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BEFORE THE

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

HEARING IN THE MATTER OF CALIFORNIA DEPARTMENT OF WATER RESOURCES AND UNITED STATES BUREAU OF RECLAMATION REQUEST FOR A CHANGE IN POINT OF DIVERSION FOR CALIFORNIA WATERFIX	TESTIMONY OF TOM SLATER

I, Tom Slater, do hereby declare as follows:

I. INTRODUCTION.

My name is Tom Slater. I am a third-generation farmer and I currently reside in Clarksburg. I am the owner of Slater Farms Inc. ("Slater Farms"), an agricultural enterprise located in the Clarksburg area. Slater Farms includes about 750 acres of owned and leased land. Farmed lands are generally located in the central part of the Clarksburg area between Willow Point Road and Central Avenue, with additional fields immediately south of Central Avenue. Wine grapes account for about 300 acres,[1] and other significant crops include wheat, safflower, corn, and alfalfa on the balance of the Slater Farms Inc. acreage.

I am member of the Clarksburg Winegrape Growers Association. I am also on the Board of Directors for the California Association of Winegrape Growers as well as Chairman of the Board of Trustees for Reclamation District 999. I graduated from U.C. Davis with a degree in Agricultural Economics in 1976. I joined Slater Farms Inc. that same year and have been farming in Clarksburg ever since. I have served on the USDA's Farm Service Agency for nine years and I have chaired the Yolo County Farm Service Agency Committee for three years. I am currently an Alternate Commissioner for the Delta Protection Commission.

II. OVERVIEW OF TESTIMONY

My testimony focuses on describing how Delta Tunnels project (known formally as the California WaterFix) construction traffic could affect agricultural operations in the Clarksburg area. In preparing this testimony, I was apprised of the following facts from the Final EIR/EIS certified by the California Department of Water Resources ("DWR") for the Delta Tunnels:

- Chapter 19 of the Final EIR/EIS describes a significant increase in traffic and pavement deterioration on three of the four local road segments studied therein;
- In the Clarksburg area, four road segments were studied in the Final EIR/EIS: one state highway (SR 84) and three County Road segments (two segments of South River Road, and Courtland Road). I reviewed a map from the Final EIR/EIS depicting those four

[1] Throughout the Clarksburg appellation, wine grapes are planted on about 13,000 acres.

segments (SWRCB Exhibit 102 (Final EIR/EIS) at Ch. 19, Fig. 19-2a) and I am personally familiar with each road;

- I also reviewed graphics included in Appendix 19A (Attachment E) to the Final EIR/EIS that illustrate the increase in traffic on each of the four road segments relative to existing conditions if the project moves ahead;
- The Final EIR/EIS explains that State Route 84 (usually referred to as Jefferson Boulevard both inside and outside of West Sacramento) may be heavily used by Delta Tunnels construction traffic. The graphics mentioned in the preceding bullet indicate a potential increase in vehicles from 50-150/hour to 700-800/hour between 6:00 a.m. and 7:00 p.m. On average, this represents a vehicle every four seconds during the 13-hour period analyzed in the Final EIR/EIS;
- The Final EIR/EIS indicates Courtland Road and South River Road (from its junction with Courtland Road south) would receive essentially the same increase in traffic as SR 84 of about 600 vehicles/hour above existing traffic levels during the 13-hour period analyzed. I understand this level of traffic may be overstated, but it is nonetheless the information provided to the public and thus I am relying on it herein;
- South River Road north of the Courtland Road intersection is not expected (per the Final EIR/EIS) to see a significant increase in traffic;
- The pavement of each of these road segments is identified as deficient in the Final EIR/EIS, with limited exceptions for portions of SR 84. The Final EIR/EIS also explains that construction traffic could exacerbate pavement deterioration and trigger road repairs, reconstruction, and/or the use of alternative routes for construction traffic; and
- The California Department of Water Resources ("DWR") has indicated it will repair or reconstruct roads as needed to accommodate project construction traffic.

With this background in mind, my specific comments and concerns are set forth in the following section.

III. COMMENTS AND CONCERNS REGARDING WATERFIX CONSTRUCTION TRAFFIC.

A. Agricultural Vehicle Movement.

A significant concern is the movement of agricultural vehicles on the various road segments, as well as other roads (such as Clarksburg Road) that were not studied in the Final EIR/EIS.

Clarksburg has many small fields that necessitate the frequent movement of agricultural equipment. There are only two significant north-south routes in the Clarksburg area: SR 84 and South River Road. These roads are used to move both large and small agricultural equipment during the growing season (generally, March until mid-November). SR 84 in particular receives heavy use by agricultural equipment, such as large tractors with implements. Growers in the Clarskburg area move large agricultural equipment on SR 84 and other roads every day during the growing season—often, growers will move equipment several times during a single day.

This equipment moves very slowly—speeds of 5-10 miles per hour are typical, with some equipment moving a bit faster (but well below the 55-m.p.h. speed limit for most rural roads). I routinely use SR 84 to move cultivating and spraying equipment between fields about 3-5 times weekly during the growing season. This is a slow process, as the equipment moves at only 5-10 m.p.h. The process of turning on and off of SR 84 to small local roads will be very difficult with the projected increase in traffic. While traveling on SR 84, other traffic would have to slow down for equipment because of the minimal shoulder space available to accommodate slower-moving agricultural equipment. This will increase congestion, and passing would be complicated and dangerous because of the overall increase in traffic projected in the Final EIR/EIS.

All of these issues would be magnified during harvest. Moving harvesting equipment is even more difficult than moving cultivating and spraying equipment. Harvesting equipment is larger and often is more challenging to move on roads.

The possibility of hundreds of cars each hour on SR 84 is a daunting prospect for local agriculture. With that volume of traffic—an average of a vehicle every four seconds—even turning onto SR 84 from a field or adjacent road would be difficult and almost certainly dangerous. And even assuming occasional gaps in traffic permit such turns, it is hard to imagine safely moving agricultural equipment on SR 84 on a regular basis as dozens of cars follow closely behind or

attempt to pass. In most locations, shoulder space is insignificant and does not allow equipment to move much off the traveled way.

The alternative is to load such equipment and move it from field to field (or field to shop) on truck trailers. This is time consuming and impractical, and it offers only a partial solution. Trucking will increase costs and delays and, as such trucks themselves move quite slowly, it would not entirely solve the congestion and safety problems that would result from moving this equipment in the customary manner on SR 84 during Delta Tunnels construction.

The problems that would arise with increased traffic volumes in the Clarksburg area, including on SR 84 and the other road segments slated to receive substantial Delta Tunnels traffic, would be just as serious for growers in adjacent regions of Solano County to the south. Those growers also depend on SR 84, Courtland Road, and South River Road to access their fields and move agricultural equipment.

B. Farm to Market.

SR 84 is a major "farm to market" route used by firms that transport agricultural commodities from the Clarksburg area—including wine grapes, alfalfa, wheat, and fruit—to processing and distribution facilities. Clarksburg competes with other agricultural areas for trucks that transport commodities during the harvest season. For these firms, delays resulting from congestion, road conditions, and repairs or reconstruction would make it more difficult and costly to serve Clarksburg. This equates to trucking operations serving areas that are the least problematic for their operations. Since truckers have become a scarce commodity lately, they would focus on areas where they would be least impacted by construction or potential traffic delays.

In a worst-case scenario, delays and related inconveniences from major road repair projects could deter some trucking firms from continuing to serve Clarksburg area growers. State laws regarding driver hours and rest create significant scheduling challenges when long delays and related complications are possible. Trucking costs would rise, perhaps considerably, with decreased competition. Stand by charges exist to cover delays on occasions that are warranted, and that means more costs to the farmers in the Clarksburg area. Even if the trucking firms that currently serve the area are not deterred by congestion and delays, such higher trucking costs are inevitable—this has

happened before with trucking firms that serve Slater Farms. As trucks wait and delivery or service times extend, many costs—driver wages and fuel, for example—increase for trucking firms. Delays also increase the number of trucks needed to provide services during harvest and otherwise. These factors result in higher prices for growers in affected areas.

With wine grapes, there is an additional complication arising from the need to deliver harvested grapes to processing facilities within very specific delivery windows that are established in advance of harvest. Exhibit YOLO-10 is a long-term (12 year) delivery contract between Slater Farms and E&J Gallo. It includes what I understand to by typical language on deliveries, stating at page 2:

> **Harvest and Delivery:** Buyer will provide Seller with the schedule for harvest and delivery of each variety. Buyer's harvest schedule shall be based upon the grape flavor characteristics Buyer establishes in its sole discretion for Buyer's program for which the grapes will be used for that crush year. Buyer may reject any grapes not harvested and delivered according to such schedule and not delivered within **5** hours of harvest. Seller shall not trample the grapes during loading and shall load the grapes into containers that contain only one variety and that are suitable for protecting the grapes until delivery to Buyer. Seller agrees to deliver at Seller's expense to a winery designated by Buyer, and Seller assumes all risk of loss until grapes are delivered and accepted at the designated winery.

As this language makes clear, grapes must arrive at the designated winery promptly after harvest (usually cool and in the morning). Delays arising from Delta Tunnels construction could make it more difficult to timely deliver grapes to processing facilities and, if a late delivery occurs under this contract (and virtually any contract for the purchase of wine grapes), the purchaser has discretion to reject it entirely.

The economic significance of this is important to understand. As a point of reference, a load of wine grapes (about 23.5 tons) is typically worth between $15,000-$30,000 to the grower. A ton of grapes will yield about 150 gallons of wine, which equates to 62 cases of bottled wine from the original ton of grapes. Each truckload carrying about 23.5 tons of grapes thus represents the potential for just over 1,450 cases of bottled wine. Altogether, for the winery that receives and processes it, a truckload of grapes ultimately yields a finished product that can bring in between $130,000 to $1,000,000 in gross revenue (based on the price of bottled wine). A late truckload of

wine grapes that is rejected thus represents a major economic loss for both the grower and purchasing winery.

C. Other Agricultural Impacts.

Clarksburg growers compete with other areas for agricultural laborers, which are increasingly scarce throughout the state. Slater Farms usually employs about 25 seasonal agricultural laborers. Laborers often travel significant distances each morning to fields where they assist with planting, pruning, suckering, thinning, leaf pulling, harvest, and all other activities necessary to produce agricultural commodities. Particularly during critical planting and harvest periods when the demand for agricultural labor is at its peak, laborers would be less likely to accept Clarksburg-area jobs (or will demand significantly more money) if travel times increase due to congestion, road reconstruction, or other factors relating to Delta Tunnels construction.

Labor is a serious issue, both in the context of the Delta Tunnels and generally. My understanding and personal experience is that the supply of agricultural labor has decreased by as much as 40% to 50% in recent years. Nobody chooses to drive a greater distance to work and spend more money on gas if they have other options. The agricultural labor workforce will go wherever is closest to their homes (provided competitive wages are paid). This could be a serious challenge for Slater Farms—we cannot lose any more labor, whether due to delays on the roadways or otherwise. Increasing gas prices are already having an impact on our workforce. Combined with the fact these workers travel sometimes many miles to work, if they are delayed in coming to work because of Delta Tunnels construction, then we are delayed in delivering our loads at the winery, and Slater Farms will suffer the consequences economically.

Lastly, winemaking enterprises from other areas frequently express an interest in establishing vineyards in Clarksburg due to favorable soil, weather, and other conditions. This is an important part of the local winemaking economy. It could decline, however, if the various concerns noted herein significantly increase production costs or otherwise make Clarksburg less attractive to outside investment.

D. Soil Characteristics.

As a lifelong Clarksburg resident and third-generation farmer, I am very familiar with soil conditions and the condition of local roads. Heavy rain and a high groundwater table contribute to saturated soils throughout the Clarksburg area. As a consequence, area soils frequently shift up, down, and laterally over time due to ever-changing moisture conditions in shallow soils. Some agricultural activities, such as maintaining irrigation ditches, thus require regular attention to counteract soil movement.

The same conditions appear to contribute to pavement deterioration and other problems with local roads. This is evident in many locations where roads are immediately next to drainage or irrigation ditches. In those locations, the road surface erodes away at the edges and develops significant cracks and other flaws. I observe this regularly on Clarksburg-area roads. In other locations, the soils shift the paved road surface up and down (such as near the headquarters of Reclamation District 999 on Netherlands Road). The local roadways discussed in the Final EIR/EIS are often parallel to agricultural ditches. The soils underneath the roads, general speaking, tend to slough off into the ditches alongside of these roads after trucking season. These ditches are necessary for flood control in the winter and, if compromised by erosion from heavy trucks and other traffic, could potentially cause flooding issues for the Clarksburg area. The large number of trucks anticipated during Delta Tunnels construction would exacerbate the frequency and magnitude of this problem.

E. Alternative Routes.

While the Final EIR/EIS studied four road segments in the Clarksburg area, it did not account for the potential use of other roads that are regularly used by vehicles driving through the Clarksburg area bound for the Courtland Bridge. Agricultural traffic also relies on these roads, including for the regular movement of farm equipment during the growing season (as described above in the context of SR 84).

One likely alternative route is for vehicles to use Clarksburg Road rather than Courtland Road to move east-west between SR 84 and South River Road. This will be an attractive option if SR 84 is congested due to Delta Tunnels traffic and/or related repair or reconstruction work. If this

occurs, it will result in all the agricultural equipment and safety-related conflicts noted above, as well as additional traffic through the town of Clarksburg.

Another alternative north-south route is the segment of South River Road north of Clarksburg. The Final EIR/EIS indicates it would be little used during Delta Tunnels construction. For the same congestion-related reasons that Clarksburg Road might be more heavily utilized, however, this South River Road segment could be more heavily used. This road segment has been experiencing much more traffic over the past two to three years, as traffic is increasingly using a new overpass north of the Freeport Bridge on I-5 to exit and take South River Road to and through West Sacramento. This portion of South River Road (i.e., between West Sacramento and the Freeport Bridge) was temporarily closed to traffic during the 2016-17 winter season because of safety concerns arising from road and traffic conditions. Road wear and tear from increased traffic becomes most apparent during wet weather conditions, and I am concerned this would become common if Delta Tunnels construction proceeds.

Additionally, South River Road handles a large volume of traffic from farming operations. It is now the major roadway used for trucking agricultural commodities via the Cosumnes River Boulevard exit from Interstate 5 to South River Road. The volume of large trucks and other traffic on the Freeport Bridge already creates a safety issue. Extra traffic from the Delta Tunnels construction would increase congestion and safety problems in these locations.

F. Other Trucking Activity.

SR 84 is routinely used by firms that provide agricultural equipment and supplies (e.g., propane, fertilizer and agricultural chemicals, fencing), solid waste removal, and other services within the Clarksburg area. Slater Farms receives deliveries of such materials on a daily basis. These deliveries would be impacted by increased congestion, worsened road conditions, and delays due to local road repairs or reconstruction resulting from Delta Tunnels construction. As with many other elements of the agricultural economy discussed herein, it is reasonable to expect that prices to Clarksburg-area growers would increase as a result.

G. Bridges.

Bridges at Freeport and Courtland (particularly the latter) are likely to receive significant Delta Tunnels construction traffic if the project moves forward. This presents two concerns.

First, the approaches to these bridges is narrow and difficult to negotiate in a large truck. Structural elements of the bridges are frequently struck—usually by large vehicles—under existing traffic conditions, and must be approached slowly and cautiously by the drivers of such vehicles.

Second, as each bridge is narrow, it becomes difficult or impossible for traffic heading the opposite direction to cross when a large truck is using the bridge. This causes congestion and delays, as well as a traffic safety issue. Increased large vehicle traffic on these bridges would therefore impede local traffic and the movement of harvested agricultural commodities to processing facilities and markets.

This is a particular concern regarding the Freeport Bridge. As noted above, the recent increase in traffic levels at and near the Freeport Bridge causes enormous problems for Clarksburg-area residents who travel north to Sacramento. While traveling north on South River Road, the turn onto the Freeport Bridge by a large truck is extremely difficult and impossible if there is a vehicle coming across the bridge from the opposite direction. The trucks entering these bridges need a wide swing out to get onto the bridge and potential Delta Tunnels traffic increases would cause significant delays for people using those routes for work or other activities.

As a personal example, my wife and son use that route (the only one available) to go to a private school in Sacramento every morning. It already has been impacted by the new exit from I-5 (Cosumnes River Blvd.) by vehicles using this route to go through West Sacramento every morning. It has added 15 more minutes to her travel time (which was only 20 minutes to start with) to compensate for the extra time that it might take to cross the Freeport Bridge. If any meaningful amount of Delta Tunnels traffic uses the Freeport Bridge, it will add to that problem considerably. Built in 1929 (according to a monument on the eastern landing), the Freeport Bridge does not appear to have been intended to accommodate large commercial trucks or substantial amounts of traffic in both directions. Delta Tunnels construction traffic would exacerbate these conditions.

H. School Enrollment.

In my opinion as a Clarksburg resident with general familiarity with the operation of local schools, local traffic and bridge congestion could reduce the likelihood that families from West Sacramento and families on the east side of the Sacramento River will continue to send their children to the charter K-8 school (Delta Charter) Clarksburg Middle School, and Delta High school in Clarksburg. These children are an important part of the local school population and these schools could face difficulty remaining open if enrollment significantly declines.

III. CONCLUSION

As this testimony seeks to make clear, Delta Tunnels construction traffic—whether it approaches the volumes described in the Final EIR/EIS throughout the day or only at certain peak hours—would impact Clarksburg agriculture in a number of ways. These impacts vary in degree but, particularly when taken together, they represent a real and significant threat to Slater Farms and other local agricultural operations. To my knowledge, these impacts (and others described above) have received no meaningful attention from DWR to date.

Additionally, like most Delta residents, my concerns with the Delta Tunnels extend beyond traffic and many of the other (generally, agricultural) issues described above. It would be naïve to assume that more than a decade of major construction would pass with little notice. To the contrary, I expect construction noise, dust, and other inconveniences both large and small, known and unknown, would occur throughout the construction period. Regional impacts from the project on traffic, agriculture, air quality, and the economy would affect every community, particularly the Delta legacy towns such as Clarksburg. The Delta Tunnels are simply not in the public interest.

Executed on this 29 day of November, 2017.

Tom Slater