You can look at other things like different

1 averaging periods, mixing zones, variances. There's a
2 slew of ways that you can address this without causing
3 significant impact.

4 So we've had a chance -- we really appreciate
5 it. We've had chance to talk to your staff about that.
6 We will be submitting written comments. They will also
7 include some revised estimates on the costs, which we
8 think are about two-and-a-half times lower than they
9 really should be.

10 And we'd love to be able to continue this
11 conversation with you, but this is an important issue
12 where I really think common sense is needed.

13 So thank you for your time.

14 CHAIRMAN HOPPIN: Thank you, Debbie.

15 Joe Scoto.

16 MR. SCOTO: Good afternoon. Hello.

17 My name is Joe Scoto. I'm a lifelong citizen of
18 California, and I'm a third-generation farmer of more
19 than 32 years.

20 First off, to begin with, I thank you for the
21 opportunity and time that you have given to hear what I
22 have to say.

23 Number one, I'd like to make a few comments.
24 One of the individuals said that -- they assumed in one
25 of the PowerPoints that there's not going to be any

1 groundwater pumping. That's incorrect.

2 I mean, we have lots of pumps in the area. The
3 city of Merced is 100 percent groundwater. If
4 agriculture gets the water cut off, we're going to
5 starve all our wells.

6 When I was a young -- I'm 51 years old. When I
7 was 13 years old, the water level was around 12 feet. I
8 went and measured the well the other day; it was 45.
9 45 feet and it's dropping. You cannot cut the water
10 from agriculture and keep it that way.

11 And the other comment was that the Merced River,
12 if we keep the flows going down there, that the
13 people -- the low-income people are going to go to the
14 river. They are going to go to the river because there
15 won't be any water to take a bath. They're going to go
16 to the river to take a bath. That's the only water
17 that's going to be around.

18 And the value of the property is going to go up.
19 I don't own any property next to the river, so my
20 property values are going to go down if I don't have the
21 water.

22 So water, especially here in California, is the
23 backbone of what has driven the State and its populace
24 to become the eighth largest economy in the world.

25 However, as of late, water usage by agriculture

1 seems to have come under attack. At the core of this
2 attack lies the Delta smelt, as well as salt water and
3 brackish water issues from the Delta.

4 I am sure the Board has heard many facts about
5 how devastating a cutback of water to valley farms is
6 and will become. These facts are relevant and pertain
7 to however much water you choose to take from us.

8 Today I will not be restating these same facts.
9 I am going to present a hopeful solution to the Board
10 with a sense of urgency and concern.

11 If the Board makes a decision that includes the
12 use of our 35 percent of unimpaired flows, my life's
13 work, as well as my farm's future and California, will
14 turn to dust. But I digress.

15 As I stated earlier, I come before the Board
16 today with a solution. I believe that the future of
17 water usage can be accomplished with the use of
18 desalination plants.

19 In 2008, a Connecticut-based firm won approval
20 to build a desalination plant north of San Diego that
21 would produce 50 million gallons of drinking water per
22 day. This would be enough water for 100,000 homes at
23 the cost of 81 cents per cubic meter, or 264 gallons,
24 equaling three one hundredths percent of a cent per
25 gallon. This plan has got to be fully operational

1 because of environmental issues.

2 A San Leandro company has been desalinating
3 water for 46 cents per cubic meter, or one hundredth of
4 a cent per gallon. This company has installations all
5 over the world from Istanbul, Australia, Europe, India,
6 and many more locations. A desalination plant can make
7 its own energy to power itself.

8 The Board is asking us farmers to give up
9 approximately 1,260,000 per-acre feet per year. This
10 could feed over one million people per year. This would
11 equal 252,000 acres of farm ground that would need to be
12 set idle.

13 With each side attacking each other -- farmers
14 versus environmentalist -- we are not really on the same
15 side providing for the people. Shouldn't we really be
16 trying to work toward a common goal, which is ensuring
17 that the populace has enough water and food to feed
18 present and future generations?

19 First and foremost, humans and --

20 CHAIRMAN HOPPIN: Joe, can I give you Loren's
21 time? Is that all right with Loren?

22 MR. SCOTO: No. I'm done. I'm done.

23 California is always ahead of the curve. Let's
24 keep the water in the reservoirs to be productive and
25 grow the safest and most cost-effective food in the

1 world.

2 We have one thing that other highly populated
3 states don't have, and this is 840 miles of coast line.
4 Let us be like other countries around the world and make
5 a sensible decision by building cost-effective
6 desalination plants and provide for future generations
7 and keep water in the Delta.

8 Thank you.

9 CHAIRMAN HOPPIN: Thank you, Joe.

10 Loren.

11 (Applause.)

12 MR. LOREN SCOTO: Well, I believe you met my
13 father.

14 (Laughter.)

15 Hello. I'd like to start by expressing thanks
16 to the Board by allowing me to speak today.

17 My name is Loren Scoto. I'm 23 years old, and I
18 was born and raised in Merced. I come from a family of
19 farmers that stretches back three generations. I just
20 graduated from college, and I represent one side of the
21 two-sided coin that the Board is flipping and making
22 these water decisions.

23 Surrounding me here today are individuals whose
24 experience far outweigh mine. These individuals' trials
25 and tribulations in agriculture have helped California

1 become a powerhouse in the world economic front. The
2 respect that I have for these ladies and gentlemen is so
3 high that it is hard to describe, and I can only hope to
4 emulate their life's work. They all represent the first
5 side of the coin.

6 However, I am not representing this group of
7 people. I am here representing the upcoming generation
8 of farmers and agriculturalist.

9 I represent the side of the coin that many
10 people seem to forget about, the side of a coin that has
11 undoubtedly fallen to the wayside. There's not much of
12 my generation willing to take the step forward and be
13 heard or stay involved with the farm they grew up on and
14 have come to love.

15 I do not want the Board to forget about this
16 important group of people when making a decision.
17 There's no doubt that you have been bombarded with facts
18 and solutions all day today, and I assume you are all
19 tired of hearing the same thing. I will not barrage you
20 with these same numbers.

21 I feel it is more important for the Board to get
22 to know exactly who is affected by the decision that
23 will be made.

24 My entire life all I've wanted to do is farm and
25 to be involved in agricultural, like my father, my

1 grandfather, and my great grandfather.

2 I have grown up in the fields filled with
3 tomatoes, alfalfa, corn and cotton. Much like the
4 almond trees that I've come to love across Merced
5 County, I have grown in Boston.

6 Molded by my surroundings, agriculture is part
7 of me just as much as are the roots of said almond
8 trees. My heart and soul are intertwined with the
9 land.

10 It was my intent to come back from school --
11 excuse me -- and help my father and my uncles prosper
12 and grow. I have the tools in front of me, a four-year
13 crash course in crop science, and over a hundred years
14 of combined experience to help me learn along the way.

15 The best way to move forward is to embrace old
16 and new. I represent the new technology and hope to
17 blend with the tried-and-true technology of years past.

18 There will always be challenges ahead of me. I
19 have accepted that. And with my face turned toward the
20 rising sun, I've confidently embraced these challenges
21 and learn and grow.

22 However, there's some challenges that may be too
23 much for me. The Board's decision on unimpaired flows
24 will be one of these challenges that happen to fall
25 under this category.

1 I want the Board to understand -- I'm sorry. I
2 want the Board to understand that the result of your
3 verdict will directly affect me and young people exactly
4 like me. Your ruling could very well spell an end to
5 the family farm, and it's been in my family for three
6 generations.

7 Sorry. You guys are intimidating.

8 CHAIRMAN HOPPIN: Take a deep breath, Loren.
9 You'll be fine.

10 MR. LOREN SCOTO: I'm sorry. I'm not feeling
11 too well. I'm going to go ahead in there and -- I do
12 have to sit down.

13 (Applause.)

14 CHAIRMAN HOPPIN: Will Amanda Carvagal, Jake
15 Verburg, Richard Long, Jennifer Carlson, Jim Morrison,
16 and Kent Higgins come up.

17 To the best of my knowledge, that's the last of
18 folks that were on that bus. If there's anybody that
19 needs to speak, if you would see Mr. Lindsay, the
20 gentleman in the blue shirt in the front of the room,
21 give him your name. I will do my best so you're not
22 separated from the bus. If you're not on the bus and
23 you try and tell me you are, then make sure you're on
24 the bus when you go home tonight.

25 (Laughter.)

1 Amanda, do you want to go ahead?

2 MS. CARVAGAL: Good afternoon. My name is
3 Amanda Carvagal. I'm the executive director with the
4 Merced County Farm Bureau. Thank you for listening to
5 all of us today. I know it's been a long day for you.
6 It's been a long day for us as well.

7 Just to start off, Merced County Farm Bureau
8 represents 1500 farmers and ranchers in Merced County
9 since 1917. We're the fifth most productive county in
10 the United States, and we are a \$3.2 billion industry as
11 of last year. That is annually, and that is just cash
12 receipts. That does not include anything that is a
13 multiplier fact which, if in fact was the case, is
14 almost \$10 million.

15 So that said, why do we have concern?
16 Obviously -- you've heard repeatedly -- water is our
17 lifeblood. We need it in every aspect of our lives, in
18 agriculture and in our day-to day lives.

19 Some of the biggest problems that I have seen
20 with the SED is the document itself -- and I think it's
21 been touched on repeatedly -- is the analysis of the
22 environmental aspect versus the economics. And I know
23 in CEQA you don't have to analyze the environmental
24 impact as thoroughly. It still needs to be touch on.

25 However, when the two numbers don't compare and

1 you don't find a full analysis, you make us question
2 everything that you guys are doing. And so we just want
3 to make sure that the analysis is full.

4 And if you guys are going to look at the fullest
5 impact that could occur, we need to see all the same
6 types of numbers, including groundwater. And,
7 ultimately, we have large numbers, and our guys are not
8 going to step down, because productivity is required.
9 Not because they want to make the money but because we
10 have a population that is still growing -- and
11 rapidly -- that we have to continue to feed.

12 So this is something that I am just trying to
13 kind of hope that resonates with you guys, is what all
14 of our guys are trying to reach out to you today.

15 Not only will this groundwater be affecting our
16 farmers but, like was mentioned earlier, all of the
17 cities on the east side of the county, not just Merced
18 City, are reliant on groundwater. That means not only
19 will the farmers be fighting with the cities but all of
20 those in the rural communities who aren't farming, just
21 a rural residential house, we will all be competing for
22 this groundwater.

23 And we've already had issues with this. And in
24 our area alone, that's over 20 -- or 130,000 people
25 we're talking about.

1 So this is a very, very specific concern that
2 isn't just relative to agriculture; it's my home town
3 and my community that we're trying to direct here.

4 Specifically, the other aspect that I'm not sure
5 was touched on -- we got here a little late, so it might
6 have been touched on -- is during the presentation when
7 we were talking about the groundwater and everyone
8 turning on the pumps, is there an analysis of the air
9 quality impacts of the pumps? I know there is, but is
10 that at the fullest extent possible?

11 Because if we have guys who are going to be
12 turning on their pumps, which they are, we're going to
13 have air quality issues. And we are in Merced County
14 and we regulated to the nth degree. And it's really
15 frustrating because my guys are paying for it day in and
16 day out. And this is another thing that ultimately is
17 going to fall on -- the burden on them. And we just
18 want to make sure that this is included in the analysis
19 to the fullest extent possible.

20 Finally, we do have a major concern with the
21 fact that this decision, though your guys are proposed
22 at 35, it could vary from year to year, going up to 45.
23 In planning for your next season -- these guys are
24 starting in October and November when they are
25 harvesting their last fields. This makes it really

1 difficult. When you don't know how much water you're
2 going to have, you can't plan for the future. That
3 means your employees, your long-term employees, who they
4 consider family, cannot have their plans made. They
5 can't really plan for the future. My guys like to plan
6 for the future. Let me tell you.

7 Finally, one of the things that was mentioned
8 with the CEQA process, CEQA doesn't require perfection.
9 And we understand that. However, it does require the
10 adequacy, the completeness, and good faith. And in
11 reading some of this document in our analysis, it's not
12 there right now. And we need to have that whole faith
13 in your guys in the conversation that goes between
14 anyone in the agriculture industry, may it be water
15 purveyors or other, and you guys. Because we don't feel
16 like that communication has been there.

17 So thank you so much, and I look forward to
18 working with you in the future.

19 CHAIRMAN HOPPIN: Thank you, Amanda.

20 Jake.

21 MR. VERBURG: My name is Jake Verburg. I'm a
22 dairy farmer in Modesto, California. I've been there
23 for 49 years. I'm an immigrant from Holland, so I
24 wasn't born here but -- there was a comment made in the
25 Modesto Bee, and that comment was made by this gentleman

1 here this morning, about, well, we just need to go to
2 high-valued crops, like almonds.

3 I'd like to know how he's going to feed my cows
4 with almonds. I don't think they're going to eat them.
5 So we need alfalfa. We need corn. We need those types
6 of crops to sustain the dairy industry.

7 The dairy industry today in California is 1600
8 of us. Within the next year, there's going to be 1400
9 of us. We're being forced out of this state as it is
10 already. All this is going to do is accelerate an
11 industry which is the number one industry in this state.

12 That's all I have to say. Thank you.

13 CHAIRMAN HOPPIN: Thank you, Jake. Thanks for
14 your time.

15 (Applause.)

16 CHAIRMAN HOPPIN: Jennifer Carlson.

17 Jim Morrison.

18 Kent Higgins.

19 MR. HIGGINS: Thank you for letting me speak.

20 My name is Kent Higgins. I am just a concerned citizen.

21 I am familiar with what happened at the
22 Siskiyou/Klamath River dams awhile back, and I just
23 wondered if there's any parallels to what's going on
24 right now.

25 The Department of the Interior and other

1 environmental groups, including the Fish and Game, were
2 there, and they wanted just to take down the dams.

3 There were three dams in California, one in
4 Oregon. One was the Iron Gates. The other one was the
5 Copco 2 and the other up with was Copco 1. That was in
6 California. Then there was a John C. Boyle, and that
7 was in Oregon. And this was all about saving the coho
8 salmon. They wanted to blow these dams up.

9 And it was later proven that the fish were not a
10 threat -- or were not threatened. And they weren't
11 native; they weren't a native fish, and they had no
12 commercial value.

13 And if they destroyed all these dams, which they
14 didn't -- the people fought against this and they
15 stopped it. There was just too much upheaval about it.
16 But if they did, it would have taken away a low-cost
17 energy from the dams, a clean energy source, carbon
18 free. There were 70,000 homes that would have been
19 affected. Their electricity would have been gone. They
20 would have been gone anyway. The fish hatchery that
21 produced six million king salmon and 200,000 steelhead
22 and 75,000 coho salmon would have been gone too.

23 It would have wiped out the agricultural area
24 there, which was 97 percent of the whole economy there,
25 and property values would have fallen. They already did

1 while they were talking about the dam. They fell
2 50 percent. And the taxpayers, to be completely
3 insulted, would have had to pay for the dams, which for
4 the dams to be taken down would have been millions of
5 dollars.

6 So I just would like to say that in conclusion
7 maybe we should -- let's see. Instead of speculation,
8 why don't we just look into science more? This could be
9 just speculation science we're talking about. None of
10 this stuff can really be proven. We're just talking
11 about it.

12 So I thank you. I hope I got under my three
13 minutes. Thank you very much.

14 CHAIRMAN HOPPIN: You did. You might want to
15 check some of those dam facts, as they say.

16 MR. HIGGINS: Well, can you give them to me?

17 CHAIRMAN HOPPIN: Kent Higgins. Oh, that was
18 you.

19 MR. HIGGINS: That was me.

20 CHAIRMAN HOPPIN: I thought you were confused
21 and it was me.

22 Louie Bandoni, Ashley Bandoni, Pamela Sweeten,
23 and Richard Ulm, if you'd come up, please.

24 MR. LINDSAY: We might need to take a brief
25 break for the court reporter.

1 CHAIRMAN HOPPIN: Is she cramping up? We'll let
2 the court reporter take a little break here.

3 (Break taken.)

4 MR. BANDONI: Chairman Hoppin and fellow Board
5 members, thank you very much for giving me the
6 opportunity to speak.

7 My name is Louie Bandoni, and I'm from Merced.
8 I am a third-generation farmer. That's what I've done
9 all my life. I know farming in and out.

10 One thing I would like to say is that there's a
11 big turnout of farmers today. There's a reason for
12 that. It's really, really hard to get farmers to go to
13 any functions at all. They're so busy and so dedicated
14 to what they do, and the fact that there's so many of
15 them here goes to show how important we feel this issue
16 is. It's extremely important. Water to us is
17 everything.

18 The one thing I'd like to say is my father
19 taught me everything I knew from when I was a little
20 kid. He really worked with me. And I'm doing -- I did
21 the same with my son when he was growing up. That is a
22 resource. To have a family farm and have children that
23 are willing to take over the farm is a resource that you
24 do not want to lose, because you cannot replace somebody
25 who's willing to get up at two in the morning and go

1 check for frost, which my son right now is irrigating,
2 believe it or not. And to have that kind of work ethic
3 and to be a farmer is a resource that you cannot lose.

4 And so that's why it's so important to protect
5 that resource. And I'm fortunate to have not only my
6 son who wants to farm. Also my daughter-in-law, who's
7 right here and she's going to be speaking after I am,
8 that's totally involved in agricultural -- both of them.
9 And I think that's something that is very important.

10 The one thing that I think you have to realize
11 is that farmers are also endangered. You start taking
12 water away from us, you are endangering something that
13 cannot be replaced.

14 And, also, the San Joaquin Valley, food equals
15 water, or vice versa. And without water, especially in
16 the San Joaquin Valley which can grow upwards of 300
17 different crops, you cannot grow food.

18 And the issue with the pumping, around our area
19 we already have what's called subsidence, which land is
20 sinking. And that's from overpumping. You're going to
21 force us to pump.

22 We're so fortunate to live in a district where
23 we can use gravity water and supplement with pumping.
24 But when you're forcing us to use pump water as one of
25 our main sources to try to -- you know, if, for

1 instance, we got the 35-acre unimpaired flow
2 -- 35 percent, excuse me -- we would be down to a little
3 over one foot, and so we would have to supplement all
4 that water. And we would be over-drafting our
5 underground to the point that I don't know if we would
6 start subsiding. So I think that's an important issue.

7 So, anyway, I don't have much else to say. And
8 so thank you very much for letting me speak.

9 CHAIRMAN HOPPIN: Thank you.

10 Ashley.

11 I've got about 45 cards left to go. You can do
12 the math on three minutes. I don't know how to say it
13 other than ask -- when it gets to three minutes, I'm
14 going to ask you to sit down. And I'm not trying to be
15 rude, but we've got people from all over. We didn't
16 anticipate this many cards, so please understand that
17 we're not trying to cut you off. If you can, kind of
18 gather your thoughts up.

19 With that, Ashley.

20 MS. BANDONI: Thank you, Board, for the time.
21 I'm very honored to follow my father-in-law, who is a
22 very inspiring man. And I hope to be as successful in
23 life as he has been. He's truly wonderful.

24 I'd like to give you some perspective who I am
25 and why I am here. I'm a pest control adviser/crop

1 adviser. My husband, a fourth generation farmer, and
2 myself, are almond growers.

3 I'm a sales representative with Syngenta. I
4 sell seeds, seed care, and crop protection chemicals to
5 thousands of growers in Merced, Stanislaus and San
6 Joaquin.

7 I'm the secretary for Merced County Young
8 Farmers and Ranchers. I'm also the first vice president
9 for Merced County California Women for Agriculture.

10 I came today to try and represent all of these
11 people and organizations, as well as the next generation
12 of California, but especially the next generation of the
13 world. Just yesterday, I helped to host an event with
14 450 women in attendance who support and are ready to
15 fight for California agricultural.

16 I understand that in this room there are many
17 people who would call themselves environmentalists. I
18 believe that the passengers on the buses that came from
19 Merced and Stanislaus counties today are by and large
20 the true environmentalists in this room.

21 By the nature of the job, a farmer has to be
22 sustainable and environmentally conscious. I challenge
23 you to find a better steward of the land than a farmer.

24 Members of the Board, each of you have been
25 appointed to make decisions which will affect the future

1 of California's economy and, most importantly, the
2 world's food supply.

3 California produces high quality, safe food that
4 the world relies on. It is time for each of you and
5 this State to realize that you are threatening to
6 destroy our State's sustainable food supply.

7 I am worried about the future of the State and
8 the future of California agriculture. Ask yourselves if
9 you want to continue eating safe and affordable food,
10 and if you want your children to have that same
11 opportunity. Ask yourselves if you'd like to know where
12 your food comes from and if you'd like to keep it that
13 way.

14 By approving this proposal, you are killing jobs
15 for California; you are killing our state food supply.
16 You are choosing for countries who rely on California
17 produce to struggle to feed themselves.

18 Members of the Board, if you're considering to
19 approve this proposal, I'd like to invite each of you to
20 come to the Central Valley. I would gladly introduce
21 you to the families and show you the fields which will
22 no longer be producing your states an affordable food.

23 I have heard many comments today concerning an
24 inadequate flow of water for the salmon population.
25 What I have not heard is the concern for adequate amount

1 of water to grow the food for our increasing population
2 of the world.

3 People will not -- California will not feed the
4 world with salmon. California will feed the world with
5 our agricultural products.

6 When I got here this morning, I noticed some
7 individuals wearing badges saying, "California needs
8 salmon." California needs agriculture. California
9 needs to feed the world.

10 Members of the Board, do not take this decision
11 lightly. Please do not take the water which feeds the
12 world. I urge you to choose California agriculture.

13 CHAIRMAN HOPPIN: Thank you, Ashley.

14 (Applause.)

15 CHAIR HOPPIN: Pam.

16 MS. SWEETEN: Members of the Board, I, too, am
17 with California Women for Agriculture, representing
18 over 200 farm families in Stanislaus County. And we
19 actually have our meeting tonight on classic wine
20 vinegars.

21 Agriculture is doing more and more every day.
22 Farmers are innovative and always changing what they're
23 doing and how they're working to have value-added crops.
24 Those value-added crops add jobs.

25 Just last week in Fresno, there were over 60

1 companies from the Central Valley represented, showing
2 off their wares to the world and to the country, and
3 people coming in from Costcos and Sam's clubs. And
4 these are creating very big jobs.

5 Did you realize that one out of every four
6 containers that leave a port in Long Beach are leaving
7 with ag products in them?

8 So it's not just California ag jobs that we're
9 worried about. What about these jobs in the ports in
10 Oakland? They're going to lose jobs over there too.
11 It's not just the farmer.

12 But less than 10 percent -- I'm going to just
13 read this one quote here that I've got because I think
14 it's very important. It says it all. "Americans spend
15 10 percent of their income on food, the lowest of any
16 country, thanks to farmers and smart farm policies."

17 And if all of you can just remember this, the
18 FFA motto is: "Learning to do, doing to learn, earning
19 to live, and living to serve."

20 Your farmers are involved in your school boards,
21 your city councils, your water boards. We're just not
22 on the farm doing our own thing. We're involved in the
23 community in lots of other ways -- serving as board of
24 directors for various organizations and nonprofits. And
25 all of these things will be impacted if you're going to

1 impact the farmer and what's happening on that farm.

2 I support an organization called Sierra Vista
3 Children's Services out of Modesto. We put on a golf
4 tournament and raised over \$40,000, and that money goes
5 back to families.

6 But you know what? It's agriculture that puts
7 on that tournament and raises that money. It's
8 agricultural that brings that money in to support these
9 families that need this help. So without the
10 agricultural dollars that are being made on the farms,
11 those are going to be other issues that are going to
12 come up that won't be supported because agricultural
13 loses out because we don't have water.

14 Thank you.

15 CHAIRMAN HOPPIN: Thank you, Pamela.

16 Richard.

17 MR. ULM: Thank you, Mr. Chairman, members of
18 the Board. Richard Ulm. I'm the Director of Utility
19 Planning and Projects for the City of Modesto. And in
20 the interest of full disclosure, I'm also a
21 third-generation farmer. And usually -- sometimes I
22 have conflicts between my city work and farming
23 interests, but we're fully aligned here today.

24 So I just want to put a little face on another
25 type of user that hasn't gotten too much -- other than a

1 mention today, which is the municipal user.

2 The City of Modesto serves a population of
3 265,000 people today. We ultimately plan to serve
4 400,000 people with water. Currently, we spend -- or we
5 get 45 percent of our water from surface water in a
6 partnership that we have with Modesto Irrigation
7 District; and ultimately we plan -- our urban water
8 management plan indicates that we are planning on
9 ultimately serving 65 percent surface water for our
10 residents.

11 We are also working with the cities of Turlock
12 and Ceres to try to work with a similar-type project
13 south of the Tuolumne River with Turlock Irrigation
14 District.

15 One thing I wanted to point out is that
16 Modesto's surface water supply is directly tied to the
17 ag supply. We have an agreement with the Modesto
18 Irrigation District that we get a proportional -- if
19 there's a cut in ag water supply, we get a proportional
20 cut in the municipal water supply.

21 Modesto learned the hard way in the '80s that
22 going to groundwater is not sustainable. We had
23 precipitous drops in our groundwater table. Those have
24 recovered somewhat, actually, probably back to the
25 levels they were in the 1970s. But groundwater is --

1 the point I want to make is groundwater pumping is not
2 sustainable in the long run.

3 Modesto is an ag-based economy, and it relies on
4 a lot of the farm community and the food processing for
5 employment. And a lot of our lower resident -- many of
6 our lower-income residents rely on that industry for
7 employment. And I just want the Board to consider that
8 reducing the ag economy will have an impact -- a
9 disproportionate impact on some of our disadvantaged
10 communities in the area.

11 So looking at the SED, I saw very little
12 information in there about the impacts to your municipal
13 service providers. I think that's something that really
14 needs to be stepped up in there. It's really kind of a
15 footnote in a few of the tables.

16 So that's probably the main point I wanted to
17 make, other than I wanted to reiterate an invitation to
18 have you come down to the Stanislaus County/Modesto.
19 We'd do our best to set up a venue if you are interested
20 in talking to some of the people that may be impacted by
21 this decision.

22 CHAIRMAN HOPPIN: Thank you, Richard.

23 Loren.

24 I want you to know, Loren, I've done exactly
25 what you did a couple times. I get so wound up in what

1 I'm talking about I forget to breathe.

2 MR. LOREN SCOTO: Thank you.

3 CHAIRMAN HOPPIN: Just stop and take a deep
4 breath. I've been there.

5 MR. LOREN SCOTO: I'm kind of embarrassed.
6 Thank you for letting me finish this.

7 I just have, like, two more quick points that I
8 want to say and that I believe I left you guys at. That
9 there are some challenges that may be too much for me.

10 The Board's decisions on unimpaired flows will
11 be one of these challenges that happen to fall into this
12 category. I want the Board to understand that the
13 result of your verdict will directly affect me and young
14 people exactly like me.

15 Your ruling could very well spell an end to a
16 family farm that has been in my family for four
17 generations, with a loss of employees who have worked
18 alongside of us for over 25 years.

19 The thought of losing everything my family has
20 worked for and everything I've ever wanted to do is
21 truly the definition of heartbreak.

22 Imagine with me for one moment that each one of
23 you has built something that you want to pass down to
24 your kids or your grandkids. Now imagine that the dream
25 is taken way from you and you are left with only the

1 story of what once was.

2 I understand that it may be hard to imagine
3 this, but it is a grim reality for myself and my father
4 to watch the land that is fallowed by this reduction in
5 water.

6 We are on the verge of a judgment of a lifetime,
7 and so I stand before the Board not as a Democrat, not
8 as a Republican, not as an environmentalist or an
9 agricultural zealot. I stand before you as a humble,
10 scared young man who is hoping that you may make the
11 right decision not only for my livelihood and my dream
12 but for the generation like me whose voices cannot be
13 heard and whose livelihood relies on you.

14 And for the record, I just wanted to ask the
15 Board a quick question: Do you guys know where you
16 would be without the farmer?

17 CHAIRMAN HOPPIN: We do. I guarantee you I do.

18 MR. SCOTO: Naked and hungry.

19 Thank you.

20 (Applause and laughter.)

21 CHAIRMAN HOPPIN: I can see why you didn't cede
22 your time to your father-in-law.

23 Michael.

24 MR. MACIEL: Good afternoon. I'm Michael
25 Maciel. I'm mayor pro tem for the City of Tracy.

1 CHAIRMAN HOPPIN: I didn't even come close, did
2 I?

3 MR. MACIEL: Close enough. Somebody told me
4 that they were talking about me, so I took their word.
5 And even if you were wrong, I'm here now.

6 (Laughter.)

7 First of all, I'd like to share with you the
8 insignificant fact that I actually grew up and lived in
9 Vernalis. I thought I was the only person in the room
10 that could make that claim, but there was a gentleman
11 here earlier who was also from Vernalis. It's a real
12 place. It's actually not where your station is, but
13 it's about six miles away as the crow flies.

14 Thank you for the opportunity to speak today.
15 The City of Tracy is keenly interested in the proposals
16 here for a couple of reasons. One, it could affect our
17 prospective water supply. And it could also have an
18 impact on our wastewater discharge salinity into Delta.

19 Tracy takes its environmental responsibility
20 seriously. We've worked very hard over the past 20
21 years to reduce salinity. We've achieved significant
22 reductions. We're at about half the discharge levels as
23 we were in the '90s.

24 We've done this largely through switching to the
25 use of surface water. We're previously a community that

1 was dependent upon groundwater. Our groundwater sucked.
2 It was very high in salinity. In fact, if we were to
3 pump our groundwater directly into the Delta, it would
4 not meet standards.

5 So we backed away from using groundwater. We're
6 at 98 percent surface water now, and 70 percent of that
7 we get from the South San Joaquin Irrigation District.

8 They've expressed concerns that some of these
9 regulations could result in reduced supplies to us in
10 dry years. That could conceivably force us back to
11 using groundwater, and then we'd be back in that
12 situation of struggling to meet salinity discharge
13 standards. So the potential here is that it could cause
14 us to take a significant step backwards.

15 I encourage the Board to consider the ideas
16 proposed by the technical people that will come up here.
17 I'm certainly not a scientist. I don't envy you trying
18 to interpret all the graphs that were presented
19 throughout the day. I couldn't. But that's your
20 charge, and that's what you are faced with.

21 Again, we've heard a lot from agriculture today;
22 we've heard a lot from environmental fishing interests.
23 And, again, we come from a different perspective.

24 I think I've talked quickly enough. I probably
25 only have a few seconds left.

1 Taking off, my representative of Tracy -- and
2 speaking just as a person in the audience, this,
3 unfortunately, almost shapes up as an agricultural
4 interest versus environmental interest issue. And maybe
5 that's unavoidable.

6 The end result will probably have to involve
7 some sort of compromise. I don't want to sound too
8 judgmental, but some of the folks on the environmental
9 side, they're talking about 60 percent-plus. I would
10 bet you every penny in my wallet that the ag people are
11 insulted by those proposals. It just won't work for
12 them. And in our concern that probably would cause us
13 some concern also.

14 So please keep in mind that there needs to be
15 compromise. And some of these proposals, you know, from
16 the ag perspective, are just not viable.

17 In full disclosure, I also come from an
18 agricultural background prior to my law enforcement
19 career, prior to my public service career as an elected
20 official.

21 So thank you very much for your time.

22 CHAIRMAN HOPPIN: Thank you, Michael.

23 Sherri.

24 MS. BRENNAN: Sherri Brennan, Supervisor,
25 Tuolumne County. Thank you very much for the

1 opportunity to speak to you today.

2 Tuolumne County is home to the reservoirs that
3 we're talking about -- the Stanislaus and Tuolumne
4 River.

5 More importantly, 75 percent of our county is
6 public lands and makes up the watersheds that feed those
7 reservoirs and subsequently supplies the water that
8 we're talking about today.

9 We all have to be saddened when we hear two
10 industries battling each other for a resource -- the
11 fisheries and the ag community, a community that
12 literally is feeding the world.

13 Tuolumne County will be submitting extensive
14 comments on accumulative impacts, but I really want to
15 talk about those watersheds for just a minute.

16 We have had a situation in Tuolumne County with
17 our public lands where we have been engaged in
18 management of single species for a number of years.

19 Currently, the Stanislaus National Forest, those
20 two watersheds, grows approximately 130 million board
21 feet every year. Something in the neighborhood of
22 14 million board feet and woody mass is taken out of the
23 watersheds. That means every year cumulatively we are
24 adding a hundred million board feet to those areas.

25 We have good science. We know that two-thirds

1 of the moisture that falls goes directly into the woody
2 forest. Two-thirds.

3 If we had any kind of an active forest
4 management that managed for biodiversity instead of
5 single species, we wouldn't be having this discussion
6 today. If we had just 25 of that two-thirds available
7 coming down into the reservoirs, we really would not be
8 having this discussion.

9 So I would encourage you -- I have not seen any
10 language that is looking at the watersheds in this
11 document, and lack of management in those watersheds.

12 I know the National Forest is in the process of
13 doing their land management plans. A number of the
14 southern forests have already started them. Everyone in
15 this room needs to be engaged in those conversations,
16 and we need to be looking for healthy forests.

17 We have the technology; we have the ability, and
18 it really is part of the answer to the problem that
19 you're discussing today.

20 Thank you.

21 CHAIRMAN HOPPIN: Thank you very much.

22 (Applause.)

23 If I could get John McManus, Bill Mar, Sally
24 Benatar to come up, please.

25 John, if you'd come to the podium.

1 MR. McMANUS: Chairman Hoppin, members of the
2 Board. Chairman, we're going to miss you. I know
3 you're moving on soon. And I know you have some
4 experience in southern Oregon, and so what you were told
5 about the Klamath Dams, I think you know there's some
6 corrections there.

7 I want to talk a little bit -- I'm the executive
8 director with the Golden Gate Salmon Association, which
9 is a coalition of sport and commercial salmon advocates,
10 fishermen and related businesses. We feel the flow
11 proposal is currently inadequate because it doesn't go
12 far enough to restore salmon.

13 I want to talk just a little bit about the need
14 for flows in the spring. There's been a tremendous
15 amount of technical discussion of it here today, but one
16 thing folks may not know is that in the spring juvenile
17 salmon, smolts, come out of the river systems, and
18 they're very poor swimmers.

19 They have evolved to be flushed out of river
20 systems with big snow melts. But we don't have those
21 anymore because of dams, and that's why we need you to
22 help us get some flows.

23 With the snow melt events that they evolved to
24 flush out of the river swift, typically there was
25 turbidity, i.e., mud, or color in the water that would

1 help them hide from predators. They don't have that
2 anymore. They're coming out of low-flow situations. So
3 we need some flows, particularly in the spring.

4 I want to salute the fishery agencies that were
5 up here earlier today. They made many of the points
6 that I had intended to make.

7 I heard what they said about the need for
8 baseline throughout the year. That was kind of an eye
9 opener for me, but it was appreciated. We don't mean to
10 insult anybody by asking for 60 percent. We're just
11 trying to get some fish back.

12 I want to say that State and federal regulations
13 give you all the legal underpinnings you need to require
14 some more flows because, among other things, the 1992
15 CVPIA has the doubling index, and that requires that
16 water's managed to hit 78,000 adult natural spawning
17 salmon in the San Joaquin and its tributaries. Last
18 year there were 14,007. 78,000 is the doubling target.
19 Last year it was 14,000.

20 We know that increasing the flows will restore
21 salmon because we've seen it in high rain and snow
22 years. In those years, the system's overwhelmed with
23 runoff -- I'm talking about really wet years -- and we
24 get closer to the 60 percent unimpaired flows called for
25 by scientists. Then we've seen the numbers of salmon in

1 the San Joaquin rebound.

2 And I think, perhaps, you've seen the chart from
3 the Bay Institute that documents this since the late
4 '50s. If you haven't, you will later today in their
5 panel.

6 I want to make the case for our members. Tens
7 of thousands of jobs are tied to the state salmon
8 fishery, many on the coast but also in the Central
9 Valley. The most obvious jobs are those of commercial
10 fishermen, seafood processors, the boat-and-tackle shops
11 that sell to sport salmon fishermen, the charter boats
12 like those run by Roger and Jacky that take sport
13 fishermen out of the harbors and marinas that service
14 the fleet.

15 In the coastal towns, there are less obvious
16 jobs in the machine shops that service the fleets, the
17 auto truck -- the truck dealers in town that sell to
18 fishermen, the local supermarkets, and all normal
19 business that you would have in any small town rely on
20 salmon income on the coast. And that's where I come
21 from. That's my home.

22 Where there's salmon harbors, restaurants and
23 hotels do a brisk business.

24 CHAIRMAN HOPPIN: John, I'm not trying to be
25 rude, but if you would, we've got to keep going here.

1 MR. McMANUS: All right. Let me just say
2 there's no doubt that for historical reasons salmon and
3 the tens of thousands of workers tied to them have been
4 left out or, at best, left last in line when water was
5 being allocated. You have an historical opportunity
6 here to help us rectify some of those.

7 We all recognize that restoring more flows is a
8 challenge to many. So we hope that you think about
9 those of us on the coast as you approach this decision,
10 and remember that you can't grow salmon everywhere on
11 this earth. They only grow in a few places. The San
12 Joaquin tributaries are among those, and we value them.

13 Thank you.

14 CHAIRMAN HOPPIN: Thank you, John.

15 Bill Mar.

16 Sally Benatar.

17 I'm making up for lost time.

18 Peter Drekmeier.

19 MR. KOEPELE: If it's okay, Peter is my
20 colleague, and he had to leave.

21 My name is Patrick Koepeler, and I work for the
22 Tuolumne River Trust. I live in Sonora, California.

23 I've worked within a number of collaborative
24 efforts to find working solutions to resource management
25 issues throughout the Tuolumne watershed. In the Upper

1 Tuolumne Watershed, I've worked within the Clavey
2 Watershed Coalition, the Tuolumne-Stanislaus Integrated
3 Regional Water Management Plan. And in the Lower
4 Tuolumne River, I've been part of the Tuolumne River
5 Technical Advisory Committee and the Tuolumne River
6 Coalition.

7 The Tuolumne River Technical Advisory Committee
8 was formed as a result of a negotiated settlement
9 between the irrigation districts, resource agencies and
10 conservation groups in 1996, and wrote the Habitat
11 Restoration Plan for the Lower Tuolumne River corridor.

12 The Tuolumne River Coalition was formed in 2000
13 by local agencies and stakeholders to create a vision
14 for improved habitat, flood management, and recreation
15 on the Lower Tuolumne. And the Tuolumne River Coalition
16 developed this division called the Lower Tuolumne
17 Parkway Framework for the Future.

18 A key recommended action that both the Habitat
19 Restoration Plan for the Lower Tuolumne River corridor
20 and Framework for the Future identified for a healthy
21 fish population and a healthy river and ecosystem is a
22 restored floodplain and restored channel floodplain
23 conductivity.

24 It is well known that healthy floodplains and
25 channel floodplain conductivity improve rearing and

1 migratory conditions for juvenile salmon. Young salmon
2 that grow and forage on floodplains are known to grow
3 more quickly than those restricted to channels, and
4 enter the bay and ocean stronger and more healthy.

5 What a group like the Tuolumne River Trust can
6 do is restore conditions and habitat on floodplains.
7 And that's been occurring on the Tuolumne over the past
8 ten years or so.

9 Two projects that I have been involved with
10 include a project called the Big Ben Project, which was
11 250 acres of floodplain, and more recently, a project
12 called the Dos Rios Project, which is 1600 acres of
13 floodplain at the confluence of the Tuolumne and San
14 Joaquin rivers.

15 Beyond those two, I can think of about 1200
16 additional acres that have been restored or are in the
17 process of being restored.

18 So the point is that floodplain restoration is
19 happening. But what groups like ours cannot do is
20 provide water to inundate those floodplains. As I said,
21 we need that channel floodplain conductivity. And we
22 need agencies like the State Water Resources Control
23 Board to help us get sufficient water.

24 So I'm concerned that the proposal under
25 consideration, 35 percent of unimpaired flow, won't get

1 us there. To achieve this necessary amount, we've got
2 to get to a higher level. And we believe that at least
3 50 percent is going to be needed to get us there.

4 So we hope that the Board will go back and look
5 carefully at those numbers and look at the science. The
6 science is there that justifies it.

7 Those are my comments.

8 CHAIRMAN HOPPIN: Thanks, Peter.

9 Jose Ramirez, I should have called you on this
10 panel. If you'd come up after Leonard, please.

11 MR. VAN ELDEREN: Good afternoon. My name is
12 Leonard Van Elderen. I'm president and CEO of Yosemite
13 Farm Credit. We're an ag lending association. We
14 currently serve members in Merced that are served by
15 Merced Irrigation District, Turlock, Modesto, and
16 Oakdale Irrigation District.

17 Our loans total about \$1.75 billion. About
18 85 percent of that is in Stanislaus and Merced Counties.
19 We have loans to 1450 farmers, and we employ about 106
20 people with a budget of \$20 million that we feed into
21 the local economy.

22 Loans that we have, 65 percent of them are made
23 up of dairymen, almond farmers, and walnut farmers. The
24 balance of those crops are typically irrigated crops
25 also.

1 The proposal that you've put in front of us
2 today will drastically alter the momentum that ag has
3 carried in the region.

4 An unreliable source of surface water will do
5 permanent damage to the families that farm an impacted
6 area. They cannot afford to sit out of farming during
7 the dry years and jump back in during the wet years.

8 Many of our borrowers own one parcel and rely
9 solely on surface water. You can't just cut that out
10 and stop farming 35 percent in a year when you've got
11 permanent plantings.

12 Our loans, like most loans, require monthly,
13 quarterly, annual installment. The place where we get
14 our money from, our bond holders, aren't going to allow
15 us to skip payments on a dry year.

16 Dairies do not have the option of simply
17 shutting down like a factory. Cows need to be fed each
18 year.

19 Irrigated orchards that last 25 to 40 years need
20 water each year. They can't go fallow 20 to 30 percent
21 of the time. Trees die without water.

22 Reducing the water supply will also hurt the
23 economy with jobs. And you've heard enough about that.

24 Our loan application process, when we have it,
25 first of all, we talk about location of the property and

1 the type of soil we're dealing with. The next question
2 is water. And that's quickly becoming the first
3 question we ask.

4 Is it a reliable source and is it clean? If
5 it's not reliable, we loan less money on those
6 properties. And typically those properties are valued
7 less. That's an impact on our growers.

8 As a lender, it's a high risk to lend to farmers
9 that do not know if they'll have the water they need
10 until they're well into the growing season. This isn't
11 the kind of risk that our association was built on.

12 Our lending cooperative serves many of the young
13 people that you have seen here today. Some of those
14 that are under 35 trying to get started, some of those
15 that are new in the ag business -- and ag is a
16 capital-intensive business -- and those young, beginning
17 entrepreneurs, cannot get off the ground not knowing
18 what their income is going to be each year. They can't
19 go into a business plan with little equity, little down
20 payment, and try to make that work, not knowing when
21 they're not going to have income.

22 The vast majority of our farmers are family
23 operations that have been established for decades. We
24 make 25-year loans. How are we going to judge which
25 years are the dry years and which won't have water

1 involved?

2 You're asking the two counties that we serve to
3 bear the burden of this proposal, a proposal that your
4 documents say will benefit south Delta farmers with
5 junior water rights. This adds additional risk to our
6 institution and to our members.

7 With that said, as a representative of the
8 members and borrowers of our association, we request
9 that you do not approve the 35 percent, and certainly
10 not go up to 60.

11 Thank you.

12 CHAIRMAN HOPPIN: Thank you, Leonard.

13 Jose.

14 MR. RAMIREZ: My name is Jose Ramirez. I'm
15 currently the city manager for Livingston, and I thank
16 you for the opportunity to speak.

17 I would like to just comment that we are home to
18 Foster Farms Chicken. And, also, it's sweet potato
19 country.

20 Last night our City Council voted to actually
21 pass a resolution in opposition of the current proposal
22 that's on the table.

23 But what I want to do is I want to talk a little
24 bit about where I was at before. I used to be the --
25 for eight years I was the city manager of the City of

1 Firebaugh, which was ground zero for what happened.

2 You guys all know what happened back in
3 2008/2009. I mean, it was the alignment of the stars.
4 You know, the impact to the people. And I personally
5 seen -- you know, I had to look at all these people in
6 the eye coming to these food lines. I actually seen a
7 lot of the farms being lost and people that worked --
8 farm workers that used to live in those homes out in the
9 farms move into the city where we had two or three
10 families in one home. And the loss of jobs and the
11 homes that they had once owned.

12 The curtailment of water -- you know, a lot of
13 my colleagues beforehand mentioned a lot of the impacts,
14 and I don't want to talk about it. I just want to talk
15 about the impacts to people.

16 We lost a parochial school because of the
17 curtailment of water. I saw the fallowing of thousands
18 of acres of land. I got to see the school district lose
19 \$500 for every student because there was actually folks
20 that were moving away to find a job somewhere else.

21 One of the things that came up back then was,
22 you know, that we shouldn't question reports; that we
23 shouldn't question authority. And one of the things
24 that we did was to go out there -- you know,
25 municipalities out there, we can't even drop one gallon

1 of sewage water in the river; but yet if we look further
2 north and there's several communities who dump a lot of
3 their waste discharge. And we have pharmaceutical
4 issues; we have ammonia issues, and so forth. And those
5 are things that at one time they didn't even want us to
6 actually talk about.

7 So we're doing our part to educate people
8 because -- about water, and there's a campaign going on
9 for the Hispanic community right now that's one of the
10 sectors of the community that's not that much educated.
11 It's called "El asunto de agua es de todos," which means
12 that water is all of our business. And so it started a
13 couple of weeks ago and it's already in the airways.

14 And if you haven't seen that documentary that's
15 out there called "The Fight for Water; The Farmworkers
16 Struggle," that documentary is out there for you guys to
17 look at. It had a real impact, and the impacts are
18 still being felt today.

19 Again, thank you for the opportunity, and have a
20 good afternoon.

21 CHAIRMAN HOPPIN: Thank you, Jose.

22 If the next five group would come up. Larry
23 Kolb, Nick DiCroci, Deana Wolf, Barbara Barrigan-Parilla
24 and Michael Marsh.

25 Larry, if you'd come to the podium, please.

1 MR. KOLB: I'll keep this brief. I spent over
2 30 years working for the San Francisco Bay Water Quality
3 Control Board. The biggest single frustration I had in
4 that period was that the fish were going to hell while
5 we were making great progress on pollution. And this
6 disconnect bothers me, and I'm sure it bothers you. And
7 now you're starting to do something about it, and it's
8 painful. And I feel for you in doing this, but I hope
9 you follow it through.

10 I know that the people you represent include the
11 people who live in the lower San Joaquin Valley. It
12 also includes everybody else in California, all
13 38 million people, including millions of people who care
14 a lot about the health of our fish, even if they don't
15 fish them. You represent all of these people.

16 I'd like to talk about the value of agriculture
17 in California. All the crops grown in California have a
18 value at the farm gate of \$36 billion. A lot of money.
19 It's the biggest in the country. On the other hand, the
20 California total economy is \$1900 billion. So that 36
21 works out to less than 2 percent.

22 Of the water we take from nature, 80 percent of
23 it is used for agriculture. And of the water used for
24 agriculture, over 60 percent of it is used on low-value
25 field crops like wheat and corn, and especially alfalfa.

1 If you want to grow food efficiently -- "I don't
2 know if you grow cow food." That's the most efficient
3 way to feed humans line I've heard many times today.

4 The value of these low-value crops that use
5 about half of the total water and 60 percent of what
6 agriculture uses works out to about one-third of one
7 percent of the California economy. Let me say that
8 again: One-third of one percent of the California
9 economy.

10 So I think that without taking water from the
11 high-value crops, the orchard crops, the vegetables, the
12 fruits, we can afford to free up a little bit of water
13 from California agriculture.

14 Thank you.

15 CHAIRMAN HOPPIN: Thank you.

16 Nick.

17 MR. DiCROCE: Chairman Hoppin, members of the
18 Board, my name is Nick DiCroce; and I'm a facilitator
19 for the Environmental Lawyer Caucus. We are a caucus of
20 30 grass-roots environmental organizations, all with an
21 interest in water issues.

22 We have the following comments related to the
23 adequacy of the San Joaquin SED:

24 The State Water Board has failed to carry out
25 its public trust responsibilities for the people of

1 California. Let me describe the main deficiencies that
2 we have noted.

3 First, there's a failure to apply the State
4 Water Board's public trust responsibilities. Under that
5 public trust doctrine, the State Water Board must take
6 the public trust into account and balance public trust
7 values. That was established in the Mono Lake case,
8 which you certainly remember.

9 In the development of the State Water Board's
10 2010 Flow Criteria Report, the Board identified a set of
11 broad flow regimes and concluded that 60 percent of the
12 unimpaired San Joaquin River inflow from February
13 through June was necessary.

14 The SED selection of only 35 percent of
15 unimpaired flows during February through June for the
16 main three tributaries is not based on an analysis of
17 flows needed to preserve and protect public trust
18 values.

19 The Board must know that the selection of a
20 35 percent flow criteria will do little to reverse the
21 decline of fisheries. As pointed out in the Department
22 of Fish and Wildlife's earlier presentation today, the
23 60 percent flow requirement established by the Board
24 review is much closer to what is necessary to recover
25 fish species.

1 Since the landmark application of the public
2 trust doctrine by the State Water Board in the Mono Lake
3 case, the principle of how extractive water demands can
4 be alternatively met while ensuring the public trust
5 values are protected is well established. In fact, the
6 Los Angeles Department of Water and Power, which
7 vociferously objected to relinquishing flows, now extols
8 the virtues of their water efficiency program that has
9 resulted in meeting the public trust values.

10 I have written that up because today I hear what
11 I don't like to hear about fish versus water versus
12 farms versus environmentalists, and it does not need to
13 be that way. And the result of the Mono Lake case where
14 all the parties came out beneficially better than they
15 went in is where I like to go.

16 Secondly, the plan illogically segments the San
17 Joaquin River. The SED arbitrarily limits the plan area
18 to the San Joaquin River to the confluence between the
19 Merced and the Stan. Left out of the flow consideration
20 is the river's main unimpaired flow above the confluence
21 with the Merced up to Friant Dam. It only seems logical
22 that the exporters who receive the bulk of the San
23 Joaquin --

24 CHAIRMAN HOPPIN: How much longer do you have?

25 MR. DiCROCE: I'm about 90 percent -- 75 percent

1 through.

2 -- where Friant Dam should be participating in
3 mitigating the impacts.

4 So we agree with what we heard this morning from
5 the Turlock Irrigation District and NOAA on this point.

6 The last deficiency is a weakened salinity
7 standard in the south Delta. The clean Water Act and
8 the Porter-Cologne Act clearly intend that water quality
9 control plans are intended to improve water quality, not
10 degrade it.

11 The proposed plan, by relaxing salinity
12 standards in the Delta, will harm beneficial uses and
13 does not meet the statutory requirements.

14 CHAIRMAN HOPPIN: Be sure to include the rest of
15 your comments in your written stuff. I have to move on.
16 I'm not trying to be rude.

17 MR. DiCROCE: That's all right.

18 CHAIRMAN HOPPIN: Deanna Wolf.

19 Barbara.

20 MS. BARRIGAN-PARRILLA: Thank you, Chair Hoppin,
21 and Board members.

22 I'm Barbara Barrigan-Parrilla, executive
23 director for Restore the Delta. And on behalf of our
24 10,000 supporters -- in fact, I'm probably the only
25 person here today representing agricultural interests

1 and fishermen -- I want to thank you for the opportunity
2 to speak on the San Joaquin River flows plan.

3 However, our concerns today -- in our comments,
4 we are expressing our grave concern with the document,
5 the SED, a proposed plan that fails to rectify years of
6 water quality violations in the San Joaquin River and
7 south Delta.

8 This plan fails to increase flows sufficiently
9 to restore steelhead and salmon in the San Joaquin
10 River.

11 It fails to provide sufficient water quality to
12 protect and enhance south Delta agriculture as mandated
13 in the Delta Reform Act of 2009.

14 It fails to balance public trust, and it fails
15 to protect all parties equally dependent on the health
16 of the San Joaquin River by giving priority status and
17 protection to upstream users, all at the expense of
18 water users on the Lower San Joaquin River, Delta
19 farmers, Delta residents and Delta fisheries.

20 The SED selection of only 35 percent of
21 unimpaired flows during February through June for the
22 three main tributaries to the Lower San Joaquin will not
23 preserve and protect public trust values.

24 This plan clearly prioritizes no net loss to
25 water exporters or maintaining the water yield for

1 Central Valley and State water project water takers over
2 all beneficial Delta uses and more senior right
3 diverters on the Merced, Tuolumne, and Stanislaus
4 rivers.

5 The Board has ignored its responsibility to
6 evaluate and balance competing water needs and
7 developing flow and water-quality objectives in such an
8 arbitrary proposal to value one group over Delta
9 communities violates Delta Reform Act requirements to
10 reduce reliance on the Delta in meeting California's
11 future water supply needs.

12 It is a concern that protects a specific group,
13 a powerful corporate agricultural interest. Through
14 this plan, it is clear that the State Water Resources
15 Control Board has forgotten about the sizeable area of
16 the Delta agricultural economy and the area dependent
17 directly on water quality and quantity from the San
18 Joaquin River.

19 The Delta recreation economy, valued at over
20 \$650 million annually, in addition to the coastal salmon
21 fishery, is dependent on the protection and restoration
22 of the San Joaquin River and adequate flows in the
23 Delta.

24 The SED, as it stands right now -- I just want
25 to conclude -- will continue the dewatering of the Delta

1 for years to come of the San Joaquin River, of the
2 estuary, and the San Francisco Bay; and it's going to
3 have a horrible impact on those economies that depend on
4 the health of that ecosystem.

5 Thank you.

6 CHAIRMAN HOPPIN: Thank you, Barbara.

7 Michael Marsh.

8 MR. MARSH: Good afternoon, Mr. Chairman,
9 members of the Board.

10 My name is Michael Marsh. I'm the chief
11 executive officer of Western United Dairymen.

12 Western United Dairymen is the largest dairy
13 producer trade association in the western United States,
14 but we only represent dairy producers here in the great
15 State of California.

16 My members produce about 60 percent of the
17 State's milk. And to Pete Verburg's comment, it really
18 is tough to feed them almonds.

19 We have about 900 dairy families within our
20 association.

21 According to a Milk Advisory Board study that
22 was commissioned in 2008 by J.D.G. Consulting, the dairy
23 industry in the State of California contributes
24 \$63 billion in economic activity to the State. It also
25 is responsible for 443,000 jobs. We are the number one

1 ag commodity in California with farm gate receipts at
2 about \$7 billion a year.

3 According to the Board's modeling, a lot of the
4 reduction in the water that would be coming through this
5 plan would fall on low-value crops, crops such as
6 alfalfa, crops such oat, hay-use for silage, or corn
7 that's used for silage, as well; and that simply doesn't
8 work for dairy cattle. I guess maybe you can give them
9 a shot to give them pistachios, but they have a tough
10 time cracking those shells.

11 At the same time, the proposal before you -- as
12 we've just gone through the fiscal cliff in Washington,
13 D.C., and we've seen that one of the pieces --
14 unfortunately, what wasn't able to pass was the Farm
15 Bill. And really what was tied up in the Farm Bill was
16 concerns over spending cuts between food stamp programs,
17 women and infant children programs, the SNAP program, if
18 you will.

19 Those programs are not going to give more money.
20 And if we're going to increase the price of food, let's
21 get the hunger advocates in here, too, and listen to
22 them as well as to what this will do to their programs
23 and feeding the hungry in the great State of California.

24 Thank you for your time. Good luck with your
25 decision.

1 CHAIRMAN HOPPIN: Thank you, Michael.

2 Next five panel group will be Patrick Koepele,
3 Spreck Rosekrans, Julie Barrett, Sonia Diermayer, and
4 Hal Candee.

5 Patrick, would you come to the podium.

6 MR. LINDSAY: He already spoke. Spreck, please
7 go to the podium. I know you want ten minutes, but...

8 MR. ROSEKRANS: Thank you, Chairman Hoppin. I
9 do. I have a PowerPoint. I'll try to go quickly.

10 CHAIRMAN HOPPIN: Try to do it.

11 MR. ROSEKRANS: First of all, thank you for your
12 service, Mr. Hoppin. And I think the succeeding chair
13 will have a high standard for levity to bring to
14 proceedings such as these. I wish you luck.

15 CHAIRMAN HOPPIN: I wasn't joking about the ten
16 minutes.

17 (Laughter.)

18 I also want to thank the court reporter.

19 (Thereupon an overhead presentation was
20 presented as follows:)

21 MR. ROSEKRANS: What I want to do today -- I am
22 Director of Policy for Restore Hetch Hetchy. Restore
23 Hetch Hetchy's mission is to restore Hetch Hetchy Valley
24 and Yosemite National Park, while protecting all users
25 of water and power on the Tuolumne River.

1 Defense Fund, but they are very similar to what was
2 found by UC Davis and the United States Bureau of
3 Reclamation.

4 --oOo--

5 MR. ROSEKRANS: Water rights on the Tuolumne.
6 San Francisco gets lots and lots of water in almost all
7 years, except for the very dry years. What they fear is
8 the drought, a repeat of the 1987 or 1992 conditions
9 where their allocation of water supply under their water
10 rights is far below what they like to divert from the
11 Tuolumne to the Bay Area. As a result, they have
12 invested in Cherry Reservoir, as well as Hetch Hetchy,
13 and a water bank in Don Pedro that is twice the size or
14 more of Hetch Hetchy Reservoir.

15 They divert about 20 percent of the river water
16 that's diverted overall. Here you see them compared to
17 Turlock and Modesto.

18 --oOo--

19 MR. ROSEKRANS: And then two examples. And you
20 had examples like this in your report. Here's sort of a
21 median year. And what you see is the 35 percent running
22 average line that you've proposed pretty much stays in
23 that baseline senior water rights water that goes to
24 Turlock and Modesto. Only in late June and a repeat of
25 the hydrology of this year 1971 would some of it be part

1 of San Francisco's water. And in a dry year it doesn't
2 even get near San Francisco's water.

3 --oOo--

4 MR. ROSEKRANS: So what we're talking about
5 here -- next slide -- is on average if you look at the
6 base flow which belongs to Turlock and Modesto and the
7 surplus flows that belong to San Francisco and the base
8 flows that you guys are looking for the river, there's
9 very few times when it overlaps into San Francisco's
10 threshold.

11 --oOo--

12 MR. ROSEKRANS: So the recommendations here are
13 think about -- whether it's this Board or it's a
14 reconfigured Board -- when you're going to be hearing
15 about Hetch Hetchy. It's not a lot of water, but it is
16 some consideration that you should make. And so think
17 about that San Francisco might have to give up a little
18 bit of its Tuolumne River Water in order to restore this
19 national park.

20 And I apologize that I'm not going to take sides
21 on which alternative you are looking at here, but I do
22 want you to consider this thing for the future.

23 Thank you very much.

24 CHAIRMAN HOPPIN: Thank you very much, sir.

25 Julie Barrett. Is Julie here?

1 Sonia.

2 MS. DIERMAYER: Good afternoon, members of the
3 Board, Chairman Hoppin.

4 My name is Sonia Diermayer. I live in Oakland.
5 I'm an advocate for sustainable urban water use and
6 reuse.

7 I welcome the draft SED's approach in terms of
8 being a percent of unimpaired flows, but the SED appears
9 to have glaring inadequacies.

10 My concerns include the fragmentation and
11 isolated focus on certain factors to the exclusion of
12 others, which I think renders the SED an orphan policy
13 document destined to fail on every front.

14 I find it inexplicable that -- the exclusion of
15 flows upstream of the Merced confluence and what happens
16 to the water downstream of Vernalis. You can't
17 partition a watershed any more than you can partition
18 one piece of the human circulatory system.

19 I'm also questioning the exclusion of flow needs
20 in lakes and falls, the exclusion of impacts on other
21 species and Delta habitat in general.

22 Everything in Phase I is inextricably linked to
23 Phase II, so I don't know how those can be considered
24 separately.

25 Increasing withdrawals from the Delta ecosystem

1 have driven salmon to the brink of extinction. The
2 Delta is becoming unlivable as a habitat for almost
3 anything other than invasive species.

4 I don't think there is any use in trying to
5 remove those invasives unless the conditions for the
6 native species are then in place.

7 So there is no new water coming from anywhere
8 that we know. In fact, climate change is likely to make
9 water less available than it has been. And I think what
10 distinguishes us as a human species is that we have the
11 intelligence, the tools, and the wherewithal to foresee
12 these climate changes and adapt to them. Other species
13 don't have that possibility.

14 I think we need to -- all water users need to
15 share equally in the sacrifices, and it's our obligation
16 to make sure that the environment which serves us --
17 serves up all of that water we're using gets it equal
18 share. We have the tools and now is the time to
19 implement them.

20 I and organizations I work with are putting
21 tremendous pressure on our urban water agencies and
22 urban fellow water users, including the SFPUC to reduce
23 withdrawals, to cut waste, to conserve and reuse, and
24 look for local resources for water supplies.

25 We're fighting to keep water safe for essential

1 uses, such as efficient farming and human use, and out
2 of the hands of damaging uses such as fracking.

3 Given the Board's own Delta flows criteria
4 report stating a need for 60 percent of unimpaired
5 flows, the retreat to 25 to 45 percent is very
6 distressing.

7 I feel the SED is relegating the consideration
8 of far too many critical factors to the implementation
9 phase, future Delta plan phases, adaptive management,
10 other regulatory bodies, and the BDCP.

11 So I must conclude that the draft SED is
12 inadequate in addressing impacts. And I would greatly
13 urge you to revisit the plan in a more comprehensive,
14 integrated manner and set higher unimpaired flow
15 objectives.

16 Thank you very much.

17 CHAIRMAN HOPPIN: Thank you very much.

18 Hal Candee.

19 MR. CANDEE: Thank you, Mr. Chairman.

20 I'm Hal Candee, and I'm here on behalf of
21 Defenders of Wildlife. Defenders has over 180,000
22 members in California.

23 We would like to join with the other speakers
24 from the fishing and conservation community in pointing
25 out that the draft SED is not adequate to meet the goals

1 and the needs of fishery recovery.

2 I know there's going to be a very extensive
3 panel presentation -- I don't know if it's later today
4 or tomorrow by the --

5 CHAIRMAN HOPPIN: It won't be later today.

6 MR. CANDEE: Okay. Well, Trout Unlimited and
7 the Bay Institute and other groups will be addressing
8 the specifics, so I just want to make three very general
9 point, if I might.

10 First, the fisheries are in crisis. You've
11 heard this today from the federal and State agencies;
12 you've heard it from other speakers. And this is really
13 the time -- this is the time for strong action. I think
14 that's the opportunity that's presented to you; it's a
15 challenge, and I think it's essential that this Board
16 take the steps necessary to help bring back the fishery.
17 It's just not going to work if we just maintain the
18 status quo, if we don't take a strong step forward.

19 Second, in the balancing that you have to do, I
20 think we need to remember that agricultural and urban
21 water users can become more efficient. We've seen it
22 over and over again in California. And whether it's
23 from an increase in price or a drought or from
24 regulatory action, they have shown enormous resilience
25 and creativity in being able to diversify their sources,

1 increase their efficiencies, adapt to new technologies,
2 whatever. So I think that historical record needs to be
3 kept in mind.

4 Finally -- and I think this is the most
5 important point: This should be about law and science.
6 A lot of times those of us who work on water who go back
7 20, 25 years know that it's often very political and
8 very emotional. And I understand all of these issues
9 are hugely important to everybody on both sides, on all
10 sides; but it's really up to the decision-makers to
11 focus on the law and the science.

12 And if you look back -- whether it's Mono Lake,
13 Kesterson, Friant -- the big decisions where we really
14 made some progress is because decision-makers, whether
15 it's a court or the State Water Board, did what needed
16 to be done based on the law and the science.

17 And I urge you to do that in this case.

18 Thank you.

19 CHAIRMAN HOPPIN: Thank you, Hal.

20 The next five-group panel. Is DeeAnne Gillick
21 here? April Premo, Jerry Powell, Melissa Thorme,
22 Kristine Williams.

23 CHAIRMAN HOPPIN: I know you want five minutes
24 but...

25 MS. DEE ANNE GILLICK: Good afternoon, Chairman

1 Hoppin and members of the Board.

2 I'm DeeAnne Gillick from Neumiller and Beardsley
3 on behalf of the County of San Joaquin and the San
4 Joaquin County Flood Control and Water Conservation
5 District.

6 As you all know, San Joaquin County is very
7 interested in the decision before you as over two-thirds
8 of the Delta is located in San Joaquin County. All of
9 the south Delta locations and measuring locations are
10 located within San Joaquin County, and the County is
11 bordered on the south -- or part of the border by the
12 Stanislaus River, which is one of the affected
13 tributaries.

14 So, geographically, San Joaquin is one of the
15 areas that's most affected by the decisions of the State
16 Water Board, and is very interested in the health of the
17 Delta, the security of the farmers in the south Delta,
18 and the water supply of those that rely upon the
19 Stanislaus River.

20 First, on the south Delta salinity objectives,
21 The County is concerned with the proposal to relax the
22 summer salinity standard from .7 to 1.

23 The County's concern is based upon South Delta
24 Water Agency's concern and the concern of the farmers in
25 the South Delta Water Agency in which the agricultural

1 beneficial use objective is designed to protect.

2 Now, consistently throughout this process -- and
3 I believe South Delta Water Agency has a presentation
4 prepared for tomorrow or the following day -- they've
5 expressed concern in flaws with the Hoffman Report,
6 which the State Water Board and the SED relies upon to
7 support the proposed relaxation of the salinity
8 standard.

9 The South Delta Water Agency has expressed the
10 Hoffman report is not reflective of the applied water
11 quality, the soil, the leaching factors, the groundwater
12 characteristics, and the tidal influences that occur
13 within the area of the south Delta affected by the water
14 quality problem and the area of the south Delta in which
15 the interior standards were designed to protect.

16 Based upon the concern of South Delta Water
17 Agency and farmers in the area, the County -- the County
18 supports these concerns.

19 It is my understanding -- and John Herrick will
20 comment on this further -- that due to South Delta's
21 concerns and the continued reliance upon the State Water
22 Board on the Hoffman Report, South Delta, in cooperation
23 with the U.S. Cooperative Extension in San Joaquin
24 County, is conducting a study in the subject area of the
25 south Delta.

1 As you recall, the Hoffman Report said more
2 studies should be done. The study that will be
3 conducted this year, my understanding the first tests
4 will occur on Friday, as long as that can occur.
5 Funding is available and it will be completed this year.

6 The purpose of the study is to determine or to
7 analyze those conditions and those items which the south
8 Delta and the farmers question of the Hoffman Report.

9 The County requests that State Board delays any
10 action on relaxing the south Delta salinity objectives
11 until this additional study is done by the water agency
12 and the farmers at issue who criticize and are concerned
13 over the flaws of the Hoffman Report.

14 So the County respectfully requests that the
15 State Water Board, you know, delay any decisions until
16 it receives South Delta's report that will discuss those
17 conditions actually within the south Delta.

18 Furthermore, meeting the current water quality
19 standards has consistently been the position of the
20 County and consistent with federal law; and the County
21 continues to remind the Board and the Bureau that
22 meeting water quality standards should not
23 disproportionately rely upon New Melones; and that HR
24 2828, the federal law, mandates reliance on New Melones
25 is reduced. We've expressed this position for many

1 years, and we continue to assert that.

2 Secondly, on the San Joaquin River flow
3 objectives, the County is equally concerned with the
4 proposal from the February through June flow
5 requirements in the San Joaquin River; and the SED fails
6 to adequately evaluate the significant impact to San
7 Joaquin water users due to the proposed 35 percent flow
8 standard.

9 Significant impacts that are not adequately
10 evaluated in the SED include but are not limited to:
11 Reduced water deliveries to municipal and agricultural
12 users within the county due to demands placed on the
13 Stanislaus River; the resulting increase in groundwater
14 use, and the further exasperation of groundwater
15 overdraft within eastern San Joaquin County; significant
16 agricultural sector income impacts, and seasonal seepage
17 impacts along the Stanislaus River due to increased
18 spring flows which may threaten ag land currently in
19 production.

20 The County is also concerned --

21 CHAIRMAN HOPPIN: Can you wrap it up?

22 MS. GILLICK: Yes -- with impacts to carryover
23 storage equally; that parts of the system is not
24 required to make a contribution.

25 And the County will be submitting written

1 comments, and the additional items will be included in
2 that. We just ask the State Board to consider carefully
3 its actions before.

4 Thank you.

5 CHAIRMAN HOPPIN: We're going to take five
6 minutes so the court reporter can make a phone call.

7 (Break taken.)

8 CHAIRMAN HOPPIN: Melissa Thorme.

9 Christine Williams, if you would come up,
10 please.

11 April? Are you here, April?

12 Jerry Powell.

13 MR. POWELL: My name is Jerry Powell. I'm here
14 representing the Turlock Chamber of Commerce. We've
15 also passed a resolution opposing this report on behalf
16 of our 400-plus members who are all small businesses.
17 And basically we all thrive off the local agricultural
18 businesses, such as Blue Diamond, United -- boy. I'm
19 sorry.

20 We've got Foster Farms, creameries, all kinds of
21 stuff based around there. Multiple shellers and
22 hullers. And what it brings to our community is that
23 those people bring those dollars back in town. It's not
24 \$7 billion being exported out of here. It turns over in
25 the economy several times.

1 All of our downtown restaurants and businesses
2 thrive because of our ag businesses and owners and
3 farmers.

4 If you come to our downtown and you look at who
5 owns the buildings and, also, who comes in there and
6 runs businesses, a lot of them are local families who
7 depend on ag. And a lot of them are ag families who
8 have reached out into other businesses.

9 Water and reliable power are key issues in our
10 community. Reasonable prices -- I'm sorry. They help
11 sustain business and bring business to the community.
12 Not just ag but other ones as well. Power and water are
13 the keys in this valley.

14 Also, the impacts to our local residents. This
15 policy would also impact our local residents, as these
16 policies will increase electrical rates and water rates,
17 which will cost jobs, inflate the cost of food, food
18 production, which will ultimately impact everyone's
19 disposable income.

20 Let's see what else. That's basically our
21 concern is business.

22 A couple of things that I was listening to today
23 that concerned me was, one, the level of -- it was
24 brought up that right now the proposal is 35 percent;
25 but if you approve it, you can do whatever you want

1 without bringing it back. That's pretty scary.

2 Where is the limit? You can't farm that way
3 when you don't know what your water is going to be every
4 year, if it's fluctuating or what. You can't do that.
5 Especially with the crops. Especially with the trees.

6 Also, groundwater pumping. I'm involved in our
7 community. Groundwater pumping is not the solution. As
8 was mentioned by many other cities up and down the
9 Valley, these wells cost, actually, millions of dollars
10 to put in.

11 Also, the levels of arsenic and other
12 contaminants continue to rise as the standards continue
13 to increase as well, which means these wells go out of
14 service. They either run out of water or they're no
15 longer to be in the system because of contaminants.

16 And, also, the drain. You heard one farmer talk
17 about the water level was 13 feet; it's now 45. It's
18 just going to get worse.

19 CHAIRMAN HOPPIN: Jerry, thank you.

20 MR. POWELL: Thank you very much.

21 CHAIRMAN HOPPIN: Melissa.

22 CHAIRMAN HOPPIN: Sonia, is there a reason you
23 wore a salmon-colored sweater?

24 SONIA: No. It's springtime. It's a spring
25 color.

1 MS. THORME: Chairman Hoppin, this may be the
2 last time I testify before you, so good luck in your
3 next endeavors.

4 CHAIRMAN HOPPIN: Thank you.

5 MS. THORME: I'm here on behalf of the City of
6 Tracy today. And the mayor pro tem gave you some
7 initial comments, but I wanted to echo the solid
8 commitment of the City to reduce the salinity. And they
9 spent more than \$200 million already without a
10 requirement to do so to locate lower salinity water
11 resources and to reduce the salinity in their wastewater
12 aqueduct.

13 And these efforts have paid off. Between 2004
14 and 2012, the total dissolved solids declined from
15 1100 milligrams per liter to below 700 milligram per
16 liter, which in the EC world is about 1.2; so, there is
17 a lower limit that the City can reach without having to
18 spend an inordinate amount of money and go to really
19 advanced treatment.

20 So one of the things that we wanted to talk to
21 you about was the alternative that was the preferred
22 alternative which has significant and unavoidable
23 impacts to the City of Tracy. And we think that these
24 can be avoided with certain modifications to either the
25 objectives themselves or to the plan of implementation.

1 And the modifications include, as Debbie from CVCWA
2 said, picking a different number.

3 So right now you have three alternatives: One
4 is to maintain the status quo, one is the 1.0, one is
5 1.4. But if you picked 1.2 for the city of Tracy,
6 that's probably attainable without advanced treatment.

7 The other thing that you could do, even if you
8 stuck with a 1.0, is a longer-term average. And the
9 concern in the document was that a longer-term average
10 would not protect against high numbers in the short
11 term, but you could backstop that with the 30-day
12 average of another number.

13 Or you could have a specific mixing-zone policy
14 that would allow higher level discharges in the mixing
15 zone which is allowed by EPA and by water boards under
16 the law.

17 Another thing you could do for purposes of NPDS
18 permitting, that the objectives only apply to the
19 compliance points, the four compliance points in the
20 basin plan, Delta plan.

21 And you could also say where the location for
22 reasonable potential is to be determined would be at the
23 compliance points, which is what the court said in the
24 case that Tracy brought on these issues.

25 There's other implementation language that could

1 be included. I think Debbie Webster talked about that a
2 little bit. Compliance schedules, variances, drought
3 policies, which we've used in other regions, and other
4 regulatory relief mechanisms.

5 The concern that we have is that the staff
6 expressed their hope that there would be flexibility by
7 the regional boards, and we don't really want to rely
8 only on hope.

9 So we really need to make sure that you have
10 reasonable objectives translated into reasonable permit
11 limits.

12 And we also have one issue with the staff
13 characterizing the Delta plan as not being
14 self-implementing, but in the case of NPDS permits they
15 are. Because if you have a new objective, the permits
16 have receiving water limitations that say you can't
17 cause or contribute to an exceedance of a water quality
18 standard. So once that standard is changed, it's in a
19 permit.

20 So I thank you, and I hope that you'll consider
21 our comments.

22 CHAIRMAN HOPPIN: Next group will be Justin
23 Fanslau, Steve Chetesheer, Nick Long, Anthony Rugero,
24 and Eric Prifro.

25 Please identify yourself. I certainly don't

1 have a full panel here.

2 MR. FANSLAU: Sure. Justin Fanslau.

3 I'm here today representing International
4 Brotherhood of Electrical Workers Local Union 1245.

5 We're the union members that work at the
6 utilities with Turlock Irrigation District, Merced
7 Irrigation District, Modesto Irrigation District, South
8 San Joaquin Irrigation District. Roughly made up of
9 about 20,000 members, all whose jobs are in jeopardy
10 should this proposal pass.

11 I'd also like to briefly offer thanks to the
12 farmers who came up today. We stand beside you opposing
13 this proposal. We recognize what you do every day, and
14 coming up here today to talk about how you farm and how
15 you've been doing it for a hundred years is certainly
16 something that I know you didn't want to do today. Our
17 members are standing beside you.

18 Two quick points: One, the environment. Our
19 members are committed to meeting the State's goals of
20 greenhouse gas productions. This proposal is contrary
21 to that.

22 If we're moving water that can be produced into
23 or turned into energy in low-energy usage months when we
24 need to produce more energy in the summer when there is
25 less flow, we are going to be using sources that create

1 emissions. That does not help us get to our 30 percent.
2 Our members, like I said, have been committed to this
3 and are doing that job right now.

4 The second is, obviously, these are our jobs.
5 Much was said about jobs by the other industries
6 interested here today. The men and women that work in
7 the valley for these utilities have no interest in going
8 to the Bay to work in canneries, or wherever else these
9 10,000 jobs are that they're speaking of.

10 Thank you for your time.

11 CHAIRMAN HOPPIN: Thank you, Justin.

12 Cindy Charles, Jeanette Okuge, Sandra Ketchpel,
13 and Randy Hanvelt.

14 MS. CHARLES: Good afternoon. I'm Cindy
15 Charles. I'm here to represent the Golden West Women
16 Flyfishers, and also the Northern California Council
17 Federation of Flyfishers.

18 I'm the conservation chair for both of those
19 nonprofit groups. I serve on a voluntary basis. I have
20 been involved in the Merced and the Tuolumne rivers for
21 several years.

22 I'm here to just echo the -- well, let me back
23 up. The Golden West Flyfishers is a 30-year-old group
24 of anglers. We have about 125 members throughout
25 Northern California. We support various communities

1 services, such as providing fish camps, scholarship to
2 children to go learn how to fish. We also donate funds
3 to education -- or watershed education programs within
4 the Bay Area.

5 The California Federation of Flyfishers also is
6 involved in many other conservation activities.

7 So, I wanted to address you as a person who's
8 actually fished in these rivers. I fish the Tuolumne
9 River and the Merced River, and I have fished in
10 Stanislaus. I live in San Francisco. I have a place in
11 Tuolumne County. I drive up there and I float the
12 rivers. And I have done so for a number of years.

13 Particularly the Tuolumne and the Merced
14 watersheds, which I'm most familiar with, have an
15 amazing riparian corridor. And not only is it the
16 salmon and steelhead that I greatly enjoy and treasure,
17 but I've seen beavers and otters and the water fowl.
18 And it's just a part of California that, yeah, it has a
19 lot of invasive species, but there are -- but it does
20 represent what California once was.

21 I do want to say that we believe -- my
22 organization believes that this proposal of 35 percent
23 is not going to do much to move the needle. I fish
24 there, and after high-water years there are fish to be
25 caught. I've seen salmon and I've caught the steelhead

1 or the resident trout. And when there are low-flow
2 years, the fishing is terrible.

3 I know the fly fishing guides that take people
4 down river that do contribute to some economic activity
5 cannot take people down there because when there's no
6 fish, there's no business.

7 There's been talk about a lot of, you know,
8 generations in the farming community. I also want to
9 say my father -- I grew up in San Francisco, and I
10 learned -- I fished on the ocean for salmon and I fished
11 for trout in the Bay. I have an 18-year-old son who has
12 a lifetime fishing and hunting license. He fishes and
13 he duck hunts, and I sure hope that he will be able to
14 have some fish to fish for in the future and that his
15 children will also have fish to fish for in the future.

16 I'm just concerned -- a lot of my work is done
17 on a voluntary basis because I'm really concerned about
18 the future of these resources, the water, the salmon,
19 the fisheries for future generations.

20 And things have been out of balance for quite a
21 while, and I appreciate you addressing it. And I know
22 it's very difficult, but I just wanted to tell you that
23 definitely when there is more water, there is more fish.
24 Those fish are resilient. They'll come back if given
25 half the chance.

1 With that, I thank you.

2 CHAIRMAN HOPPIN: Thank you very much.

3 Jeanette.

4 MS. OKUGE: My name is Jeanette Okuge. I'm from
5 Livingston, Merced County. I have a fifth generation on
6 my ranch. Young people are coming back. My daughter
7 even came back. So, I am hoping that we will be able to
8 have a farm when, you know, their kids are older too.

9 I'm president of the Farm Bureau for Merced
10 County. You might see my shirt: "We farm. You Eat."
11 The Future Farmers Of America, one chapter won \$500 from
12 us for coming up with this logo here.

13 And I'd just like to say that, as with all of
14 us, we require four things for our habitat: Food, water
15 shelter and air. And those have to be protected.

16 I also enjoy fishing. I have 200 feet on the
17 Merced River not too far from my 88 acres of almonds.
18 And we do fishing, and I love the wildlife.

19 In fact, I even represent environment as the
20 Farm Bureau president of Merced County. I'm
21 representing the environment on the Integrated Regional
22 Water Management, the advisory committee in Merced.

23 And we're working on a grant right now.
24 Hopefully, we'll get it with Proposition 84 money to
25 help educate people about the values we have, you know,

1 for our rivers and our land.

2 So I'm a small farmer on a special place on
3 earth that other people would like to have. My land and
4 water continue to be threatened. The City wanted to
5 move out three miles to take my land for an urban
6 preserve. The irrigation district is forced to pump the
7 water under my land to provide enough water for all
8 their demands.

9 Farmers are forced to put more straws in the
10 ground as surface water becomes more scarce. We all
11 know this is not sustainable. In a short time of
12 playing with nature, we have created a mess.

13 I don't want to see our Central Valley become
14 another Owens Valley. And I've heard that referred to
15 just recently. I'm reading *The Cadillac Desert*, and
16 it's a very, very good book with a lot of information;
17 and I just don't want us to be another a bowl.

18 We must protect those four requirements. We
19 need to survive. That's food, water, shelter, and our
20 air. And provide a healthy -- having healthy water and
21 air and food. So we all need to conserve more, use
22 less; something farmers have modeled with their new
23 irrigation methods. We've changed from solid-set
24 sprinklers to drip.

25 We also need a government by and for the people

1 which will act to protect a sustainable life.

2 So please dig deep before you take the water
3 from these three rivers for other uses. We farmers in
4 the valley cannot dig anymore.

5 Our groundwater is a very, very serious thing.
6 I'm grateful that you have the Integrated Regional Water
7 Management Plan, because we're putting the waste water,
8 the surface groundwater and we're looking at it all
9 together. Very Important.

10 Thanks.

11 CHAIRMAN HOPPIN: Thank you, Jeanette.

12 Sandra Ketchpel.

13 MS. KETCHPEL: Good afternoon, and thank you for
14 letting me talk. My name is Sandy Ketchpel. I'm a
15 California native. I am an eastern Contra Costa
16 resident, County of Contra Costa. I live on the Delta.

17 I have probably one of the few recreational
18 boating credentials here today because I've heard a lot
19 from other people. But just as a citizen of the State
20 of California, I've been a member of American Watercraft
21 Association for ten years, and I am one of the founding
22 members of the Northern California Watercraft
23 Association, and my brother-in-law is a member of the
24 SoCal Watercraft Club. So we're all very concerned, and
25 I'm here representing them today.

1 I also work at UC Berkeley, which is probably a
2 curse word to many people here. But I'm a graduate of
3 that as well -- excellent. Glad to hear it. I've
4 worked for 23 years in the Department of Economics and
5 the Goldman School of Public Policy, including working
6 on a multi-million dollar grant with Professor Michael
7 Hanemann, who was awarded a grant from you guys
8 recently -- now at Arizona. Also, John Jacob and
9 Caitlin Dyckman, one of their Ph.D. students, now a
10 faculty member.

11 I know how complicated these matters can be. I
12 know that you're doing a lot of things that are
13 competing for very minimal resources, but there are
14 things that I have learned and picked up when I listen
15 to things.

16 And one of the things I heard today is the
17 antidegradation analysis is not yet available and it
18 will not be available until the comment period is
19 closed, and it will be included with the final report,
20 which I find quite concerning.

21 Also, the model uses similar storage levels to
22 the baseline requirements. The word "similar" concerns
23 me.

24 Three, in the model, three watershed districts
25 are combined. And has been previously mentioned,

1 combinations and averages can skew these results quite a
2 lot, and I would urge you guys to think about looking at
3 it as distinct watershed districts instead of as
4 averaged or combined.

5 Fourth, we're told that there will be
6 significant effects on local wastewater agencies, and,
7 quote, "We're hoping that there can be some flexibility
8 for them." I would really like some analysis that
9 doesn't rely on hope and crossed fingers.

10 Again, this does not breed confidence that this
11 has been a thorough analysis for the State residents and
12 the voters have all the info before they're allowed to
13 comment on such an overwhelming and historic moment.

14 Finally, power availabilities is absolutely an
15 issue. California has gone through brownouts and all
16 kinds of things. The idea that hydroelectric power
17 cannot be generated on demand, yet the plan clearly
18 shows that five to eight percent less power in summer
19 months will be available from the hydroelectric process.

20 I think what we've all said here today in nearly
21 eight hours of commentary is that we're not confident
22 that this draft is ready for prime time in terms of its
23 assessment of the complicated tradeoffs that are
24 required.

25 If Governor Brown would like a legacy in water

1 policy like his father did, or does, I would urge him to
2 deliver a policy that is thorough and comprehensive and
3 integrated.

4 I would urge him to consider things such as a
5 statewide plan on capture, a statewide plan on regional
6 self-support, a statewide plan for storage, transport
7 and required efficiencies, and possible bond measures
8 that also include dams and desalination.

9 The watercraft members are a laid-back group.
10 I'm not sure they're going to enter any commentary in
11 your public record, but I just wanted to say thank you
12 but there are a lot of concerned boaters who come to
13 California from Arizona and Oregon that I've personally
14 met, and this really matters to them greatly as well.

15 There isn't a lot in Southern California for
16 them to do other than the ocean, and the Delta is an
17 amazing resource. Please don't mess it up.

18 Thank you.

19 CHAIRMAN HOPPIN: Thank you, Sandy.

20 VICE CHAIR SPIVY-WEBBER: I just wanted to
21 clarify really quickly that there will be an opportunity
22 for the public to comment on the antidegradation
23 analysis and, also, future opportunities to hold
24 comments on the draft water quality control plan. And
25 then assuming we don't recirculate, which is a

1 possibility as well on the final document before it's
2 adopted by the Board. So there are many additional
3 opportunities for public comments. This is the first in
4 a series.

5 CHAIRMAN HOPPIN: Thank you.

6 Randy Hanvelt.

7 MR. HANVELT: Thank you very much, Mr. Chairman,
8 members of the Board. My name is Randy Hanvelt. I'm an
9 ag guy. I grow grapes and make it into wine. Most of
10 you like that kind of thing. I'm also a scientist. I'm
11 not a hydrologist but I am a scientist. Physics is my
12 training. I'm a former global executive for a major
13 industrial company, and right now I'm the Chairman of
14 the Board of Supervisors of Tuolumne County.

15 Most of the water you're talking about these
16 days in this meeting, we're your source -- the drip
17 system. And I hear all these comments about we want
18 fish; we want water for ag. And, you know, I want all
19 those things too; but we can't be myopic about this. We
20 need to have a major solution. And we've been talking
21 about the use of water. You need to deal with the
22 source term. The only person I've heard talk about that
23 was my colleague, Ms. Brennan, a member of our board.

24 Our forests are in terrible shape. We've got
25 less water in our rivers, creeks and streams because our

1 forest isn't managed. She's told you about two-thirds
2 of the water never hits the ground.

3 Last year we were in a major drought situation,
4 as you all know. You probably suffered from it too. We
5 had a stupid argument over the lay of level of the water
6 in Pine Crest Lake and whether we could use it for
7 consumptive use or we needed to maintain it for
8 recreation. Now, that's a stupid argument.

9 The State Water Resources Control Board dallied
10 with that equation for a long time until we didn't need
11 it anymore. What saved us was PGE not running a power
12 plant.

13 We need a comprehensive solution to this
14 problem. And it's not just the source term you're
15 talking about. It's the entire source of Delta water.
16 I mean, you could solve the Delta problem by stopping
17 the shipment of water to Southern California. I don't
18 think anybody is signing up for that. I'm not.

19 You can't have simple solutions. Nothing is
20 that simple. I'm hearing myopic things here today,
21 broad solutions. This is not ready for prime time. And
22 we urge you to look at the source term, because if we
23 had more water we'd also make this problem a lot easier
24 to solve.

25 I would prefer to see everybody have adequate

1 water. I don't want to see fights, but the years where
2 we have drought are the years where the fights will
3 occur because everybody wants it.

4 So let's work on the source term because there
5 is a solution. Good science says so.

6 So thank you very much for your time. Thank you
7 for what you do, by the way. You sit here all day and
8 take this abuse, including from me. And I look forward
9 to the right answers, not just expeditious, convenient
10 answers.

11 Thank you.

12 CHAIRMAN HOPPIN: Thank you for your comments.

13 Mike Maciel. Michael's not here.

14 Rhonda Lucas.

15 Wayne Zipser.

16 MR. ZIPSER: Thank you, Mr. Chairman.

17 My name is Wayne Zipser, and I guess with a Z --
18 am I apparently the last speaker?

19 CHAIRMAN HOPPIN: You are.

20 MR. WAYNE ZIPSER: Oh, yeah?

21 (Laughter.)

22 Well, thank you. And I do have to catch a bus
23 at 5:00 o'clock, so I'll be brief.

24 CHAIRMAN HOPPIN: I hope the terminal is pretty
25 close.

1 MR. ZIPSER: I might have a ride home with
2 somebody. I don't know.

3 Again, my name is Wayne Zipser. I'm the
4 executive director of the Stanislaus County Farm Bureau.
5 I'm also a third-generation farmer from Turlock,
6 California; and I also serve as the co-founder of the
7 East San Joaquin Water Coalition. And as you may know,
8 as the new Long-Term Irrigated Lands Program that's just
9 been launched, we are the very first one. So, lucky me
10 so far.

11 But today I'm here representing 1800 farm
12 families and an additional 2,000 supporting agricultural
13 members in Stanislaus County.

14 Stanislaus County Farm Bureau is a nonprofit
15 grass roots organization that represents farmers and
16 ranchers at all levels of government. For the last 99
17 years, by the way. We're going to be celebrating our
18 hundredth year next year.

19 Our local board is made up of 37 members
20 representing five regions of our county. At the last
21 board meeting at the Stanislaus County Farm Bureau last
22 month, the board passed a resolution to unanimously
23 oppose the proposal SED today on unimpaired flows of the
24 Tuolumne, Stanislaus and San Joaquin rivers.

25 I'm not going to get into the facts of what --

1 Supervisor Chiesa talked about some of the economic
2 impacts. You've heard all those today. I do have those
3 in prepared statements. We are going to include those
4 into formal comments, along with the California Farm
5 Bureau. But I'd just like to bring up just a couple of
6 points.

7 One of the things that kind of bothers me a
8 little bit we've been talking about is lower-value
9 crops. Stanislaus County is a home to about 250
10 different crops, according to our crop report from our
11 ag commissioner. What makes this most unique in
12 Stanislaus County and throughout a lot of the Central
13 Valley where we have available water is our diversity.
14 And that's one thing that is very, very important.

15 What may be a low-value crop today may not be
16 tomorrow. You know, we can't all grow almonds, grapes
17 and walnuts. And we don't really want to because the
18 diversity is what makes us a world center for
19 agriculture.

20 One of the other things I'd just like to quickly
21 bring up and I mentioned about -- that was talking a
22 little bit about stewardship today. Our farmers and
23 ranchers of Stanislaus County have made amazing strides
24 in improving water quality in surface water when we look
25 at what the coalition and the farmers who have become a

1 part of that coalition.

2 I'll give you one real quick example, and that
3 is the Dry Creek through Modesto has totally eliminated
4 pesticides from any exceedances that they find anymore.
5 And that's because of the work of the farmers and
6 ranchers.

7 I can see my three minutes is up, but I also
8 want to close by saying I've lived through what some
9 folks are talking about -- the '87, '92 droughts. I
10 lived through the '77 drought. We only had 12 inches of
11 water that year. We had to beg, borrow and drill wells
12 and find water. And we lost -- our groundwater was
13 immensely depleted in those years.

14 So I urge you to -- as Michael Frantz mentioned,
15 look at the data that they already have, a hundred years
16 of data at Turlock Irrigation District.

17 And also I would submit to you -- we invite all
18 of you to come to our community and talk and have
19 workshops there and listen to those folks. And I think
20 it would be a very, very important thing to do.

21 And we absolutely thank you so much.

22 And, again, Chairman Hoppin, thank you for all
23 your service, and good luck to you in your farming
24 endeavors.

25 CHAIRMAN HOPPIN: Thank you very much.

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REPORTER'S CERTIFICATE

I, Jacqueline Toliver, a Certified Shorthand Reporter for the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing hearing was reported in shorthand by me, a duly qualified Certified Shorthand Reporter, and thereafter transcribed into typewritten form by means of computer-aided transcription.

I further certify that I am not of counsel or attorney for any of the parties to said hearing or in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of April 2013.

JACQUELINE TOLIVER
Certified Shorthand Reporter
License No. 4808