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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 WATER FIX

**TESTIMONY OF RUSSEL VAN LOBEN  
 SELS ON BEHALF OF LOCAL AGENCIES  
 OF THE NORTH DELTA AND COUNTY OF  
 SACRAMENTO**

**I. INTRODUCTION**

In 1876, my great grandfather came to the Delta and began to reclaim and farm land in the Courtland area. Today, my brother and I farm some of the same land he did. Except for four years of college at Stanford where I earned a bachelor's degree in economics and three years in the U.S. Army, I have lived in the Delta and have been farming for 48 years.

My brother and I are fourth generation farmers and own and operate Amistad Ranches. My brother's son joined the company several years ago and represents the fifth generation. This year, during the pear harvest two members of the sixth generation worked during their summer vacation. We farm approximately 2,400 acres of pears, tomatoes, corn, wheat, safflower, alfalfa and wine grapes.

Currently, I am the VP/CFO of Amistad Ranches, CFO/Secretary of Esperanza Enterprises, and a Trustee of Reclamation District 744. I also chair the Delta Caucus, an informal organization comprised of the five Delta County Farm Bureaus, which joined together in 2008 to protect, promote, and enhance the viability and resiliency of Delta agriculture.

I previously provided testimony for LAND in part 1 pertaining to injury to legal users of water. (LAND-30.)

**II. TESTIMONY**

The Delta Tunnels (a.k.a. "California Waterfix") would impact the lives of Delta people on many levels, and therefore would not be in the public interest. My testimony is organized around the following:

1. Concerns Regarding Clarksburg
2. Amistad Ranches Impacts
3. Delta agricultural Impacts

**A. Concerns Regarding Clarksburg**

The northernmost intake for the Delta Tunnels is proposed to be built directly across the river and approximately a quarter mile south of the town of Clarksburg, where I have lived for over 40 years. Impacts from noise, traffic and dewatering will have tremendous negative impacts on the community and could make living in Clarksburg intolerable.

1 With the exception of one or two common wells serving several residences, each  
2 residence in Clarksburg is served by a private well. Similar to wells located on the east side of  
3 the Sacramento River, most wells in Clarksburg are 150 to 200 feet deep. This is the same  
4 depth zone as the area that may be dewatered and/or interfered with during the construction of  
5 the Delta Tunnels. (See LAND-2 [diagram showing the depth of tunnels]; LAND-58 and SJC-  
6 73 [well locations on east side of northern project area].) It is unknown how underground  
7 aquifers will react to dewatering and other obstructions, and whether or not the water supply  
8 for Clarksburg would be impacted, but it is possible that Clarksburg's water supply could be  
9 interrupted for up to ten years or longer, and that the aquifer may be permanently damaged by  
10 dewatering. (LAND-36 Errata, pp. 5-6 [testimony from Josef Tootle describing the uncertainty  
11 of mitigating groundwater interference].)

12 Construction of the intake across the river and slightly south would involve massive  
13 amounts of noisy construction activities including pile driving, truck traffic, grading, and other  
14 construction related noise. It has been proposed that some of this activity would occur 24  
15 hours a day, 365 days per year. (See SWRCB-102, FEIR/S, p. 3-129 [dewatering activity at  
16 intake construction sites would run at all times].) Certainly, these negative impacts would  
17 make living in Clarksburg extremely difficult.

18 Construction related traffic, to include thousands of truckloads of fill dirt to three different  
19 diversion sites, each 40 acres needing approximately 30 feet of fill, and removal of millions of  
20 cubic yards of tunnel muck will make transportation around the North Delta very difficult, if not  
21 impossible. (see LAND-2 [map of project area, including muck holding area (a.k.a. "reusable  
22 tunnel material") and tunnel work area at northern most intake]; SWRCB-105, pp. 63-67  
23 [describing general construction activities applicable to all intake sites].) All of this traffic would,  
24 at some point, use winding, narrow, very unforgiving two-lane levee roads with minimal  
25 shoulders and no bike lanes. Minor collisions can become very serious or fatal and often  
26 occur. If a vehicle goes off the road, there is a 30-foot drop to either the river on one side or  
27 down to farmland on the other. Although Clarksburg has a small grocery store, most residents  
28

do their shopping in Sacramento. Driving is a condition of life in Clarksburg, and the inability to use the roads due to congestion or safety issues would make life intolerable.

### **B. Amistad Ranches Impacts**

Amistad Ranches grows wine grapes, corn, wheat, safflower, alfalfa and tomatoes within Reclamation District 744, the site of the northernmost diversion site. The intake would take 250 acres of our land for staging area, muck ponds and other associated tunnel operations. (LAND-30, p.1 [Russel Van Loben Sels Part 1 testimony]; LAND-57 [map of private properties needed by project showing Amistad Ranches; APNs for properties farmed by Amistad Ranches are APN 1190230043, -0019, -0021, -0067, -0022, -0051, -0066, -0026, -0025, APN 1320010004, -0040].) Ten years of muck storage, construction, and truck traffic would make it difficult to resume farming in this area as if nothing had happened.

This conversion of agricultural land at Amistad Ranches is categorized as partially temporary, lasting only during the construction phase of ten years and partially permanent. (SWRCB-102, FEIR/S, Figure M3-4.) Also, Amistad Ranches' point of diversion would be temporarily unusable. (See DWR-2 Errata, slide 21 [S021406, northernmost diversion].) The activities labeled "temporary" would likely permanently impair the land for future agricultural production. In addition, adjacent land may be impacted by dewatering, altered drainage patterns, disrupted irrigation systems, dust and negative impacts to Reclamation District 744 operations. The project would injure both water delivery and drainage for the farmland surrounding proposed Intake 2. (See LAND-30, pp. 2-3 [testimony describing how the natural topography of a given diversion affects water delivery and drainage, making the proposed alternate diversion inadequate]; LAND-60 [map showing the project's interference with existing delivery and drainage system for intake SO21406].) As a farmer, I don't think agricultural operations can co-exist with more than ten years of intense industrial activity.

In addition to conversion of agricultural land and interference in the areas of construction, transportation throughout the Northern Delta would become very difficult. Amistad Ranches moves employees, tractors, implements and agricultural products on Delta roads every day. We are already experiencing congested commuter traffic patterns around

1 Twin Cities Road in Walnut Grove and on the River Road between Hood and Freeport, where  
2 two of the proposed diversion sites are proposed to be built. Traffic on these parts of Twin  
3 Cities Road and River Road is expected to increase by 4 to 2.5 times and by 11 to 4.3 times,  
4 respectively, depending on the time of day. (SWRCB-102, FEIR/S, pp. 19-210 [CT24, CT25],  
5 19-215 [SC06, SC07].) Other routes into and out of the North Delta could be overwhelmed by  
6 traffic during the construction period. (SWRCB-102, FEIR/S, pp. 19-215 [SC02, SC03, SC04,  
7 SC11, 19-216 [SJ01].) Ten years of truck and other construction related traffic on other road  
8 segments throughout the North Delta would make farming in the area impossible. (SWRCB-  
9 102, FEIR/S, pp.19-208 – 19-217 [Table 19-25 showing traffic increases throughout Delta  
10 communities], Figure 19-2a; see also LAND-123 [Roadway Segments of Concern].)

11 The negative impacts associated with the Delta Tunnels would also impact our  
12 employees. Amistad Ranches employs 20 full-time employees and up to 100 seasonal  
13 employees. Our annual payroll expense exceeds \$700,000 per year. If seasonal employees  
14 cannot reach job sites, they either won't work or look for work elsewhere, exacerbating current  
15 labor shortages for labor intensive crops such as pears and wine grapes and making them  
16 much more difficult to grow and harvest. Amistad Ranches spends approximately \$1,500,000  
17 per year for goods and services from businesses which are located in the North Delta. These  
18 include custom farming entities, chemical companies, trucking companies, and parts, repair  
19 and equipment companies. These companies will be severely damaged by any major  
20 reduction in agricultural activity in the region.

21 The negative impacts of the Delta Tunnels would not be limited just to people who work  
22 for Amistad Ranches. Reclamation District 744, the site of the northernmost Delta Tunnels  
23 diversion site, is adjacent to Stone Lakes National Wildlife Refuge ("Stone Lakes NWR").  
24 Every year, around September 15th, Greater Sandhill Cranes arrive and roost in the Refuge's  
25 shallow water. Every morning and evening, the cranes fly to the agricultural lands in  
26 Reclamation District 744 to forage for food. Over the years, Amistad Ranches' cornfields have  
27 attracted and fed thousands of Greater Sandhill Cranes. Turning a portion of our land into an  
28 industrial construction site would reduce and negatively impact the foraging habitat of the

Greater Sandhill Cranes roosting in the northern part of Stone Lakes NWR. (LAND-3 [map identifying location of the Stone Lakes NWR].) Foraging opportunities for a variety of other bird species, including birds of prey and waterfowl, would be similarly impacted.

### **C. Delta Agricultural Impacts**

The Delta Tunnels Project will result in the permanent conversion of 3,909 acres of prime farmland and temporary conversion of 1,495 acres of prime farmland. (SWRCB-102, FEIR/S, p. 14-36, Table 14-8.) This is a problem because Delta agriculture is unique and the backbone of the Delta economy. County General Plans value and protect Delta agricultural resources and recognize that agriculture is the foundation of the Delta economy. (SACO-1, Sac. Gen. Plan, Ag. Element, p. 1 [description of the importance of agriculture to Sacramento local economy].)

The Delta Protection Act of 1992 in Public Resources Code Section 29703, subdivision (a) and (c) describes the Delta as an agricultural region of great value and states that the Primary Zone should be protected from the intrusion of nonagricultural uses. This Act created the Delta Protection Commission and directed it to create the Land and Resource Management Plan, which has five land use policies that protect agricultural resources.

The Delta Reform Act established the co-equal goals of water supply reliability and ecosystem restoration and conditioned their achievement on protection and enhancement of Delta resources to include agriculture. Water Code Section 85054 states that "The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place." In addition, pursuant to the Delta Reform Act, the Delta Protection Commission prepared the Delta Economic Sustainability Study, which clearly shows that agriculture is the backbone of the Delta's economy.

Two-thirds of the land in the Delta is farmland, and almost 80% of the Delta's farmland is classified as Prime Farmland. (RTD-301, p. 4.) This is unique, as less than 20% of the farmland in California is Prime Farmland. (Id.) According to the economic impact analysis in the Delta Economic Sustainability Plan, Delta agriculture and value-added manufacturing is

1 responsible for about 25,000 jobs, \$2.135 billion in value added, and \$5.372 billion in  
2 economic output across California. (RTD-301, p. 6.) Clearly, agriculture is crucial to the Delta  
3 and is a great benefit to the California economy.

4       The Delta Tunnels would have tremendous negative impacts on Delta agricultural  
5 resources. The primary negative impacts will be caused by conversion of agricultural lands to  
6 other uses, transportation issues, degraded water quality caused by intrusion of salt water into  
7 the Delta and negative impacts to infrastructure such as flood control and drainage. (SWRCB  
8 102, FEIR/S, pp. 14-191-198.) Some farmland conversion is slated to be temporary, while  
9 other farmland conversion is permanent. (SWRCB-102, FEIR/S, p. 14-1 [summarizing  
10 temporary and permanent impacts].) The Delta Tunnels would also increase soil salinity and  
11 harm farmers throughout the Delta. (See II-24 Revised, p. 8 [describing how project will result  
12 in salinity intrusion due to the removal of Sacramento River flows].) Even small increases in  
13 soil salinity can result in effects on agriculture. Increased salinity can limit the crop choices for  
14 farmers, and reduce yields of existing crops. Limiting the choices of crops and yields would  
15 surely harm Delta farmers economically, which will have a cascading effect in the region. (See  
16 LAND-78, p. 4-6 [testimony of Michelle Leinfelder-Miles, describing the negative effects  
17 increases in soil salinity can have on agricultural production]; see also II-2 Revised, pp. 3-4  
18 [testimony of R. Stanley Grant describing how increases in salinity damage grapevines].)

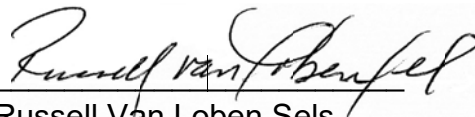
19       Businesses that depend on agriculture would be forced to close, agricultural jobs will  
20 decrease, and the Delta economy will begin a downward spiral. The combined effects of the  
21 negative impacts will be devastating.

### 22 **III. Conclusion**

23       The more water that is taken from the Sacramento-San Joaquin River Delta, the more  
24 economic and environmental damage would occur. Over the last two decades, Delta outflow  
25 has been regulated to protect Delta water quality and natural resources including agriculture.  
26 The Delta Tunnels would reverse steps taken to protect the health of the Delta and its  
27 economy by providing the means to increase water exports, reduce Delta outflow, and  
28 increase saltwater intrusion. I am convinced that there are better, more affordable projects to

advance water reliability for California projects that will impact the supply/demand equation by reducing demand and increasing supply. Regional self-reliance and increased water storage are key to reliability of water supplies in the future. Neither of these key elements is part of the Delta Tunnels. I remain committed to ensuring that Delta agricultural resources are protected and enhanced in accordance with the Delta Reform Act of 2009 and to searching for solutions, which will achieve the Delta Reform Act's co-equal goals without sacrificing Delta agricultural resources.

Executed on the 30th day of November, 2017, at Sacramento, California.

  
Russell Van Loben Sels

#### REFERENCES

Sacramento County General Plan, Agricultural Element, Community Planning and Development Department, p. 1 (Adopted 1993, amended 2017); SACO-1.