

1 **APPENDIX H6: 2009 INDIVIDUALS SCOPING COMMENTS**

Clarksburg

BDCP

BAY DELTA CONSERVATION PLAN

ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: Amy Alotri-Nishi Organization: None / Resident
Telephone: 916 775-1985 e-mail: fouadsmom@hotmail
Address: 5230 Holland Road
City: Clarksburg State: Calif Zip: 95612

☒ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

Agriculture and rural areas are very important to our state as a natural resource, and as productive farmlands are continually lost to development (maybe over-development) housing, we do need to be concerned, once lost it is something that can not be replaced. Fertile productive lands should not be ~~designated~~ ^{destined} to become wetlands as long as they are still producing. This is not practical, or reasonable. In the future, this may be the right and

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

only choice! Please don't hurry the process.

My name is Andy Wallace and I live here in Clarksburg with my wife and 2 sons. Both of my sons attend school in Clarksburg as did I. My parents live here in Clarksburg and we've been part of this community for 45 years, which, by Clarksburg standards, makes us newcomers.

PROCEDURAL COMMENTS-

1. It is important to the people of the Clarksburg area, and the people who are interested in the project from around the state, to keep all of our comments in the record in their entirety, and not reduce our individual comments into general or combined comments.
2. The documented and undocumented impacts of this plan will directly and indirectly affect the people of Clarksburg, yet the people of Clarksburg who will carry the burdens of this project, will see none of the benefits.
3. The admirable goal of "fixing the delta" is meaningless if, at the end of the day, it ends up creating just enough smelt to keep transferring more water to Southern California. There is nothing "co-equal" in California water politics, the delta and ITS people are always going to come last.

Water transfer should be de-linked from this process and the health of the watershed should be the primary focus of these efforts. Let's prove that the species that use the delta can be managed sustainably, over droughts, before we begin discussing water transfer.

4. The nature and character of the delta today is recognized as valuable in this document, yet our re-development interests are specifically rejected by this document, replaced with the unbridled growth of Southern California. This is an arbitrary and capricious attempt to shift the burden of development on the very people who are themselves not able to develop.

SPECIFIC COMMENTS & QUESTIONS-

1. With regards to the comments made by the Independent Science Advisors, in the BDCP Independent Science Advisors Report ,where are their comments addressed? *(See last Page)
2. What are the impacts on rare terrestrial plants (such as San Joaquin shadscale) and how will this project **not** lead to fragmentation and possible extirpation of these species?
3. How many acres of rare venal wetland habitat are jeopardized by the proposed canal construction? And, how many acres of this land have been surveyed?

4. We are concerned, on several levels that this project could lead to significantly worsening water quality, negating any positive ecological values.
5. Anyone who has worked in the Delta realizes that invasive species are one of the greatest ecological problems, yet the likely impacts of invasive species on this plan are just identified and dismissed in a cursory fashion. Invasive species are likely to require tens of millions of dollars in management and direct control and require these efforts in perpetuity. Where is the endowment for these activities?
6. If West Nile Virus increases in the Delta, it is expected to have significant impacts on native birds, such as the yellow-billed magpie. How are these impacts analyzed and mitigated for?
7. Converting freshwater habitat to brackish water habitat will have negative influences on the ecosystems of the upper delta, leaving this area as one of the last reservoirs of species, such as listed turtles and birds. Now the state wants to reduce their habitat for a fish that is largely limited by Southern California's water intakes? The sole purpose of this document is an attempt to commingle the issues of habitat restoration and water supply.

Water Use-

How much of the total San Joaquin flow will be taken under dry years and how much will be taken under wet years?

Engineering Issues-

1. What is the technical basis for proposing a flood bypass downstream/below the City of Sacramento and how is this not accomplished more efficiently by using the existing deep water ship channel? What is the difference in cost between using the ship channel and creating a new bypass?
2. Creating new bypasses and flooding areas within the existing Reclamation Districts will constrain or eliminate existing water management through water elevation changes and under-seepage. This will require redesign and operational changes throughout the region, causing tens of millions of dollars of infrastructure modifications and loss of agricultural use.
3. The project minimizes the engineering requirements to achieve and maintain water quality in the delta, and ignores the considerable engineering required to establish new flood routing and manage tidally-influenced wetlands. To realistically achieve what is being described would require an engineering feat equivalent to the entire country of the Netherlands efforts at reclamation and a management system beyond the capabilities of the Bureau Of Reclamation and

the Department of Water Resources. Instead, the engineering and water management is being treated simply as a conveyance problem needed to maximize water transfer.

Social Issues-

1. Tidal marsh wetlands have significant odor and mosquito problems, as anyone who has driven by one knows, which create objectionable and nuisance odors for the community. How will these issues be mitigated?
2. By improving habitat for delta smelt, other listed species could begin using the area, and potentially be creating new legal issues for the community, further reducing our ability to exercise our property rights. How will the community be protected from the consequences of this likely impact? *(Need a Clarksburg region Safe Harbor Agreement)*
3. Loss of farmland in the delta will have ripple effects with ag equipment suppliers, truck dealers, seed suppliers, etc., where good paying stable jobs will be directly impacted and lost. How will this plan mitigate for the losses of those jobs?
4. Who is running the economic analysis? On what basis will the analysis be completed, which models will be used, and why?

*Bold text are the Advisors' comments.

BAY DELTA CONSERVATION PLAN INDEPENDENT SCIENCE ADVISORS' REPORT http://www.resources.ca.gov/bdcp/docs/BDCP_ISA_Report_Final.pdf

An adaptive management approach was formally incorporated into the Strategic Plan for the CALFED Ecosystem Restoration Program (CALFED, 2000) but adaptive management was never fully implemented. The Advisors recommend that conservation planning for the BDCP be founded on adaptive management as described here (Recommendation R27). (Pg. 70)

BAY DELTA CONSERVATION PLAN INDEPENDENT SCIENCE ADVISORS' REPORT ON ADAPTIVE MANAGEMENT http://www.resources.ca.gov/bdcp/docs/2.27.09_SC_HO_Adaptive_Management_ISA_Report.pdf

Modeling - Models are extremely valuable for formalizing the link between objectives and proposed conservation measures to clarify how and why each conservation measure is expected to contribute to objectives. This key element of adaptive management is

largely missing from BDCP documents we reviewed. **We recommend more extensive and explicit use of models to formalize knowledge about the system and to select, design, and predict outcomes of conservation measures to be implemented and monitored.**

Feedback – Formal processes for devising actions to maximize learning, and for assimilating new knowledge to provide the feedback that is key to adaptive management, were not discussed in the documents. **We recommend that greater attention be given to the learning value of actions, and to establishing a formal process by which new knowledge is used to alter actions or revise goals or objectives.** (Pg. ii.)

Integration - The documents reviewed by the Advisors did not link the various conservation measures together as a package, and there was little sense of synergy or potential conflict among these clearly related actions. **We recommend the development of models to show clearly how various actions relate and how interactions will be integrated across multiple conservation measures and the entire adaptive management process.** (Pg. iii.)

Key missing elements of adaptive management in BDCP documents include (1) the formal setting of goals *based on problems to be addressed*, (2) the establishment of objectives (as distinct from goals), and (3) the use of conceptual or simulation models to bring the knowledge base to bear on the problems to be solved and predict outcomes of conservation actions. In addition, (4) monitoring must be more clearly and formally designed to establish criteria to evaluate effectiveness, and (5) monitoring results must be analyzed and assimilated to provide the information necessary for the feedback critical to adaptive management. Most critical are the succeeding steps (6) of capturing and interpreting information from monitoring and other sources to evaluate how the actions are working, what they are accomplishing, and how the knowledge base is changing. These critical steps require substantial investment in time, people, and resources.

3 Framework for Adaptive Management

Figure 1 presents a framework for incorporating adaptive management into the planning, design, and implementation of the BDCP. The framework is based on previously developed adaptive management frameworks, but has been refined to make key aspects of the process more explicit and to tailor the approach to the needs of the BDCP. The framework is specifically intended to improve the approach described in the draft BDCP documents and to avoid shortcomings of many previous AMPs. **We recommend adopting this refined framework to guide BDCP planning and implementation.**

BDCP Questions

Intro

There are significant issues that have yet to be addressed as part of the BDCP process. These include flows for fish; water quality; linkage of peripheral canal to (surface and groundwater) storage and conservation; assurances, governance; in-Delta economic impacts.

BDCP Process/Timing

Contra Costa County's concern about current activities to get authority to have access to land (DHCCP)

Water Quality/Supply

7/8 ★ How will you ensure improved water quality for the Central and Western Delta? When will negotiations for remedial actions (such as intake relocation or other fixes) begin?

★ How will outflow change under the BDCP? What changes in Sacramento River flow quantity and San Joaquin River quantity (changes will result in water quality impacts to City of Antioch and CCWD intakes)

What impacts will the BDCP have on water supply to Contra Costa County and water providers within the County?

Governance - Assurances

② The Delta Vision Implementation Plan proposed a new governance structure with "the authority, responsibility, accountability, science support and secure funding to achieve these goals." The BDCP Governance seems to be moving forward with its own governance, based on who 'owns the water' and who 'turns the knobs.' What assurances do Delta Counties have that our water quality, fisheries, ecosystems and water supply will be protected? What protections are already provided by the Delta Protection Act (Water Code Sections 12200 et seq.)?

Flows for Fish

How much Delta outflow is needed to sustain resident Delta fish and anadromous fish species, and how will this be addressed in the conservation measures being developed?

Conservation Measures in BDCP

③ ★ Will reductions in export quantity be considered by the BDCP? If so, at what stage of the process? If not, why not?

The BDCP is talking about using operational controls to manage flows in the Delta. How will this be achieved without storage (whether storage is surface, groundwater, floodplains)? If

needed, which process will be used to evaluate and develop new storage? How will this be incorporated into the CEQA analysis?

Peripheral Canal

5 ★ How can you size the PC without knowing how much flow is needed for fisheries (scientific correlation between flow and fish abundance)

Engineering

Size/Capacity of the PC

4 ★ DWR proposes a 15,000 cfs canal that the Bay Delta Conservation Plan studies show that half the time no more than 6000 cfs is available.

Under drought or low rainfall years, how will water quality in the PC be maintained, if not from continual flow? In other words, the bigger you build it, the more flow it will take to maintain water quality for PC water exports. Has DWR looked at this size/flow issue and resulting impacts on other water contracts in a drought situation?

Seismic Risks

6 ★ One of the claims is that we need a Peripheral Canal because of potential seismic events and floods, yet what is proposed is a 44 mile earthen canal consisting of two long levees all built over liquefiable Delta soils.

What is the design earthquake for the PC? What will it take to make the PC capable of withstanding the Maximum Credible Earthquake? What will such a PC look like and cost?

Timing, Schedule and Budget

1 ★ There are a number of immediate actions recommended by the County, the Delta Vision, the Blue Ribbon Task Force, and many water agencies, including levee improvements, ecosystem restoration, and channel barriers to improve fish protection and improve water quality, pilot fish screens for Clifton Court exports. They were proposed 2 years ago and they have been widely endorsed. Why are these near term and intermediate solutions not already implemented given the apparent urgency to implement solutions?

What is the cost of the proposed isolated facility? Will it be strong enough to survive a major seismic event in the Delta? What would be the cost of fully armoring the canal to withstand a significant Delta earthquake?

A We believe ^{Delta} water rights are priority
well established long term

Reverse flow issues speaks to the
issue of not enough flow later

bdepccomments

From: Arthur Unger [artunger@att.net]

Sent: Mon 5/11/2009 4:22 PM

To: bdepccomments

Cc:

Subject: Scoping Comments on the Bay Delta Conservation Plan.

Attachments:

Dear Ms. Brown,

Here are my Scoping Comments on the Bay Delta Conservation Plan.

I think the Delta should be restored as described in the BDCP; but, I do not think it can be restored and still allow as little water to flow into the ocean and as much water to pass through the Delta as passes through now. Therefore I think that conservation measures outside the planning area must occur and be listed and described as a part of the BDCP.

I do not think the BDCP should assume that an isolated conveyance around the Delta is necessary; I will not comment further on the peripheral canal.

Here are ways to decrease the amount of water that must come from the Delta and allow more Delta water to flow into the ocean.

- 1 Californians should be told that the state has a water shortage and that increasing our population worsens the water shortage.
- 2 Water for agricultural use should be directed to the land that produces the most food or fiber per unit water. Land that contains a lot of salt, so that it requires water to push the salt down below the root zone, should not be farmed. Westlands water district has such soil. Much of the best land is on the periphery of cities; urban sprawl onto such land wastes water; we need to eliminate urban sprawl.
- 3 Domestic users should conserve water; this means loosing our lawns, xeriscaping our homes and highways, using low flow toilets and other changes in our everyday routine. One fifth of the water from the delta is for domestic use. We should not use pools and fountains to decorate our streets, parks or yards; these evaporate water.

4 Farmers should continue to use water more efficiently. This includes much more use of subsurface drip irrigation.

5 California needs to determine how much water should be directed to certain thirsty crops.

Should the Central Valley be home to CAFOs? How much water from the Delta is used to grow feed for dairy and beef cattle? Would it save water if California imported, or at least did not export, milk? Would the energy and Green House Gas (GHG) generated by importing milk offset the water saving? Would pumping less water from the delta reduce energy use, criteria pollutants and GHG? I assume solar water pumps would not be used.

Can America's cotton and rice be grown in the southeast? We should not use federally subsidized water to flood rice and cotton fields.

6 Consider using gray water for non food crops and for domestic use.

7 Californians need to realize that all the water belongs to all of us. Kern County should not conserve less than others because it has the Kern River. The Sacramento River basin is as important in finding water for southern California as is Los Angeles and should conserve as vigorously.

Placing notices in water bills would be a good way to inform water users of concerns numbered one and three above.

It might be worthwhile to remember that southern California once got water from the Colorado River. The Colorado River's water shed is stressed by an exploding population just as California's rivers are. I do not know if it is realistic to hope that Colorado River water will ever again be available to California.

Thank you for the opportunity to comment,

Arthur Unger

2815 La Cresta Drive

Bakersfield, CA 93305-1719










(661) 323 5569

artunger@att.net preferred

bdcpcomments

From: Arthur Unger [artunger@att.net]
To: bdcpcomments
Cc: amgallon@atg1.com
Subject: my BDCP comments

Sent: Mon 5/11/2009 6:18 PM

Attachments:  UNKNOWN_PARAMETER_VALUE(126B)  default-user-image.gif(2KB)  papericon.png(1KB)
 sacramento-bee-sm.png(11KB)  searchbutton.png(5KB)  button-search-close.gif(758B)  weather-sunny.gif(1KB)  52-4W19WATER.xlgraphic.prod_affiliate.4.gif(130KB)  0(126B)


Numbers at the bottom show Sacramento uses too much water. I commented today. Arthur Unger

----- Forwarded Message -----

From: Ann Gallon <amgallon@atg1.com>
To: "Unger, Arthur" <artunger@att.net>
Sent: Sunday, May 10, 2009 11:19:39 PM
Subject: Bee Exclusive Capital gushes wasted water - Sacramento News -

Art - See the graph at bottom for Urban water use per capita - 2006, 07 figures used. See Bakersfield. Ann



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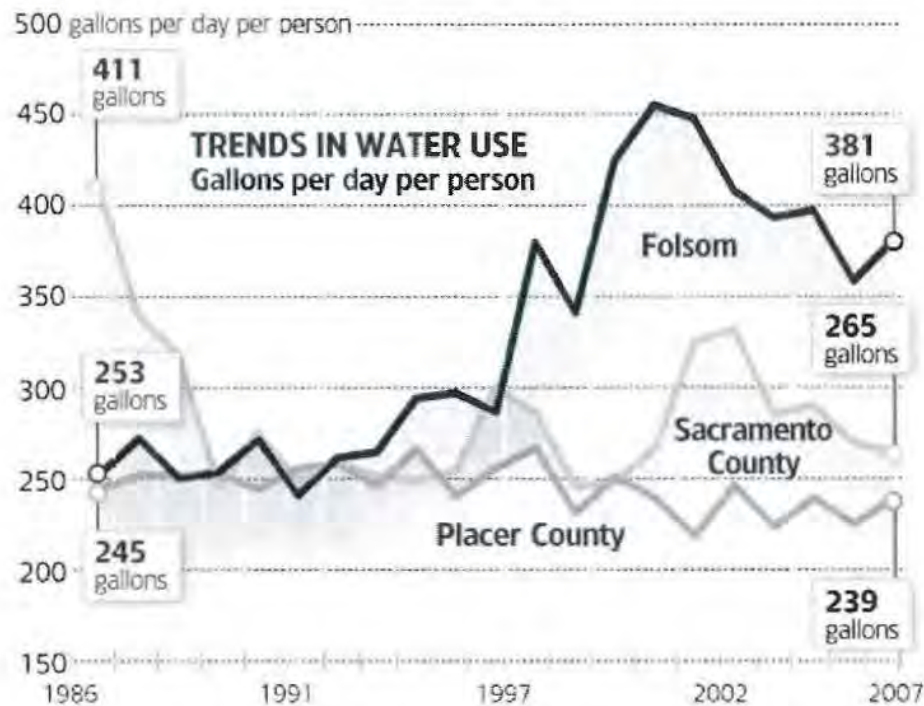
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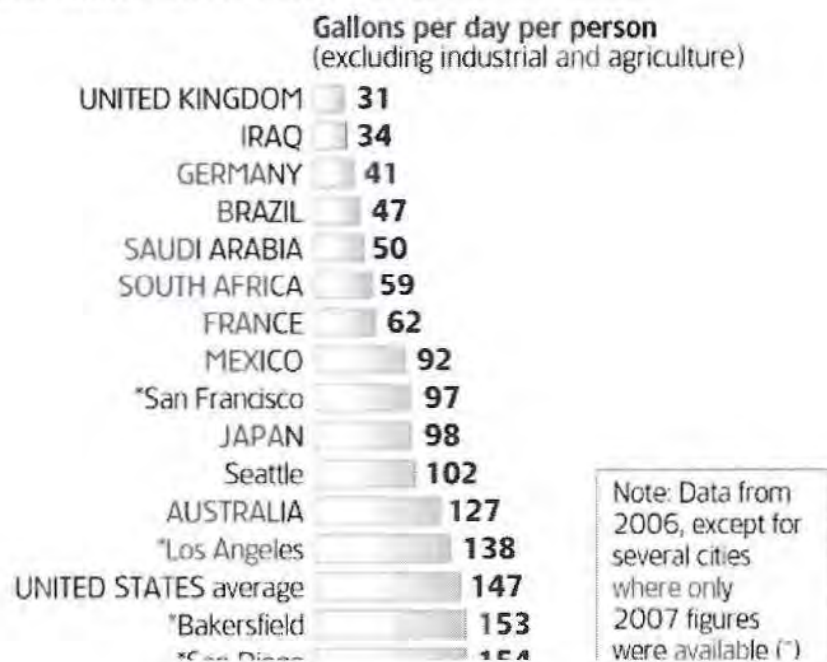
Water use, at home and abroad

Water consumption in the Sacramento region far exceeds U.S. and state averages, as well as that of most other nations.



Sources: City of Folsom, Placer County Water Authority, Sacramento County Water Agency

COMPARING URBAN WATER USE



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Report

Clatsburg

How can you possibly
think fish are far more
important than people
to flood my name of
56 years to save
3 or 4 smelt seems
ridiculous to me

bdcpcomments

From: Bill Bonner [billbonner95831@sbcglobal.net]

Sent: Thu 5/14/2009 4:53 PM

To: bdcpcomments

Cc:

Subject: Comments submission regarding the BDCP / Regarding Pocket Area locations.

Attachments:

The river bank across from the highly populated residential Pocket Area would be a highly inappropriate location for the proposed industrial-like water-intake structures. The visual impact alone, plus the potential for noise would be an unacceptable assault by self-serving outside-interests on the quality-of-life for residents of the Pocket Area, and with no return benefit to the local residents.

The Pocket Area is a quiet, well-planned residential area that has long attracted investment in homeownership with high standards tied to maintaining the quality-of-life features of this unique community. This includes the enjoyment outdoor recreation such as the established public path along the top of the river levee with views of the river, opposite levee and lands beyond, and an established public boat launch used for river recreation of all kinds. Both of these features are heavily used and immensely enjoyed by thousands of residents in this and surrounding communities throughout the year.

In addition, the homes and neighborhoods along the river in the Pocket Area are typically higher-end custom homes, some of which are 3-story homes with views that overlook the levees on both sides of the river.

To industrialize the river bank and nearby lands across from the Pocket Area would be in full view and earshot of this community, and would be a constant reminder of and a sickening monument to those self-serving outside interests that would destroy the natural beauty of the river and quality-of-life that belongs to the local residents.

If the diversion of water from this river is a foregone conclusion, the location of these facilities is not. There are surely more ideal locations along the river that are not already adjacent to established highly-populated residential neighborhoods, that would be far less imposing and disruptive.

Further, to "sell" the Bay Delta Conservation Plan to the public by wrapping it in a "politically correct" environmental appeal for restoring fish habitat is unconvincing. It appears, by virtue of its sponsorship, to first and foremost be a slickly packaged effort to gain control of routing water to Southern California and the East Bay areas at the expense and sacrifice of Northern California property owners. It seems to be an unfair and one-sided proposition in the extreme.

Bill Bonner
7522 Island Way
Sacramento, CA 95831
Phone: (916) 320-1888

Hello, and thank you for coming to Clarksburg, I would like to thank you in advance for taking the time to hear my comments, questions, and suggestions. My name is Brett Baker, I am a graduate of Delta High School and UC Davis, where I received my degree in Wildlife Fish and Conservation Biology under the guidance of Doctors Peter Moyle And Jeffery Mount- two Gentlemen who helped craft the Delta Vision Report. In addition I am a lifelong delta resident, the Sixth generation of my family to live and thrive on Sutter Island.

I would like to open my comments with an excerpt from Cadillac Desert.

This is the opening paragraph from Chapter 10 : Chinatown
“Everyone knows there is a desert somewhere in California, but many people believe it is off in some remote corner of the state- The Mojave Desert, Palm springs, the eastern side of the Sierra Nevada, but inhabited California, most of it, is, by strict definition, a semi-desert. Los Angeles is drier than Beirut; Sacramento is as dry as the Sahel; San Francisco is just slightly rainier than Chihuahua. About 65 percent of the state receives under twenty inches of precipitation a year. California, which fools visitors into believing it is “lush”, is a beautiful fraud” much like this conservation planning effort we are here this evening to discuss. - That last bit was me.

Speaking with Karla She hoped I could provide you folks a bit of insight as to why us deltans are so upset and disturbed with this BDCP process.

My life experiences thus far have given me the opportunity to gain a bit of insight and understanding of your mindset, and the way you work, having been an employee of the resources agency, with the Department of Fish and Game, and having spent the last year as the Water and Agricultural policy analyst for the Lieutenant Governor. I have listened to and observed a considerable amount of discussions with agency staff, the likes of Lester Snow and

Undersecretary of the Resources Agency Karen Scarborough. I (I typically refrain from using first person examples- but this one is too good, so I will make an exception } shall never forget the first time I met with Mrs. Scarborough re: the BDCP. As I entered her office I was greeted with, and I quote “You must be here about us flooding Clarksburg.” To which I responded “I don’t find that amusing, I went to Delta High in Clarksburg” She then apologized as her comment may have come off a bit “Caddy” to which I responded “amongst other things” The rest of the conversation went...well, it went. I was greatly troubled by a staffers response to my inquisition regarding the incorporation of a SDWA funded independently engineered alternative, noting it was mentioned, but not in great detail, to which she responded, and again I quote “ We have to at least make them think we’re listening” followed by a thud which I’m pretty sure was Karen kicking her under the table.

As to OUR mindset, We’ve seen this before. You say you are striving for a transparent public process and I commend you on accomplishing this goal, if only one, IT’s transparent alright, WE see right through it. We didn’t fall off the sugar beet truck yesterday. We see this for what it is, a blatant water grab, an attempt to trump centuries old Senior Water Rights with Junior Water rights, because of a temporary appointment to a position of power of a man who married into the Kennedy’s. Take this message back to him, I don’t care how much lipstick you put on this pig , or how you dress this mutton up as lamb, were not buying it.

All these pretty colored handouts, maps and dog and pony shows, for what?? To Grow Lawns in Southern California, David Nahai, Executive Director Of LADWP the man in charge of asking Los Anglinos to ration their water usage last summer was found to be one of the biggest violators of his proposed policy with a daily household water use of up to 2,900 gallons, here he was asking regular citizens to reduce their consumption and he hadn’t even bothered to check the timer on the sprinklers in his back yard, or

drain his pool. - I google earthed it, he's got a pool along with everyone else on his block most of whom have tennis courts too-
must be a pretty meager existence. Arnold asked for a 20%
reduction, what'd he get 3%? As for the State water Resources Control Board- I've been told they will be the regulatory agency in charge of canal operations, don't worry Jerry I'm not bringing up the February scenario- I think the Mr. Nomellini Jr. embarrassed you enough the other night in Stockton. well I'm just gonna give this one example/for instance of SWRCB incompetence, thought there are many. Assembly Bill 885 Was Passed in 2000 requiring the SWRCB to develop and implement a state-wide standard for On-site Wastewater Management Systems (Septic Tanks), This year they finally got their draft EIR recommendations out, which were met with great public disapproval, they have taken Public Comment and have now opted to go for a new re-write. The project manager @ SWRCB says "We're looking at taking a new direction, basically were starting from the ground up again"- not much progress for nine years work, and you're telling us we're supposed to trust our future to a regulatory agency That can't even get it's shit together, literally. Appologies to the children in the crowd, and my mother.

I would hope that you folks stop and take the time to ask yourselves one crucial question, Is this project beneficial in the long term for California's Economy and Ecosystems?, or is this just The cheapest quick-fix to continue the Status Quo, poorly planned development of the State south of Tracy, being pushed by Water Peddlers whose primary concern is to provide their users with water at the cheapest rates possible- no wonder they have 'so graciously' offered to pay for this project. Need I remind you of your duties, to do what is best for the overall long term health of the State. Whether you realize it or not You are shaping the implementation and development of The Federal and State Endangered Species Acts and CEQA and NEPA, I implore you to uphold the spirit of these laws to accomplish the intentions of their

Authors, Not to simply go through a long, expensive drawn-out process simply to check the boxes on a Laundry list of requirements. It pains me to see the way you have twisted the work of honest scientists to fit your plans. In regards to all of your phony science I only have theses two quotes for you “Essentially, all models are wrong, but some are useful” George Box, One of the 20th Centuries most influential statisticians- Father of modern day modeling.

“If I knew what I was doing people wouldn’t call it research”
Albert Einstein

Historically speaking massive water diversions have been the downfall of many empires and this project stands to destroy the World’s 6th or 7th (depending who you ask) largest economy. Mesopotamia spent a great deal too many resources attempting to irrigate Salty Ag Land, and The Roman Empire was plagued with disease for failing to deal with their wastewater issues. There has never been an upstream water diversion in The State That did not result in a major ecological and Economical disaster for the People and Fish that Rely on those systems for their livelihoods.

There are real solutions to fixing California’s ailing water system, Storage-haven’t buit any substantial storage in the state sine the last time you tried to pass this vote, You folks are going to have to bite the bullet and build storage somewhere, the truth is this project adds no “new” water to the system, a system, now over allocated nearly four fold, which was originally designed to have 5.5 MAF in addition to what we have today. And you squabble over three damns, Sites, Los Vaqueros and an addition to the Millerton reservoir complex. What about building Shasta and Folsom to their originally designed capacity? And Rest-in- peace Auburn Dam. Why not finish the project you started over 50 years ago?

It was Arnold’s Uncle-in-law --John F. Kennedy, who said in 1962

"If we could ever competitively, at a cheap rate, get fresh water from salt water, that it would be in the long-range interests of humanity which would really dwarf any other scientific accomplishments." I try not to think of the progress that could have been made in the past 30 years Were the attention focused on this ditch put to work developing sensible desalination practices, or How much Purple pipe could have been laid during the last population/ development explosion, and how much Water Could have been recycled with the Dollars spent on this shame of a process. The Public Will Soon have to get over their problem with recycled water, honestly how many kidneys do you think their water has gone through from the time it leaves Redding till it arrives in Tracy. Our focus should be on constructing facilities like the Wastewater treatment plant in Orange County that received the Stockholm Industry Water Award this past year, the equivalent of the Noble Peace prize in the World of Water. The reverse osmosis used at this plant is the same process that can be utilized to desalinate brackish ground water, which causes no conflict with marine mammals, and has been shown to be less energy intensive than conveying water through the SWP over the Grapevine. - Don't take my word for it ask Dr. Robert Wilkinson Of UC Santa Barbra. These are imbedded costs that will be a continual burden for the taxpayers and water users of our great state, these are things that should be taken into consideration throughout this decision making process.

In closing I would like to support the concept of regional self-sufficiency and would like to request an extension of the 90 day public comment period upon the completion of the EIR/EIS.

My final suggestion, And I would like to preface this by saying that I respect this man in the upmost, however I will not give him the advantage of "misunderestimating" his abilities, craftiness or his political clout. I have realized you folks have a propensity for getting ahead of yourselves in this planning process, I am curious

if you already have names picked out for your facilities. May I make this suggestion? As I'm sure this propaganda in Our Local paper crossed his desk more than once if it did not get its beginnings there, Arnold's partner in crime, who held Jeffery Kightlinger's job prior to him and holds Donn Zea's leash. As he is the Harvey Banks of his day I suggest you name it the Timothy Quinn, pumping plant, , for your Swarzenneger Canal. --I'll be back.

bdcpcomments


From: Charles [sushibar@excite.com]

Sent: Sat 5/9/2009 5:24 PM

To: bdcpcomments

Cc:

Subject: in re BDCP (Please strike Peripheral Canal from proposal! Just say no to So-Cal aquagreed! Remember Lake Owens!)

Attachments:  Bay_Delta_Conservation_Plan_Comment.doc(66KB)

To read Comment, please open attached .doc file. Thank you.

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Thank you for the opportunity, here this day, to provide Comment on this matter of the Bay Delta Conservation Plan (BDCP). Now, it has recently come to my attention that an elaborate plan intended, ultimately, to plunder Northern California of her water to such an extent as has not been seen since the plunder of Lake Owens at the hands of the Los Angeles Dept. of Water & Power (LADWP), under the leadership of William Mullholland, working hand in hand with Frederick Eaton, was being cleverly cloaked in the inclusion of it in a conservation initiative, the stated purpose of which was to preserve the Sacramento - San Joaquin Delta against eventual calamity. And when this information came to my attention, I set about the task of enquiry into the matter. Researching claims made & collecting some documents for purposes of more thorough review, I went about the business of ascertaining whether the information earlier received be truth or fiction. What I eventually found did give rise to quite some concern.

Indeed there is a plan intended, ultimately, to plunder Northern California of her water to indeed quite an alarming extent, as I will show in the remainder of this Comment. But before I go on here, I must herenow pose the following question, "Cannot any threatened species listed for protection under the Federal ESA & / or under the California ESA be properly protected without bringing about the likely wholesale decimation of agriculture & ecosystems north & upstream of the Delta AND without imposing great hardship on agricultural & non-agricultural end-users north & upstream of the Delta?" Of course! But that is manifestly not the purpose of the BDCP, as this Comment clearly shows. Another question, "Cannot the Delta & Estuary ecosystems be properly protected without bringing about the decimation of ecosystems north & upstream of the Delta AND without imposing great hardship on agricultural & non-agricultural end-users north & upstream of the Delta?" Of course! But that is manifestly not the purpose of the BDCP, as this Comment clearly shows.

Now, looking at the Delta Vision website, et al, I found the phrase "Peripheral Canal" to have mysteriously disappeared somehow from any official discussion. Instead, what is found is a cavalcade of glowing rhetoric extolling the alleged virtues of the so-called Delta Vision, rhetoric that is almost quasi-messianic in tone. Much effort at review of the documents collected was required before the first mention of any kind of peripheral canal was found, at all. Of course, the exact phrase "Peripheral Canal" appears nowhere in the official discussion. Rather, terms such as "conveyance," "dual conveyance," & "Delta Fix" are used. Only such descriptions as are light on detail are to be found anywhere inside the avalanche of propaganda favorable to the promoters of the idea of a Peripheral Canal, there at the Delta Vision website. And that was not the only such propaganda-laden webpage.

Eventually, I came across the U.S.F.W.S. announcement of a certain comment submission deadline in re the BDCP. It came in the form of pg.s 7257 - 7260 of the Federal Register / Vol. 74, No. 29 / Friday February 13, 2009 / Notices.

The language thereof, though significantly more sober, in tone, than any portion of the Delta Vision webpage, nevertheless is more favorable to the Peripheral Canal than not. It is manifestly designed to lead the reader of it to deduce that in order to preserve the environment in one part of the State, one must agree to the likely ecological decimation of parts north & upstream of the area in question. Remember Lake Owens!

Thereafter I came upon the BDCP webpage. It was at this point that I hoped to finally get to the proverbial heart of the matter. I was rather disappointed upon the finding of there only being a small percentage of the chapters of the actual BDCP Draft Scoping Plan posted to the website. Most of the rest of what was there consisted largely of what can only, ultimately, be described as so much propaganda. So I examined what I could, to the end that I might have a more accurate picture of the situation. Some of what I found in portions of Ch. 3 of the Draft Scoping Plan certainly gave rise to quite some concern.

For instance, there is that which is identified as the "Major Plan Element." It calls for, inter alia, "[...] new water diversion facilities [to] be designed, constructed, & operated[.]" Further on therein 'tis said, "An isolated canal facility [...] to convey water from the new diversion facilities to the South Delta[.]" At twenty-seven lines of text thence, "Various isolated canal facility routes are under consideration including routes on the east & west sides of the Delta." And at three lines thence, "The isolated canal

facility would include above & below ground portions and would connect to the existing South Delta SWP & CVP facilities[.]"

On pg. 3-10, In.s 13-15, "Completion of North Delta diversion facilities, the isolated canal facility, and associated project components would mark the beginning of the long-term implementation period of the BDCP." Behold the Peripheral Canal. Yikes! And according to the above citation, without the Peripheral Canal, there is essentially no BDCP. God forbid! Indeed, 'tis quite telling. Isn't it? Essentially what is being admitted to is that the BDCP is really nothing more than an elaborate smoke screen designed to obscure the real purpose & intent of the whole bloody enterprise.

And it's now being done in the name of protecting those species listed as endangered & / or threatened under both the Federal ESA & the California ESA. But is there substance to all the messianic promises being made in this attempt to set parts of Northern California well on their way to each potentially becoming another Lake Owens, for all practical intents & purposes? Well, there are certainly a great deal of promises & propaganda, but that certainly doesn't prove much. Couple that with the following admission of anticipated inefficacy of the proposed Peripheral Canal from pg. 3-8, "[T]he population level response of covered species to this parameter is uncertain[.]" Now, non-flow factors are there cited as reasons, but, be that as it may, 'tis apparent that the authors of the Draft Scoping Plan simply can't bring themselves to admit that the stated purpose of the Peripheral Canal may never be thereby fulfilled. Let's list a few factors: food limitation, invasive species, discharges of contaminants, temperature trends, etc. Again from pg. 3-8, "Even if construction & operation of North Delta facilities completely eliminates negative effects to covered species [...], other stressors may ultimately result in failure of these species to recover." Even if? What's this "even if" business? Is it not an admission, at least of sorts, that the Peripheral Canal likely cannot deliver on its promises? Also, from pg. 3-11, "There are also uncertainties related to how covered species will respond to various operational aspects of a North Delta facility[.]"

Going back to pg. 3-8, "Because significant infrastructure would be constructed, this 'conservation' measure is not easily reversible." Essentially, any Peripheral Canal that is constructed is permanent (& that by design).

Now, as to rationale behind the Peripheral Canal, here is something from pg. 3-4, "[W]ater has been diverted directly from the South Delta through SWP & CVP facilities to meet agricultural & urban water demands south of the Delta." What's this? Drying up Lake Owens & turning it into an alkali salt flat does not suffice for So-Cal? "Rob from Nor-Cal to give to So-Cal" seems to be the order of the day, as regards this issue. Indeed, waters conveyed via the Peripheral Canal to parts farther south would certainly reduce demand on Southern California water sources by Southern California end users. And that is the true purpose of the Peripheral Canal! Not any of this other business which is now being cited as reasons & rationale. No. The real reason is that Southern California covets Northern California water. The So-Cal mentality can be best summed up in the words of the late William Mullholland where he said, at a ceremony marking the completion of the L.A. Aqueduct in Nov. 1913 (speaking of Lake Owens water) "There it is! Take it!" And, indeed, that is the purpose of the Peripheral Canal, in re Northern California water.

And from pg. 3-10, "The operation of new facilities may require modifications of the operations of upstream reservoirs. This would require modification of the various agreements & licenses governing the operation of these reservoirs. This may require changes in minimum instream flow requirements, minimum drawdown levels, flood control operations, temperature standards, & riparian & geomorphic flow requirements. Such modifications may require modification of Clean Water Act § 404 permits for these projects, as well. Additionally, hydroelectric facilities may need modification to their FERC licenses." Translation, greater demands will inevitably be imposed on upstream water supplies north of the Delta, thus jeopardizing end users north of the Delta as well as hydroelectric generation capacities severely, not to mention jeopardizing upstream ecosystems, all in the event of the construction & operation of the Peripheral Canal. Thus the purpose & intent of the Peripheral Canal is further revealed.

Now, in the course of this Comment several references have herein been made to Lake Owens. And in

the following three paragraphs is a brief history of Lake Owens & of Mono Lake, using information taken from http://en.wikipedia.org/wiki/Owens_Lake and from http://en.wikipedia.org/wiki/California_Water_Wars. Similar information can be found at many other places & websites, and the following is a partial listing thereof:
<http://www.gbuapcd.org/owenslake/index.htm>,
<http://www.kevinroderick.com/dust.html>, <http://www.desertusa.com/mag98/april/owens/owenslake.html>,
http://www.pbs.org/weta/thewest/people/d_h/eaton.htm,
http://www.pbs.org/weta/thewest/people/i_r/mulholland.htm, etc.

What was it like before the L.A. Aqueduct dried up Lake Owens (a progress of 11 years from completion of the aqueduct in 1913 until 1924 when the lake had finally dried up)? It was an area supporting numerous & diverse waterfowl. According to a 1917 report by Joseph Grinnell of the Museum of Vertebrate Zoology in Berkeley, "Great numbers of birds are in sight along the lake shore -- avocets, phalaropes, ducks. Large flocks of shorebirds in flight over the water in the distance, wheeling about show in mass, now silvery now dark, against the grey-blue of the water. There must be literally thousands of birds within sight of this one spot." The area was one that included several farms & ranches & even the occasional example of heavy industry. Before that, the Paiute (a tribe of North American indians) inhabited the area, making use of the natural resources, including that done vis à vis their techniques of irrigation. However, by 1901 the irrigation systems then in use were reportedly so poorly designed that several areas of land in the north of Owens Valley became over-saturated to the point of nearly becoming unsuitable for many agricultural purposes. The south of Owens Valley, by contrast, was more arid & less irrigated than the north, a situation that lent itself to the kind of ranching that indeed was characteristic of south valley agriculture, then. The U.S. Bureau of Reclamation reportedly started formulating plans for an irrigation system designed for better water efficiency than the then extant systems. But then came Frederick Eaton of Los Angeles, along with William Mulholland of LADWP. Mr. Eaton lobbied then President Theodore Roosevelt urging him to stop all such plans, so that the planned diversion of Lake Owens water toward the greater L.A. area via the then yet to be constructed L.A. Aqueduct could take place. Mr. Eaton got what he wanted. And the rest, they say, was history.

But that was not enough to satisfy L.A.'s aquagreed. In 1970, LADWP completed a second aqueduct. Two years thence, they were diverting yet more surface water & were pumping groundwater at the rate of several hundred thousand acre-ft. / yr. Owens Valley springs & seeps dried up. Groundwater – dependent vegetation started dying off. And that isn't all. Not too many years after Lake Owens first dried up back in 1924, LADWP went about looking for additional water sources.

So they acquired water rights in Mono Valley. They did this during the Depression, when they knew many parties to be in dire monetary need. By 1941, the aqueduct extensions were complete. Water bodies that once fed Mono Lake were then feeding L.A.'s ever insatiable aquagreed. Mono Lake once served as an important ecosystem link, where gulls & migratory birds would nest. But the lake level began to fall beyond the extent that tufa formations were being exposed. Lake water salinity & alkalinity increased, threatening native brine shrimp. And the birds nesting on Negit & Paoha Islands came under increasing threat. For not only were alkalinity & salinity levels rising as lake levels declined, but a land bridge was beginning to form between the lake shore & Negit Island, much to the relish of local predators. 1979 saw the beginning of litigation against LADWP in re the situation at Mono Lake. And the rest, they say, is history.

In the preceding three paragraphs was presented a brief history of Lake Owens & of Mono Lake. Now, that is not the sum - total of So-Cal aquagreed, for entire volumes of work would need to be written to give a more full account.

In 1982, an initiative was put on the ballot, which initiative provided for the construction & operation of the Peripheral Canal. Fortunately, it was rejected by the voters.

And today, we have before us yet another Peripheral Canal proposal. So how, exactly, will the Peripheral Canal do its work? It will draw water away from the Sacramento River at points north of the Delta. The water thus diverted will then be conveyed to points south of the Delta, freeing up San Joaquin

River water sources for use in supplementing So-Cal water supplies for So-Cal's exclusive benefit.

By the way, how is it that "Public Trust" gets trampled under foot by So-Cal aquagreed, all whilst being oppositely described by its proponents, in the name of conservation? Take a good, hard look at Ch. 3 of the BDCP Draft Scoping Plan, as well as at the Delta Vision!

Getting back to how the Peripheral Canal does its work, not one drop of benefit accrues to the North. Because major flows & flow rates are diverted away from the Delta thus, increased demands are imposed on upstream reservoirs to increase discharge rates, lest river levels be suffered to wane. Some upstream reservoirs were recently fitted with river temperature control devices designed to automatically increase discharge rates whenever river water temperatures start to exceed a preset number of degrees Centigrade. This was done to promote salmon spawning. But because of the mandated use of these devices, whenever major flows are diverted away from the Delta (thus reducing river levels by the rate of diversion, less any increase in upstream reservoir discharge rates), reservoir levels drop even faster than would otherwise be the case. Thus less water is available for end-users upstream of the diversion points. Drought or not, the Peripheral Canal is an abominably bad idea. But in the midst of such a drought as we now suffer, the Peripheral Canal is not only an abominably bad idea, it is also categorically insane! And as water is diverted upstream of the North Delta, Delta salinity naturally increases, thus placing Delta & Estuary ecosystems at increased risk. To counter this, bypass flows must needs be suffered to increase. And indeed the BDCP calls for exactly that. However, bypass flow rates cannot, ultimately, be made to increase, except that upstream reservoir discharge rates likewise be made to increase. And this is because even if diversion rates are ever reduced below the upper limit of diversion capacity, under no diversion plan now being contemplated will rates ever be brought down to zero.

After all, who builds a canal who does not also intend for it to be used at all?

And the South Delta (along with reservoirs upstream of it) will continue to be exempted from any additional burdens. For this is wholly consistent with the whole idea of a Peripheral Canal. Needless to say, with the construction & operation of the Peripheral Canal, discharge rates for reservoirs upstream of the North Delta will inevitably increase, which during a drought is at the height of folly. And with higher reservoir discharge rates comes reservoir levels lower than otherwise would be the case.

On the heels of that comes reduced hydroelectric generation capacity. It's only natural for that to be. For the rotational speed of hydroelectric turbines is entirely dependent on the force exerted on each turbine blade by the water. Force, incidentally, is the product of pressure multiplied by volume, and pressure is a function of depth. Where depth is reduced, pressure is reduced. Where pressure is reduced, force (relative to volume) is reduced. Where force is reduced, the rotational speed of each hydroelectric turbine is reduced, and where that is reduced, the electrical output of a given hydroelectric generator is thus reduced. Lo, another facet of the manifest purpose of the Peripheral Canal!

And of all the several means by which electricity is generated for a given population of rate payers, which means are contemplated to be suffered to proliferate, solar, water, and wind result in lower levels of emissions of so-called greenhouse gases (GHGs) than any other such means by which such electricity is to be generated. And of these, water is in the greatest jeopardy, in the event of the construction & operation of the Peripheral Canal, & that by design. Where hydroelectric generation capacity is reduced, an electricity deficit is thus created. That deficit must be made up somehow, or else the risk of area – wide utility service failure, of one form or another, escalates considerably. Additional sources of electricity are time consuming to bring on-line, needless to say. It is so for additional sources of low carbon electricity sources as it is for additional higher carbon electricity sources. When hydroelectrical capacity is reduced, the only two ways to make up the resulting deficit, at least in the shorter term anyhow, are to: (a) allow reservoirs levels to sufficiently increase (a thing that will likely never be allowed to happen, in the event of the construction & operation of the Peripheral Canal); (b) generate more electricity from higher carbon sources; and / or (c) institute rolling blackouts. And given the policy goals of the California Global Warming Solutions Act of 2006 (commonly identified as AB32), the Western Climate Initiative (WCI), etc., and given the emerging such policy goals of Congress & of the White House, the idea of the Peripheral Canal is especially repugnant. The Peripheral Canal is manifestly

designed to increase statewide GHG emission rates, and may therefore (at least in theory, anyway) be classifiable as an indirect gross polluter. To paraphrase a popularly known anti-drug slogan "Just say no to the Peripheral Canal!"

In conclusion, after having reviewed the documents I have, pursuant to my composition of this Comment, and after having considered both the manner & its implications, I must categorically reject the very notion that protecting the Delta's ecosystem, per se, necessitates any satiation whatsoever of Southern California's rank aquagreed! Indeed, threatened species are better off without the Peripheral Canal.

Now, since the Delta Vision manifestly cannot long endure absent the Peripheral Canal, the Delta Vision must wholly be defunded, decommissioned, disbanded, discarded, abandoned, etc. once & forever!

And if the BDCP cannot long endure absent the Peripheral Canal, then the BDCP must needs be treated likewise, & must remain so unless & until it is reconstituted, minus any notion whatsoever of the Peripheral Canal! And it can be so reconstituted, & without much bona fide difficulty! Endangered species are counting on it. Please, remember Lake Owens, and strike the Peripheral Canal from the BDCP (once & forever)! Thank you.

Clarksburg

BDCP

BAY DELTA CONSERVATION PLAN

ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: Cheryl Rose Organization: Clarksburg Resident

Telephone: 916 744 1574 e-mail: rosebuck@att.net

Address: PO 556

City: Clarksburg State: CA Zip: 95612

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

frankly I not as concerned for the
delta smelt as I am for the
clarksburg community and it citizens.
in my opinion the state has
made up it's mind at how they want
to procede

I realize that Calif is our
state don't sacrifice one community
for another

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

5/09/09

Mrs. Delores Brown:

Our Sacramento Delta is in deep trouble, due to huge amounts of water being shipped to other parts of the state. This Area is a very pristine and delicate and needs lots of love and TLC. It is home to delta smelt, striped bass, Black bass, great blue heron, and two species of our salmon. Due to so much of our water being pumped out of the area, the Sacramento River is being sucked dry and all of our fish are in trouble. Something has to be done now. We've lost the Delta Smelt, two species of salmon and now supervisors from Bakersfield want to pass laws that will cause the striped bass to go away. What are we doing? We as a people have already voted on this peripheral canal, some 15 years ago. I think Arnold has forgotten that fact. This needs to be soundly reinstated and water exports reduced.

Home owner Chuck Lung
285 Cresta Vista Way
San Jose, Ca 95119



deta water509

bdcpcomments

From: craig cory [craig.cory@gmail.com]
To: bdcpcomments
Cc:
Subject: BDCP Public Scoping Comments
Attachments:

Sent: Tue 5/12/2009 9:54 PM

To Whom it May Concern:

We recently learned about the Bay Delta Conservation Plan at Lisbon Elementary School. During the meeting, your representatives were unable to answer many pertinent questions posed by the audience concerning the facility locations, number of facilities, their actual size, or the noise created by the facilities, to name a few. The answers to all these questions must be determined prior to doing any realistic Environmental Impact Review. The answers to these and many more questions will undoubtedly affect how the project impacts our community and our environment.

With that said, the environmental review must include:

1. The impact of these facilities on the river, riverbanks, and habitat in the area where they will be located.
2. Noise pollution caused by the facilities and its impact on humans living nearby.
3. Construction noise and disruption and its impact on humans.
4. Loss of local farmland and crops.
5. Loss of aesthetic quality of river and levees to people that live in the area and those that use the area for recreational purposes.
6. Loss of property values in the community.
7. Loss of recreational use of the river in the area.
8. Impact of new towers and power lines.
9. Impact on the eco-system in the areas of the facilities.

It does not make sense how you came up with a plan to save the Delta by destroying an entire community. From what we saw, this really has nothing to do with the Delta and everything to do with pumping water out of the river to send to the Bay and Southern California. The voters spoke in the 80s we do not want the peripheral canal by that name or any other. Your attempt at giving this such an attractive name and trying to pass this as a conservation plan will not work. We saw through it immediately and so will everyone else.

Craig and Laurie Cory

bdcpccomments

From: Curtis Damion [bcdamion@yahoo.com]

Sent: Thu 5/14/2009 6:26 PM

To: bdcpccomments

Cc:

Subject: comments on Sacramento water project

Attachments:

I think this massive water project is very high on the stink-o-meter. The voters voted it down more than once, so our governor and his Southern California cronies came through a hole in the back door like a snake. Just who is going to pay for this? Even if the Southern water interests assume the payments (like this will happen, ha, or it just might because they are extremely greedy for this water, and money talks), the massive intake areas will change the Delta forever, making the water in the river more saline, forcing the Delta farmers to use well water; then the State will tax them for this, I'm sure. This canal is massive, wider than the Sac River itself. What is going to be left but a dribble for the Delta? The intake facility north of Freeport, almost finished, to supply water to the Bay Area, is a monstrosity. This whole project reminds me of "Chinatown," in which plans are made in the back room, and pressure, threats, and intimidation are used to produce the results that the powerful want. Doesn't it occur to anyone that the fish in the river were compromised because of the water already taken from the Delta system in the past, and the ammonia discharges from the Sewer Treatment plant exit near Freeport did a lot of damage also? Then they want to do extremely invasive environmental studies on the farmers' lands, the results of which could cut the farmers off at the knee. What a nerve. Absolutely no thought for people who have lived there, some for generations, and their property. I am totally and absolutely against this massive project. I guess the adage is true, I live in the best state money can buy.

Clarksburg

BDCP

BAY DELTA CONSERVATION PLAN

ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

- project is not yet defined
- canal bigger than river

Please Print

Name: DAN Whaley Organization: owner
Telephone: 916 548 3140 e-mail: whaley500@att.net
Address: PO Box 128
City: Hood State: CA Zip: 95639

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

Who is the Delta Habit + Conservation Program

paying for?
what?

According to your rep's the EIR/EIS is being paid for by water districts in to the South ^{state} shouldn't an indep. study be conducted? Why do South State water distrust have the right to take North State water? How do you address existing water rights contracts? How do you address existing water rights? ~~that~~

where are the bridges/ define the project

Who is present from the BDCP? Please I.D. for record.

Jared Diamond - "Collapsed"

David Sterling - "Green Gone Wild" human's are species

Please submit your comments at station03a.thirdcoastmeeting.com or fold this form in half, seal with tape and mail to:

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

get info w/ → ignore threats - attorney will help?
call mark Reunert

books to review

Important

BDCP

BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: DANIEL WHITELEY Organization: _____

Telephone: (650) 589-2149 e-mail: _____

Address: 115 SANTA HELENA AVE. #2

City: SAN BRUNO State: CA Zip: 94066

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

SEE ATTACHED

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Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

BDCP - Comment Card

1) I am concerned about the language used in the water delivery such as "Full Contracted Amounts". I thought we all had certain issued rights to the water. The rights exceed well past 100% of the water available. To such an extent that even on our best rain fall years we still fall way short for everyone to receive their allotted 100% of water delivered. It was in the 70's or 80's that California was hit with a drought. At that time a rift was created between No. California and So. California. While No. California was on mandatory conservation of water, So. California was wasting water because of their contracted amount. Has anything changed? Have we covered all the aquaducts to prevent water evaporation? Were any swimming pool permits denied in So. California due to water conservation? I thought we were one state! Am I wrong? Shouldn't we be conserving water as one state?

2) At Grizzly Island we are concerned about the effect of having our irrigation and well water increase in salt content beyond what the plant and wild life can tolerate.

- A) Will the Tuly Elk be hurt by the increased salinity in the water?
- B) What effect will higher salinity have on the plant life needed to support the abundance of wild life?
- C) I have found out since the meeting that baby ducklings will die if they do not have fresh water.

3) Do we know for sure removing levee's and creating larger intertidal marsh will help the endangered spieces(smelt, split tail, etc.)? Has the biologist worked with the local land owners to come up with a cooperative method to help save the endangered spieces?

Remember we (Grizzly Island) did not cause the down fall of the smelt or split tail. It was the taking of the water down south. The wild life and local owners should not bare the full brunt of So. California's Greed for the water and the problems it caused.

We have spent hundreds of thousands of dollars in proctecting the wild life on Grizzly Island. Do not hurt our environment for So. California's greed for water just because it is cheaper than setting up pumps in So. California to take water from the ocean. Maybe part of the cost of taking water from an environmentally sensitive area will be to have desilination pumps available on Grizzly Island to support the fresh water needs of the Elk, ducks, and plant life on the Island.

Daniel Whiteley
Grizzly Island

bdcpcomments

From: Dave & Mari Hurley [hurleyjacks@aol.com]
To: bdcpcomments
Cc:
Subject: BDCP Comments
Attachments:

Sent: Sat 5/9/2009 8:33 PM

Ms. Delores Brown
Chief, Environmental Review
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

May 7, 2009

As a fisherman and member of the California Striped Bass Association, I am requesting the Department of Water Resources to consider and provide an adequate answer to the following fundamental questions regarding the Bay/Delta Conservation Plan's stated preferred alternative of a "dual conveyance" system, aka the Peripheral Canal.

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these fundamental questions, the Department of Water Resources is unable to assess the ability to export water out of the Delta for agricultural and municipal uses in other regions of the state. It is clear

that our Delta is at crisis with several of its 750 species of plants, animals and fish in endangered or threatened status. Of particular note is the number of fish species threatened or endangered within the past several years. Salmon and steelhead populations are down 90% from historic levels. Resident open-water species (Delta and longfin smelt, threadfin and American shad, striped bass, splittail and sturgeon) are at or near historical lows. Much of their native food supply – phytoplankton and zooplankton - has been reduced by 90-99%. The mass and diversity of bottom dwelling organisms has plummeted. Hundreds of non-native invasive species have become established, further destabilizing the estuary. In addition, the Delta is severely polluted by numerous pollutants.

The first and foremost factor is the massive quantity of water exported south by the most powerful pumping network in the world: pumps that can reverse the tide and cause the San Joaquin River to flow upstream; pumps that can suck a volume of water including fish and their food supply equal to the capacity of the south Delta every four days. In some years, these pumps export almost three-fourths of the water that would have flowed to the sea.

Despite the obvious affect on the ecosystem of the Delta, pumping water south has increased exponentially since the 1950's with particular increases since the year 2000.

It is our belief that the Bay Delta Conservation Plan's stated co-equal goals of water delivery and improved habitat for the Delta is unattainable. This plan is essentially a water delivery plan sold to the general public as a conservation plan.

This plan does not pass the environmental test or the economic test. A recent study by of the University of the Pacific estimates that the economic consequences to California from ending exports are far less than from continuing upon the same path with exports.

As stated by Jerry Johns, Deputy Director of the Department of Water Resources, at the March 2009 Stockton Scoping meeting when directly questioned, "The chance of an alternative system to the dual conveyance is less than 5%" Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a pre-conceived plan looking for a rubber stamp.

We acknowledge that our Delta, one of the world's greatest resources, is in a critical state. To do nothing is not an option, but the "dual conveyance" plan offered as a solution to our water problems, is not a viable solution. The Department of Water Resources is highly encouraged to develop and present viable alternatives that answer the three questions previously listed:

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these questions, there is no plan.

Respectfully submitted,

David Hurley
6119 Oak Lane
Stockton, CA 95212

Name: DAVID S. NELSON

Organization: Caltrans - Retired

Telephone : _____ **e-mail:** dave.s.nelson@frontiernet.net

Address: P.O. Box 547, Clarksburg, CA 95612

Yes, I would like to be added to your e-mail list.

Every Federal Action Environmental Impact Statement must clearly identify a proposed action's Purpose and Need. The Purpose identified in the Federal Register's February 13, 2009 Notice is clear. However, the Need identified does not consider other alternatives that could meet the need.

What is the estimated cost of completing the BDCP's proposed action? How does that compare to the cost of Ocean water de-salinization plants for providing Southern California and coastal communities with drinking water? Can de-salinized Ocean water be conveyed to the southern valley farmers to meet their irrigation needs? What about wind or solar power alternatives to meeting the needs of the Mirant LLC delta power plants? These other alternatives will need to be addressed in the DEIS/EIR.

Also, protection of aquatic and terrestrial species is a need identified in the Notice. The existing pumping facilities for the conveyance of water to the South appears to be the culprit in adversely impacting the species living in the Delta. If water and power can be met with the above-mentioned alternatives, it would appear to alleviate the adverse impacts to the existing Delta species.

In addition to addressing the potential impacts to biological species in the Delta from the proposed action, there must also be an adequate analysis of the potential socio-economic impacts to the residents of the Delta. Our Yolo County Supervisor, Mike McGowen expressed concern in a letter to the Sacramento Bee that the BDCP lacked an early analysis of the impact to the residents of the Delta communities. As a resident of Clarksburg, I echo that concern. That would include potential loss of existing farmland, potential lowering of resident property values, and the potential to adversely impact travel within the Delta. Will the conveyances have adequate crossings to allow access to areas within the Delta?

I look forward to reviewing the DEIR/EIS for the proposed BDCP action and its analysis of adverse impacts that may result from such action.

bdcpcments

From: David Scatena [frost56@sbglobal.net] Sent: Wed 3/25/2009 9:16 AM
To: bdcpcments
Cc: Banks Vicki and John; Bethards Grover; Chapman Jack; Day Dennis; Dinubilo Jack; Fair-Sheeran Kathy; Goodson Mike; Hurley David; James Harry; JG Wilkinson; King Larry; Lucky Strike Fishing; mathes Don/Millie; Miller Jeff; Rich Cliff; Rich MaryLou; Scatena JOHN; Zanoni Bob
Subject: Bay Delta Conservation Plan [SCHEME]
Attachments:

I am David F. Scatena 2226 Segarini Way Stockton, Ca. 95209-2331 209-478-7966 frost56@sbglobal.net
 I attended the public meeting last night in Stockton, Ca.

I want to express to you several things, my emotional response to the meeting, some unanswered questions that need answers and propose some ideas.

First, my emotional response to the meeting was: Frustration, these people do not want to be confused with facts! Frustration that no one stepped up and said we will assure that the current regulations/standards will be rigidly enforced! What the hell, why hold these meetings they are not going to do any good. I want to cry for the farmers in the Sacramento/San Joaquin River Delta region. Since the water "grabbers" are paying for this study why should I be surprised at the projected outcome!

Questions: 1. How much Water is needed to maintain a "HEALTHY" Sacramento/San Joaquin River Delta System? 2. How much water is excess to the needs of the first right users/Delta System? 3. When is the current system going to be held to the regulations/standards etc? and by whom? 4. How much actual runoff is available versus how much water has been "contracted to water grabbers"? What regulations/standards are going to be in place to assure regional responsibility for maintaining their supply of water to meet their needs.

These questions need to be answered before any conveyance is proposed unless of course the purpose of all of this is to just supply water to the Westland Irrigation Dist, Los Angeles.

Californians waste water! My first idea is to adhere to the promise made years ago, pumps convey only water that is excess to the needs of the people of Northern California. My second idea is to enforce the current laws/statutes/regulations and policies to assure a healthy Delta. My third idea is to make regional responsibility a priority, can they afford water for swimming pools, golf courses, irrigation of non-food items etc. The Los Angeles basin is a series of cement rivers/streams to the ocean. Build a system to capture and store this water underground to be used during spring, summer and fall. Require capture of rainwater. Require conservation of water! Basically unless they do these things to assure a supply of water their region would not receive any water from the pumps!

There is only so much water! It must be used prudently! Priorities must be set! First right users FIRST! Others only receive what is excess.

Last but not least the response of Jerry Johns Re: "We are a series of laws." is just a joke and those in the room laughed because we all know that his agency and many others have winked at the laws/regulations/policies which has resulted in an exhausted San Joaquin/Sacramento River Delta System!

I leave you with a story told to me by an administrator, When you ask a squirrel how to make squirrel stew, the squirrel responds you take two rabbits!

Because your study is being paid for by "Water Grabbers" the study is already flawed. Because the cost of the conveyance is proposed to borne by the "Water Grabbers" there will never be enough water to meet their expectations!

David F. Scatena



Chico - 3/9

BDCP

BAY DELTA CONSERVATION PLAN

ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Comment Card

Please Print

Name: DENNIS FOX Organization: Cal Opc

Telephone: 661 366 4093 e-mail: _____

Address: 918 Blossom

City: Bakersfield State: CA Zip: 93306

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

Give Sherman to US FWS - Funding stream is constant + In Rec - Fees paid
Eliminate as much as possible invasives - Mainly aquatic - Tumbleweeds only to be cut
as it clogs canals + pumps
Clean Air - Cleanwater Bond - Deep Pockets - no pay back.
For the enviro note do clean air - stop tumbleweeds by funding
for controls of UC - no burning - also solar pump storage for
more assured water supply

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

BDCP

BAY DELTA CONSERVATION PLAN

ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: Derrell W Kelso Sr. Organization: Onions, Etc.

Telephone: 916-744-1318 e-mail: _____

Address: 48580 Clarksburg Rd

City: Clarksburg State: Ca Zip: 95612

☐ Yes, I would like to be added to your e-mail list.

You need to listen to the farmers. We have brilliant farmers.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

*What are you going to do with all the
farmers that are unemployed where
are people going to make to work?
California
grows 40% of the food for America.
If we have no farms, we will have
no food. We are in the onion business.
We supply onions for all of America. We
are the largest suppliers in America.*

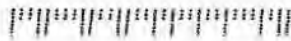
*You aren't interested in the food farms of California.
Rome lost its power because they couldn't feed them-
selves. China is glad to take over the world power &
feed us. We are all interested in the fish, but we must
put our priorities in the right place. By the way,
what is dumped raw sewage on float of our*

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

*Have that was terrible for the fish. Where were
you?*



APR 02 2009

Ms. Delores Brown
Chief, Office of Environmental Compliance
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

DEPARTMENT OF
WATER RESOURCES
P.O. BOX 942836
SACRAMENTO, CA 94236

Ms. Delores Brown
Chief, Office of Environmental Compliance
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

01 APR 2009 PM 3 T

SACRAMENTO CA 957



PLEASE FOLD ALONG THIS LINE FOR MAILING

Thank you for your comments

The whale program is a joke. Why would we be so focused on the fish and not on feeding our people? We do not have the money to spend on this program. This is the only Delta in America and I can't believe there's such a program to destroy it. OK This is Criminal! Time to cut back Jacks!

PLEASE SEAL WITH TAPE HERE

Good evening.

I appreciate the opportunity to speak tonight

My name is DJ Andriessen and I have lived in Clarksburg for over 20 years. I plan to live here for the rest of my long life.

I am a survivor of West Nile Virus. Although I still suffer from some of its lingering effects, I consider myself fortunate because I survived. West Nile Virus is a devastating disease for which there is neither vaccine nor cure. Since my diagnosis, there have been 9,237-recorded cases of humans contracting the disease in the U.S., with 344 fatalities. In spite of our efforts, the number of reported West Nile Virus cases in California has increased by 25% since 2006.

Creating a shallow water refuge in our area is really just building a West Nile Virus Incubator, and that would affect the entire Sacramento Valley, not just our area.

I do not believe this project exists to protect the smelt, unless these are our southern California Smelt friends, but even if it is, and we use what is currently being used to eradicate the mosquito population, we would also be killing the Chaoborus, or phantom, midge, whose larval stage is the main food source for our precious smelt. So we would be breeding the smelt just to watch them die of starvation.

The last time we met here, I asked that you take your plans back to the drawing board to find a more workable solution to the perceived problem. Tonight, I just want to say **shame on you**. Shame on those who are paying your wages-with my tax dollars.

In what democracy do ethical people think it is ok to take the homes and livelihoods of any number of people for an experiment-with fish?! I pray not in my America.

Our only consolation is that you were not around when the dinosaurs were dying out. God only knows how much land you would have taken to save them.

Good night.

Please address this directly in your final EIR/EIS

bdepcomments

From: dustin king [butte_creek@hotmail.com]

Sent: Thu 5/14/2009 2:02 PM

To: bdepcomments

Cc:

Subject:

Attachments:

Ms. Delores Brown
Chief, Environmental Review
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

May 14, 2009

As a fisherman and member of the California Striped Bass Association, I am requesting the Department of Water Resources to consider and provide an adequate answer to the following fundamental questions regarding the Bay/Delta Conservation Plan's stated preferred alternative of a "dual conveyance" system, aka the Peripheral Canal.

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these fundamental questions, the Department of Water Resources is unable to assess the ability to export water out of the Delta for agricultural and municipal uses in other regions of the state. It is clear that our Delta is at crisis with several of its 750 species of plants, animals and fish in endangered or threatened status. Of particular note is the number of fish species threatened or endangered within the past several years. Salmon and steelhead populations are down 90% from historic levels. Resident open-water species (Delta and longfin smelt, threadfin and American shad, striped bass, splittail and sturgeon) are at or near historical lows. Much of their native food supply - phytoplankton and zooplankton - has been reduced by 90-99%. The mass and diversity of bottom dwelling organisms has plummeted. Hundreds of non-native invasive species have become established, further destabilizing the estuary. In addition, the Delta is severely polluted by numerous pollutants. The first and foremost factor is the massive quantity of water exported south by the most powerful pumping network in the world: pumps that can reverse the tide and cause the San Joaquin River to flow upstream; pumps that can suck a volume of water including fish and their food supply equal to the capacity of the south Delta every four days. In some years, these pumps export almost three-fourths of the water that would have flowed to the sea. Despite the obvious affect on the ecosystem of the Delta, pumping water south has increased exponentially since the 1950's with particular increases since the year 2000.

It is our belief that the Bay Delta Conservation Plan's stated co-equal goals of water delivery and improved habitat for the Delta is unattainable. This plan is essentially a water delivery plan sold to the general public as a conservation plan.

This plan does not pass the environmental test or the economic test. A recent study by of the University of the Pacific estimates that the economic consequences to California from ending exports are far less than from continuing upon the same path with exports.

As stated by Jerry Johns, Deputy Director of the Department of Water Resources, at the March 2009 Stockton Scoping meeting when directly questioned, "The chance of an alternative system to the dual conveyance is less than 5%" Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a pre-conceived plan looking for a rubber stamp.

We acknowledge that our Delta, one of the world's greatest resources, is in a critical state. To do

nothing is not an option, but the "dual conveyance" plan offered as a solution to our water problems, is not a viable solution. The Department of Water Resources is highly encouraged to develop and present viable alternatives that answer the three questions previously listed:
How much water does the estuary require to maintain ecosystem integrity?
How much surplus water is available for export?
What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these questions, there is no plan.

Respectfully submitted,
Dustin King
Colusa, CA

Windows Live™: Keep your life in sync. [Check it out.](#)

Clankelung

NOTE

This comment was originally written to the Delta Vision but, I believe that it also applies to you on the BDCP. Since both the Vision & the BDCP are running parallel paths, but are not paying attention to each other.

March 16, 2009
Emily Pappalardo
12540 Grand Island Road
Walnut Grove, CA 95690

John Kirlin, Executive Director
Delta Vision Blue Ribbon Task Force
1416 Ninth Street #1311
Sacramento, CA 95814

Re: Final Draft of the Delta Vision Strategic Plan & The Bay Delta Conservation Plan

Dear Mr. Kirlin: to whom it may concern at the BDCP

The goals that you have proposed for the Delta are challenging. They attempt to address the opposing interests of the 500,000 people who live in the Delta along with proponents for water conveyance and ecosystem restoration. After reviewing your final draft, I feel that Delta residents will be the ones who will lose in your goal process. Even though one of the plan's goals is to recognize the Delta as a place, more emphasis should be placed there. In fact, it should be written into the California Constitution to ensure protection of the Delta's residents, economy, and agriculture. Agriculture is the driving force of the Delta – economically, socially and culturally. Several different Strategies and Actions seem contradictory within the document, reinforcing my sentiment. I will explain these contradictions using the same order as they are presented in the Delta Vision report.

Action 2.2.3 "Creating federal, state, and local mitigation requirements" that will support the transition of growers to more habitat and management practices. The word "requirement" is troubling in the plan since it purports that Delta farmers will be required to convert their land into habitat, instead being able to plant crops which will result in an economic loss to farmers. Habitat does not drive the economy, after the first influx of funds to purchase credits, the Delta economy will dry up. With this plan the long term economic value will not be enhanced. This contradicts *Strategy 2.2* which promotes carbon farming with the promise of profit. Farm families have successfully farmed in the Delta for many generations and I agree with the vision's comment, "Delta farmers will continue to be the best judges of agricultural business opportunities." Perhaps a fund could be established to ensure long term funding for habitat credits to offset farming loss.

Strategy 2.5 I also agree with the vision's comment, "In order to keep existing towns and rural areas economically vital, however, a small amount of physical growth will likely be necessary in legacy towns." The contradiction comes from *Strategy 6.2* which states that continued development is "potentially threatening state interests and heightening safety risks in the region." The title of *Strategy 6.2* is "Discouraging Inappropriate Land Uses in the Delta". A more revealing title would be, "Discourage Growth in the Delta." I think it needs to made clear what the legacy towns are and how

they will be protected. Many Delta towns lie in the primary zone, but, the Delta Protection Act discourages development in the primary zone. A growth plan would need to be created to reflect both of these views on growth in the Delta.

Action 3.1.2 "Constraints Criteria" discusses the selection of land appropriate for restoration efforts. There should be a criterion written about how to avoid converting prime agricultural land into wetlands. While some types of agriculture may be complementary to ecologic functions, others, such as vineyards which contribute to the economic success of agriculture in the Delta, are not as optimal. This is supported in *Strategy 2.2* which ensures the existence of the Delta as a place. In your plan land which should not be considered for ecosystem restoration is Sutter Island. While it is small in acreage, 115 people live there and it has \$26.5 million in assets. (Data found in Sacramento Bee website: http://www.sacbee.com/1232/rich_media/1444540.html) Although small, it is very fertile with high value crops such as pears, cherries and grapes. If you are consistent with Goal 2, which preserves the Delta as a place, Sutter Island is as important a place as any other. Also, the talk of acquisition of private land in *Strategy 6.2* contradicts Goal 2 and should be omitted. It must be recognized that prospective ecosystem sites on private land are also someone's farm, home and livelihood. Where can these farmers go and what will they do if their land is acquired for ecologic purposes? The report also ignored some suggestions provided regarding possible restoration sites. They were in a public comment to the Delta Vision from Jeff Hart, a local biologist, in September, 2007. Mr. Hart is an expert on the Delta's various habitats and his advice is well respected. For example, he suggested utilizing in-channel habitats as ecosystems which were not mentioned in the report. Ultimately you are converting prime-ag land into habitat as a mitigation measure for a water conveyance facility to support arid non-prime ag lands in the arid south.

Strategy 3.5 Many of the strategies and actions are discussed in rather broad terms about possibilities for water conveyance and where these facilities would be. One possibility for an intake point is at the Sacramento River near Hood. This diversion point is the same one in the initial canal proposal in the 1980's. However, there is no mention about what was learned from that proposal and the EIR process, even though it seems that the entire Delta Vision process stems from that time and the task force is looking at the same conveyance issues. Also it appears that this option is favored, without the final BDCP EIR having been released. The implementation states that, in 2010, "DWR to apply for water rights for new point of diversion for Hood". To find the best solution for the Delta, all of the proposed conveyance options must be equally reviewed. Furthermore, the Delta could benefit from an alternative system through flood control. This is not mentioned because it will remove the "Chicken Little" tactic that the Delta system is not reliable, which would make it more difficult to argue than more capacity in an alternative conveyance system.

Action 7.1.1 The California Delta Ecosystem and Water Council (CDEW) seems to have been granted major primary oversight and governance powers over all of the Delta's policy making, planning and regulations. Due to this amount of authority over the Delta, the selection of the council members is crucial and I disagree that they should all be appointed by the governor, as they may be promoting the governor's agenda and priorities. In fact, there is significant concern that the governor is influenced by his

Southern California constituents, who obviously want our water. A less biased, broad based selection would go a long way to allay those fears. To truly ensure that the interest of Delta residents, the ecosystem and conveyance are all held on an equal platform, there should be geographic, occupational, and representational criteria for each of the members. They must include science and agricultural experts and people from the Delta. In addition, I feel it is necessary that with the authority to create a "legally enforceable California Delta Ecosystem and Water Plan" (Action 7.2.1) these members should be voted in, through a non-partisan election as how the Board of Supervisors are elected. The Vision states that the CDEW members are to be chosen the same as those chosen to be on the Blue Ribbon Task Force. But there seems to be a disconnect between the expertise of the Task Force members and the expertise needed to truly solve the issues in the Delta. Besides, this is self-serving since those appointed would naturally have an allegiance to the one who appointed them.

Another area of concern is Goal 7. The CDEW plan is discussed at length but there is no mention of the Bay Delta Conservation Plan (BDCP) that runs a parallel path to the Delta Vision. The BDCP researches the water conveyance options and potential restorations sites but nothing is mentioned in the Vision as to how it will be implemented. If the Vision wants to improve governance, the BDCP must be included in discussions as part of the Vision, otherwise we will be stuck with too many groups trying to do the same thing and everything ending in confusion.

I hope that you will take these comments into consideration.

Sincerely,



Emily Pappalardo
Delta Resident
Architecture Undergraduate
Cal Poly State University
San Luis Obispo

Clarksburg
BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: Emily Pappalardo Organization: _____

Telephone: (916) 205-0770 e-mail: epappalae@calpoly.edu

Address: 12540 Grand Island Rd. _____

City: Walnut Grove State: CA Zip: 95690

☒ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

- The channel margin habitat restoration will hit private property on the river side of the levee, what will happen/ what will you do when this occurs.
- will the proposed conveyance system be an open-ditch canal or more of a pipeline. The largest loss of water in ~~the~~ CA's water system is evaporation, an open-ditch canal will only continue that, also what will be the capacity ^{the control on water diversions}
- Reverse flows from other conveyance facilities north of the Delta.
- Why isn't the BDCP working more closely with the Delta Vision as a means of improving governance as both entities say, yet neither mentions the other in their plans.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

Davis

BDCP

BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: Erika Kegel Organization: _____

Telephone: 530/759-0333 e-mail: _____

Address: 2108 Calaveras Ave

City: Davis State: CA Zip: 95616

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

As a non-Delta resident and ~~tax~~ with no personal financial
stake in Delta farming and "integrity" as a place,
what responsibility do I (as a tax-payer and resident
of the state) have to maintain the Delta levees that
protect private property?

Especially ^{below} sea-level
If there is a peripheral canal, or if
the SWP & CVP can't pump due to endangered
species issues.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

bdcpcomments

From: Frank M [fm@solagracia.com]
To: bdcpcomments
Cc:
Subject: Comments on the BDCP EIR/EIS
Attachments:

Sent: Fri 4/10/2009 11:03 AM

To Whom It May Concern:

My opinion on the BDCP EIR/EIS plan is number 4 - DO NOTHING. The following is support for this option;

I attended the meeting in Brentwood on Monday March 23, 2009 where the proposal was discussed in detail. I came away from that meeting with grave concerns regarding the entire Bay Delta Conservation Plan (BDCP) as it has been named. The BDCP plan is not a conservation plan, what it is however, is a plan to direct/divert more and cleaner water to Southern CA for their use and storage. This additional flow to Southern CA, if allowed would be the death of the Delta. I have frequented the Delta for over 50 years and lived in Discovery Bay, on the Delta for the past 27 years. During this time I have observed the degradation of the area, seen the changes as higher flows of water were being diverted south.

Noteworthy; The summer of 2008 there was a 2 week period that the flow south was reduced due to the location of certain fish near the inlet. During that 2 week period the water quality and clarity in and around Discovery Bay was greatly improved. Visibility off my dock went from 3 feet to 6 feet.

During the aforementioned meeting, we were told there were multiple plans. Flow rates were discussed and to my best recollection 6,000 to 15,000 cf/s were predicted as the flow rates we could expect. Currently the flow rates are up to 11,000 cf/s. Several of the attendees asked the panel of experts what flow rate did the Delta require for proper maintenance of the system. NO one could answer, but they sure knew what rates they wanted to take. Additionally the proposed barriers, locks or whatever you want to call them would be crippling to recreational boating and fishing. To transit the Delta where I normally go, with the plan executed would have me going through 2 or 3 of these barriers or locks each way.

After listening to and reading all the information made available at the meeting and on the website, it is my opinion to go with plan number 4, DO NOTHING. Before you ratify a plan that will destroy the Delta, let Southern CA find their water elsewhere, i.e. *desalinization*.

Thank you for the opportunity to address this most important issue.

Sincerely,

Frank Middleton

Frank Middleton

5871 Starboard Dr

Discovery Bay, CA 94505

Tel: (925) 634-2986

Fax: (925) 634-5150

fmbeta@solagracia.com

Comments on the Bay-Delta Conservation Plan

March 18, 2009

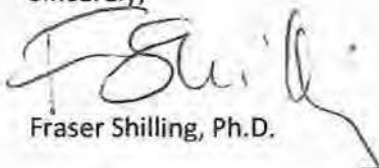
Fraser Shilling, Ph.D.
2313 Shire Ln.
Davis, CA 95616

BDCP Steering Committee:

I am writing comments in reference to the Conservation Strategies proposed by the team developing the Bay-Delta Conservation Plan, hereafter referred to as the BDCP. I am a scientist at the University of California at Davis in the Department of Environmental Science & Policy. I received my Ph.D. in 1991 from the University of Southern California, Division of Biological Sciences. I have published over 2 dozen articles in the peer-reviewed scientific literature and many technical reports for local, state, and federal agencies which have supported my research. I am currently the Co-Director of the UC Davis Road Ecology Center, which conducts research into the ecological and social effects of transportation systems. I am also the lead author of the California Watershed Assessment Manual.

The comments below reflect my initial comments and concerns regarding the conservation strategies and overall program. I have two main over-arching comments: 1) It is not possible to determine how effective the conservation measures and adaptive management plan will be because the incidental take permit is not presented in tandem. 2) There are no links between adaptive management and management actions. There are links implied between AM and conservation measures, however, in order to be granted the take permit must include measures of success/effectiveness and clear indications for how take will be modified in response to new information. There are extensive collections of scientific opinion pieces and peer-reviewed articles that address the components and integration of components of the Bay-Delta ecosystems, conservation effectiveness in similar ecosystems, how to practice successful adaptive management, linking adaptive management to management actions, effects and effectiveness of conservation plans under Section 10 of the Endangered Species Act, ecological links between hydrology and aquatic ecosystem condition, and other relevant fields. My comments are based in that literature, though no citations are given in this early version of my comments. My comments and questions are included in red below (or light grey in a b&w version). Where comments are posed as questions, the corollary statement should also be inferred. For example, the question: "How will increase in production be assured?" can also be read as "An increase in production should be assured".

Sincerely,



Fraser Shilling, Ph.D.

Biological Goals and Objectives From Jan 12, 2009 version of "Overview of Conservation Strategy" P. 16-17

The BDCP Steering Committee has developed a set of draft biological goals and objectives, which are described briefly above and in further detail in Section 3.2 of the draft Conservation Strategy. Implementation of these core elements is anticipated to contribute substantially towards achieving each of the following ecosystem, natural community, and covered fish species biological goals:

1. Provide hydrodynamic conditions within Delta waterways that contribute to viable populations of covered fish species.

How will population viability of all covered species be measured? How will relationship between hydro conditions and viability be determined. Will full natural range of hydro conditions be included?

2. Increase primary and secondary production to increase the abundance and availability of food for all life stages of covered fish species.

How will increase in production be assured? How will timing be made appropriate for different life stages? How will the relationship between production and food availability be determined?

3. Provide for the spatial distribution and connectivity of covered species habitats across the Delta to support the effective movement and genetic exchange of covered species within and among natural communities both inside and outside of the BDCP planning area.

Structural connectivity of habitats does not ensure functional connectivity which provides the effective movement and genetic exchange within and among populations. How will functional connectivity be assured? How will connections to areas outside the BDCP planning area be assured?

4. Protect, enhance, and restore covered natural communities to provide habitat and ecosystem functions to increase the natural production (reproduction, growth, and survival), abundance, and distribution of covered species.

How will the BDCP implementation assure that enhancing, protecting, and restoring natural communities will result in increased production, abundance, and distribution of species? There is not a one-to-one connection between habitat protection/restoration and production increase.

5. Increase the abundance of covered fish species by reducing sources of unnatural mortality.

How will the unnatural rates and sources of mortality be determined? How will abundance be measured so that this can be effectively determined?

6. Create conditions that support a viable population of delta smelt in the Delta and Suisun Bay.

How will viability be determined? How will linkages be determined between “created conditions” and viability in these areas?

7. Create conditions that support a viable population of longfin smelt in the Delta and Suisun Bay.

How will viability be determined so that the sample represents the population? How will linkages be determined between “created conditions” and viability in these areas?

8. Increase the survival of juvenile Chinook salmon passing through the Delta.

How will survival be determined so that the sample represents the population? How will linkages be determined between management actions and increased survival?

9. Increase the growth of juvenile Chinook salmon that pass through and rear in the Delta to increase the likelihood for survival of juvenile Chinook salmon in San Francisco Bay and ocean habitats.

How will growth be determined so that the sample represents the population? How will linkages be determined between management actions and increased growth in the Delta and between growth in the Delta and survival in the Bay and ocean?

10. Maintain or increase life history diversity of all runs of Chinook salmon.

How will the link be made between management actions and the diversity of runs?

11. Increase the proportion of all runs of adult Chinook salmon that successfully migrate upstream through the Delta to upstream spawning habitats.

How will migration be determined? How will linkages be determined between management actions and increased migration? How will upstream spawning habitats be protected for the migrating fish?

12. Increase the survival of juvenile steelhead passing through the Delta.

How will survival be determined so that the sample represents the population? How will linkages be determined between management actions and increased survival?

13. Increase the growth of juvenile steelhead that pass through and rear in the Delta to increase the likelihood for survival of juvenile steelhead in San Francisco Bay and ocean habitats.

How will growth be determined so that the sample represents the population? How will linkages be determined between management actions and increased growth in the Delta and between growth in the Delta and survival in the Bay and ocean?

14. Maintain or increase life history diversity of Central Valley steelhead.

How will the link be made between management actions and the diversity of runs?

15. Increase the proportion of adult Central Valley steelhead that successfully migrate upstream through the Delta to upstream spawning habitats.

How will migration be determined? How will linkages be determined between management actions and increased migration? How will upstream spawning habitats be protected for the migrating fish?

16. Maintain and conserve a viable population of Sacramento splittail in the Delta.

How will viability be determined? How will linkages be determined between “conservation actions” and viability in this area?

17. Increase the proportion of green sturgeon that successfully migrate upstream through the Delta to upstream spawning habitats.

How will migration be determined? How will linkages be determined between management actions and increased migration? How will upstream spawning habitats be protected for the migrating fish?

18. Increase juvenile green sturgeon habitat availability.

How will habitat be determined to be available? How will links be made between management actions and habitat availability?

19. Maintain or increase life history diversity of green sturgeon.

How will the link be made between management actions and the diversity of runs?

20. Increase the proportion of white sturgeon that successfully migrate upstream through the Delta to upstream spawning habitats.

How will migration be determined? How will linkages be determined between management actions and increased migration? How will upstream spawning habitats be protected for the migrating fish?

21. Increase juvenile white sturgeon habitat availability.

How will habitat be determined to be available? How will links be made between management actions and habitat availability?

22. Maintain or increase life history diversity of white sturgeon.

How will the link be made between management actions and the diversity of runs?

ADAPTIVE MANAGEMENT AND MONITORING PROGRAM (from Overview of Conservation Strategy, Jan 12, 2009, p. 48-49)

The program described below will be inadequate to conserve covered species and habitats for several reasons. First and foremost, it is impossible to evaluate the program in the absence of reviewing the final incidental take permit. The take permit allows a certain level of destruction of covered species and their habitat, destruction which must be mitigated under the BDCP. Secondly, the absence of a link between findings in the adaptive management program and take means there is no possibility to modify these activities in response to new information. Simply adapting the limited conservation measures proposed is not sufficient “adaptive management” to warrant the term. It is good that conservation actions would be modified in

response to new information. However, this is only part of the picture of adaptive management. The other part of the picture is adapting water withdrawals, conveyance, and other management activities covered under the take permit that are impacting covered species. Third, the various biological objectives and conservation activities require an in-depth monitoring program, the details of which determine whether or not conservation success and impacts and water management effects and impacts can be determined.

The BDCP will include adaptive management and monitoring programs to evaluate the effectiveness of the conservation measures and to address scientific uncertainties and knowledge gaps. These programs are currently under development, and are described in sections 3.5 and 3.6 of Chapter 3. This section provides a synopsis of the progress to date in developing the details of these programs.

While the BDCP conservation measures were developed on the basis of the best scientific and commercially available information and identify detailed actions to achieve the biological goals and objectives, new data and information will be developed over the term of BDCP implementation that will increase knowledge and help reduce uncertainties regarding the best approaches to implementing conservation measures. In addition, the Conservation Strategy anticipates the potential for substantial changes in Delta conditions that may result from climate change (e.g., sea level rise and hydrology in the Delta watershed), seismic events, potential large scale changes in land use, and other factors. The BDCP recognizes that monitoring and adaptive management are necessary to incorporate into plan implementation any new information and insight regarding actual changes and new projections of changing futures. As more is understood about the Delta ecosystem, adjustments to the implementation of BDCP conservation measures will be necessary and will be undertaken to improve effectiveness. The BDCP adaptive management process is designed to afford flexibility to make these adjustments, including modifications to, removal of, and additions of conservation measures and changes to the monitoring program as indicated by new scientific information.

The BDCP monitoring program will include activities to:

- Determine the effects of the covered activities on covered natural communities and species;
- Collect data necessary to effectively implement conservation measures;
- Document the implementation and effectiveness of conservation measures;
- Determine the appropriateness of the scientific relationships on which the assessment of effects and effectiveness are based; and
- Assess the overall status of species, natural communities, ecosystem processes that support species and natural communities in the Delta.

Information gathered through the BDCP monitoring program, research conducted by the BDCP, and other research efforts will guide decision making during implementation. The BDCP monitoring and research programs are designed to determine and assess cause and effect relationships between implementation of specific conservation measures and the type and magnitude of species and ecosystem responses to those measures, as well as species and ecosystem responses to the implementation of combinations of conservation measures. Should strong cause and effect relationships

be established, adaptive management provides the mechanism to concentrate efforts on the implementation of conservation measures that have been demonstrated to be more effective and to deemphasize or discontinue implementation of conservation measures that prove to be ineffective at achieving desired ecosystem, natural community, and species outcomes as articulated in the BDCP biological goals and objectives.

May 14, 2009

Ms. Delores Brown
Chief, Office of Environmental Compliance
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Dar Ms. Brown:

Although I was not able to attend the meeting on the Bay Delta Conservation plan, I would like to offer my input on the proposed intake facilities to be located across the river from the Pocket area.

Many of us moved to the Pocket to be closer to the peaceful rural setting provided by the Sacramento River and the farming community on the Yolo County side of the river, while still remaining within the Sacramento City limits. For the past nine years my family and I have enjoyed this lifestyle, but are very concerned that it will be altered dramatically if these intake facilities are allowed to be constructed as proposed. Aside from the inaccuracies of the intake structure as depicted on the artist's renderings, which I address below, there will be an ongoing impact on lifestyle in the Pocket due to the potential noise generated by the facility. Additionally, there will be a negative impact on property values in the Pocket, for potential buyers will elect to purchase homes elsewhere when they discover that such a facility is located directly across the river.

After reviewing the artist's renderings, I find there are many things that are not depicted accurately. A few of these are:

1. The river is shown to be at least twice as wide as it actually is, which supports the illusion that the facility is farther from the Pocket than it will actually be.
2. The location of the facility is shown to be in a completely rural area, showing no indication of the residential neighborhoods on the Sacramento County side of the river, and therefore lends to the illusion that it should not bother anyone visually.
3. If the facility is to supply significantly more water than the facility currently under construction north of Freeport, it appears to be shown as being much too small.
4. Although a substation to provide the electrical power for the facility is shown on the drawing, there is no indication of either power lines or power poles, both of which will be unsightly to the residents in the Pocket.

Aside from the fact that the need for his project is questionable, facilities like these should be located in truly rural areas where the negative impact to the quality residential life is minimal.

Sincerely,

Gary L. Schmidt
23 Chicory Bend Court
Sacramento, CA 95831
Home: (916) 428-0708
Cell: (916) 417-1100

cc. Office of Councilman Robby Waters

The California Department of Water Resources
Att. Michelle Beachle
P.O. Box 942836
Sacramento, Calif., 94236

Dear Ms. Beachle,


In consideration of all the problems concerning the delta area, being it salt water intrusion, lack of fresh water in the delta, lack of fresh water to be delivered south to southern California, fish problems, it seems to me that some are insurmountable to try to solve them all at one time. Putting aside any solution involving shipping locks because of their possible detriment to Port costs, may I suggest the following solution as one step forward.

It is understood that salt water moves in on the tides, but it rides underneath the fresh water flowing out on top. Because of this action, I would suggest that a rock berm be placed at the Carquinez Straights, except at the shipping lanes having a depth of -35 ft at low tide, the side berms would be raised up to -8 ft. at low tide. At the shipping lanes a pneumatic dam would be installed to be raised or lowered to accommodate shipping and keep out high tide influences. This would in effect keep salt water out of the delta for the most part. There are also many areas in the estuary that have depths from -40 ft to -100 ft that should be filled in with rock up to -35 ft in order to get rid of the stagnant salt water.

Now to get some of the Sacramento River water into the delta. Starting at Walnut Grove, to open up the side channel to the north Mokelumne River, dredging it to at least -9 ft to the South Mokelumne River, then letting the natural flow go towards the Empire Cut Island and the middle of the delta. A short rock berm would be installed at the Sacramento River to divert the water. At the entrance to the 3 mile slough off the Sacramento River, from the west bank install a rock berm diagonally up stream to divert water into the slough. Then at the break at the river between the Sherman Islands, extend a rock berm across the Sacramento River toward the shipping lane, diverting river water into the slough. These three actions would feed fresh water into the delta.

Regardless of what happens to this proposal or any other solution it boils down to whether the ocean rises because of polar ice melting thus inundating the delta with tidal effects that will be overwhelming to the whole system plus it's surrounding communities and the bay area. The tidal effect should be stopped at it's source, at the Golden Gate Bridge or just outside of it at the Potato Patch.

Sincerely Yours



Glen H. Mortensen
Ret. Architect.

2236 Broadridge Way
Stockton, Calif. 95209

209-477-2733

BDCP
Bay Delta Conservation Plan
EIR/EIS

Comments

Greg Merwin, Farmer
916 775 1553
39104, Z-Line Road,
Clarksburg, CA 95612

In the first place, to call this the Bay Delta Conservation Plan has been very misleading from the beginning, and has rightly garnered you unbridled negative reaction. I would suggest that Delta Water Conveyance Plan would have been a far more accurate description of your activity.


Be advised that any construction on a conservation easement will cost far more to condemn (and condemnation will be almost assuredly required) than agricultural value. Lands adjacent to the Glide Memorial Easement (which is crossed by most of the northernmost feeder alternative), have sold for \$75,000 per acre, which may well set the price for this land.

That you will come up with the most cost effective alternative for the water contractors almost goes without saying, and leaves only the question of mitigation to be considered.

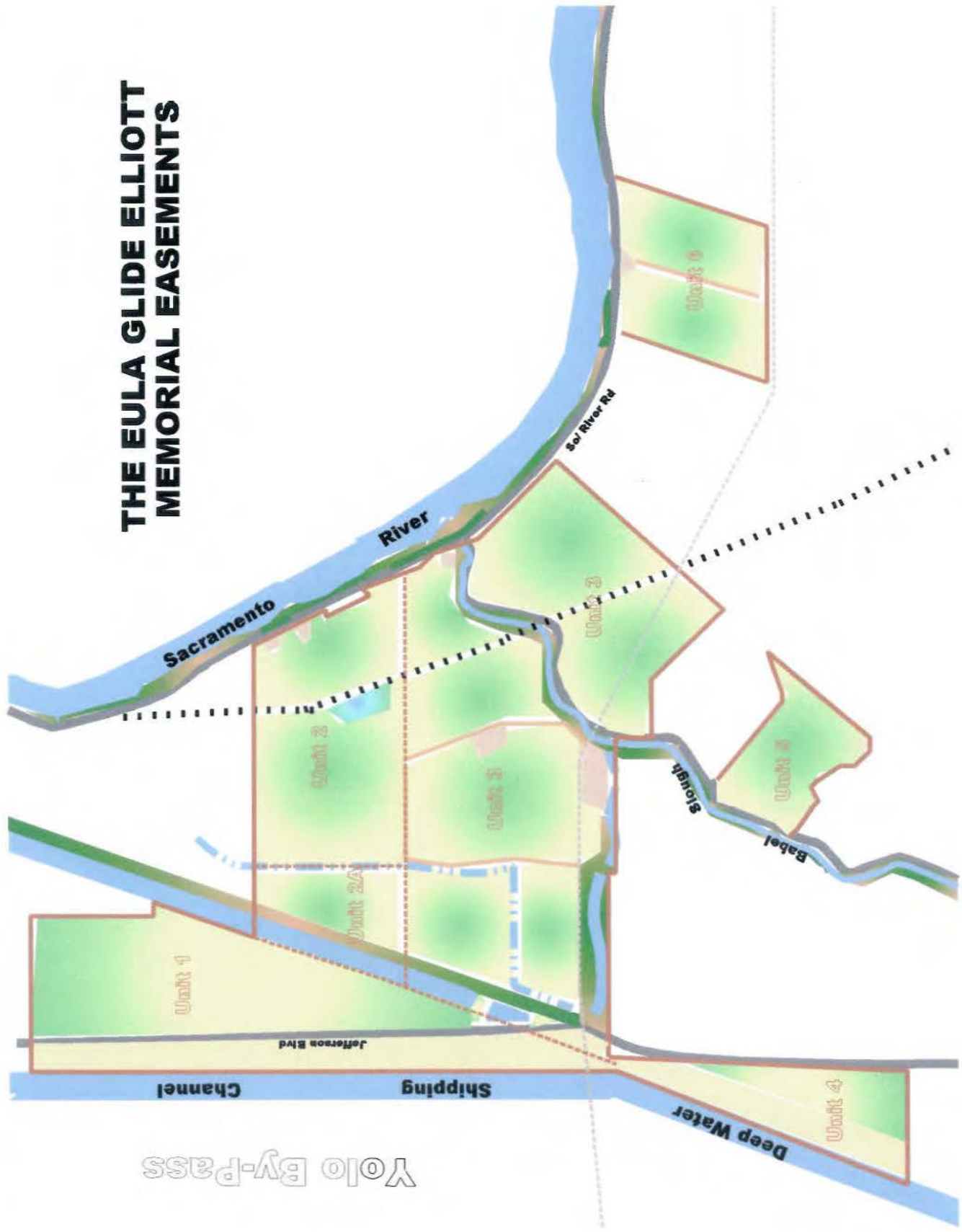
I believe very strongly that all mitigation should be concentrated on shoring up existing lower delta levees, as the massive seawater flooding of this area would be an environmental disaster to all, and there is simply no way to restore the sunken land to its original state of 160 years ago. It is almost laughable that flooding an island or 2 is being considered for study, since there are already several available flooded islands. I certainly wouldn't consider asking the water contractors to take on all of the flooding problems of the lower delta, but I do think all available mitigation funds should be used for this purpose, and it seems to me that the biggest and deepest islands should take 1st priority, since this is where you could get the most "bang for the buck".

Creating marshes on sea-level land is something that could be undertaken at a later time, but protecting the lower delta from flooding should be tackled now!

Sincerely,


Greg Merwin

THE EULA GLIDE ELLIOTT MEMORIAL EASEMENTS



bdepcomments

From: Gregg Taylor [taylorgs@techmarketing.com]

Sent: Fri 4/10/2009 12:00 PM

To: bdepcomments

Cc:

Subject: Peripheral Canal

Attachments:

Dear Sirs

I am totally against any canal or reshaping of the Delta Waterways. These locks and bypasses will totally destroy my water quality at Discovery Bay and ruin my home value. It is time that So Cal use De Stalinization plants for their water and to stop getting it from Nor Cal. There has been no indication of who this new system will improve the salmon run and in general the fisheries of the delta. Put a stop to this thing.

Thanks

Gregg Taylor

5831 Starboard Drive

Discovery Bay, CA 94505

bdcpccomments

From: don lonely [olderbrother30@yahoo.com]

Sent: Wed 5/13/2009 9:22 PM

To: bdcpccomments

Cc:

Subject: Water Quality?????????

Attachments:

I just read an article where you are trying to stop the oyster farming in Drake's Bay. This is an ecologically sound operation unlike your destruction of the delta and the Salmon population of all of California. As a fisherman and outdoor enthusiast and Past Serria Club member and ardent supporter---I believe it just time to start full protests and demonstrations against the wasteful practices of the state agencies and government that have killed a lot of our natural resources and endangering the rest.

Gregory Pilkington

bdcpcomments

From: Guy [gbrownsac@sbeglobal.net]

Sent: Fri 5/15/2009 6:15 PM

To: bdcpcomments

Cc:

Subject: Bay/Delta Conservation Plan (BDCP)

Attachments:

Ms. Delores Brown
Chief, Environmental Review
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

As a fisherman and member of the California Striped Bass Association, I am requesting the Department of Water Resources to consider and provide an adequate answer to the following fundamental questions regarding the Bay/Delta Conservation Plan's stated preferred alternative of a "dual conveyance" system, aka the Peripheral Canal.

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these fundamental questions, the Department of Water Resources is unable to assess the ability to export water out of the Delta for agricultural and municipal uses in other regions of the state. It is clear that our Delta is at crisis with several of its 750 species of plants, animals and fish in endangered or threatened status. Of particular note is the number of fish species threatened or endangered within the past several years.

Salmon and steelhead populations are down 90% from historic levels. Resident open-water species (Delta and longfin smelt, threadfin and American shad, striped bass, splittail and sturgeon) are at or near historical lows.

Much of their native food supply – phytoplankton and zooplankton - has been reduced by 90-99%. The mass and diversity of bottom dwelling organisms has plummeted. Hundreds of non-native invasive species have become established, further destabilizing the estuary. In addition, the Delta is severely polluted by numerous pollutants.

The first and foremost factor is the massive quantity of water exported south by the most powerful pumping network in the world: pumps that can reverse the tide and cause the San Joaquin River to flow upstream; pumps that can suck a volume of water including fish and their food supply equal to the capacity of the south Delta every four days. In some years, these pumps export almost three-fourths of the water that would have flowed to the sea.

Despite the obvious affect on the ecosystem of the Delta, pumping water south has increased exponentially since the 1950's with particular increases since the year 2000.

It is our belief that the Bay Delta Conservation Plan's stated co-equal goals of water delivery and improved habitat for the Delta is unattainable. This plan is essentially a water delivery plan sold to the general public as a conservation plan.

This plan does not pass the environmental test or the economic test. A recent study by of the University of the Pacific estimates that the economic consequences to California from ending exports are far less than from continuing upon the same path with exports.

As stated by Jerry Johns, Deputy Director of the Department of Water Resources, at the March 2009 Stockton Scoping meeting when directly questioned, "The chance of an alternative system to the dual conveyance is less than 5%". Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a pre-conceived plan looking for a rubber stamp.

We acknowledge that our Delta, one of the world's greatest resources, is in a critical state. To do nothing is not an option, but the "dual conveyance" plan offered as a solution to our water problems, is not a viable solution. The Department of Water Resources is highly encouraged to develop and present viable alternatives that answer the three questions previously listed:

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Guy Brown
206 Breckenwood Way
Sacramento, CA 95864
gbrownsac@sbcglobal.net
916-849-3490 (cell)

Chico - 3/9

BDCP

BAY DELTA CONSERVATION PLAN

ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: GUY HOPES Organization: CHICO STATE
Telephone: (707) 685 3015 e-mail: ghopes@mail.csuchico.edu
Address: 1469 ARCADIAN AVENUE
City: CHICO State: CA Zip: 95926

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

HAVE INFORMATION TOWARDS QUESTIONS →

- KNOW HOW IRRIGATION RUNOFF WILL AFFECT NEW SYSTEM?

- KNOW HISTORY OF OLD PACTA PROBLEM. ^{IT WASNT IT CREATED FOR SYSTEM} THEN?

- HAVE COUNTER ARGUMENTS OTHER THAN MONEY AND EIR/EIS? ^{CRITERIA}

- ALL USES CAPABLE INVOLVE MAINTAINING DOMAIN ON FARMERS?

I WOULD LIKE MORE ENGINEERING RELATED INFORMATION ON THE TOPIC. I WOULD ALSO LIKE TO KNOW ABOUT EACH LOBBYIST & SUPPORTOR ORGANIZATION THAT CONTRIBUTES TO THIS PRESENTATION. I ENJOYED ATTENDING AND LOOK FORWARD TO SEEING FUTURE DEVELOPMENTS

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

bdcpccomments

From: pavestone@aol.com [pavestone@aol.com]

Sent: Tue 3/24/2009 8:09 AM

To: bdcpccomments

Cc:

Subject: Bay Delta scoping comment

Attachments:

Delores Brown, Water Resources
Re: EIR, Bay Delta Conservation Plan

Please include my comments in you eir study.

Jack Hanna
Resident Bethel Island
Planning Commisioner, East Contra Costa County Planning Commission
Member CIYC, CYA, and other boating associations
Lifetime resident of California (North and South)

California cannot afford this mistake!

Conservation of our water resources must begin immedeately!

Water allocation must not be increased to any users in the state.

We have figured out air pollution and reversed the trend. We have figured out erosion control and begun the process of application of C3 regulations. We have figured out the waste stream dissaster and made great strides in it's reduction through recycling.

Why have we not begun to reverse the disaster of water resources squandered?

The courts have recognized the crisis of indicator species and reduced allocations from The Delta. But, the indicator species are only an indication of the depletion of the wet beating heart of the State of California. There are literally thousands of species who are not discussed in your studies, including the homo sapian residents.

We, who live here, see the decline of our water from pollution. The agricultural runoff is killing the natural species. We watch as the last crawdad dies in an abandoned television. The circulation of the water from mountains to the sea is the only protection they (we) have.

Contra Costa and the other Sherrifs have reversed the trend of squatters on the water. The cleanup of abandoned debris is stalled for budget reasons. Our levies are under reconstruction. Our boats are becoming more efficient and cleaner. We need regulation of holding tanks and access to mobile pumpout. We need more filtration of runoff from populated areas that are already developed. More can and should be done to protect the water in the Delta and that must be done, with or without the diversions.

No increased water allocations can be made to any agency!
Instead, all users must learn to make better use of the share they enjoy.
Allocations can decrease if users begin to conserve by design!
The decreased allocations can support projected growth in our state.

Permanent conservation design can include recycling water for landscape irrigation, desalinization, and

improved methods of farming.

These simple obvious solutions have been applied in the desert for decades

Now is the time to begin permanent conservation and stop the ongoing degradation of our natural waters.

We must not divert more water from the Delta, or further alter it's circulation.

H. Jack Hanna

Bethel Island

The Average US Credit Score is 692. See Yours in Just 2 Easy Steps!

BDCP

BAY DELTA CONSERVATION PLAN

ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

look at desalination
& other water
alternatives for
Southern CA

— Comment Card —

Please Print

Name: Harriet Steiner

Organization: _____

Telephone: 916-934-9909

e-mail: hsteiner@mhafaw.com

Address: 166 Rivershore Ct.

City: Sacramento

State: CA

Zip: 95671

☒ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

Please consider ^① intakes that are not across from the Pocket Area. ^② the impact on the Pocket Area regarding noise, quality of life, aesthetics, light & pollution. ^③ determine how the beauty of the river can be maintained without turning the area across from the Pocket into an industrial looking area.

^④ determine how to maintain the Delta without destroying the river area through Sacramento. ^⑤ will alternatives that include reducing flows @ the CVP pumps be considered. ^⑥ will flood protection be part of this process. ^⑦ Develop & analyze alternatives that

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to do not involve

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

find alternatives in rural areas

Intakes by across from the Pocket area

bdcpcomments

From: HAYDOCKI@aol.com [HAYDOCKI@aol.com]

Sent: Fri 5/8/2009 7:45 PM

To: bdcpcomments

Cc: HAYDOCKI@aol.com

Subject: BDCP Comment about the scope

Attachments:

Please comment on the scope of the environmental impact statement and environmental impact report of the BDCP. At this point in the process, we want to hear from you only about the scope of the EIR/EIS. Thank you."

BDCP EIS/EIR Scoping Comments

From: Irwin Haydock, Ph.D.

11570 Aquamarine Circle

Fountain Valley, CA 92708

May 8, 2009

I am pleased to comment on the scoping of the BDCP EIS/EIR report due out in a year or so. This activity follows on the recent Blue Ribbon Committee's efforts to develop both a Delta Vision and a Strategic Plan for the Delta. My background represents over 50 years of relevant education and experience in California's water resources. As a 4th generation Californian I know my pioneering family has directly contributed to the water problems we face today. Thus, I have a vested interest in trying to make things better for our future generations. I have followed the development of the California Water Project since the early 1960's, and have written extensively with Dr. Michael A. Rozengurt on the specific requirements of the Sacramento-San Joaquin Delta (see references cited below). Unfortunately, many of our predictions regarding the Delta have already come to pass due to excessive water withdrawals among other problems.

My expertise includes marine, estuarine and fresh water ecology. I retired as Senior Scientist from Orange County Sanitation District in 1996, after retiring in 1989 as manager of the Ocean Monitoring and Research program for the Los Angeles County Sanitation District. Previously, I managed the Salton Sea Project for DFG, followed by 3 years as Senior Ecologist of SCCWRP. I believe ecosystems need to be studied adaptively and holistically to build a truly sustainable future. This is the essence of the San Francisco Bay-Delta's watershed planning problems and a required consideration for your EIS/EIR scoping process. We are truly all in this together; I recall a brief stint as Governor Wilson's only southern California appointee to the Bay-Delta (pre-CalFed) Science Advisory Team in the mid-1990s. My opinions, which I believe were realistic and honest received less than rousing support, as if they were foreign to what was already assumed or known. But I have not seen anything to date that would cause me to rethink my positions, so I will reiterate some of them here again. (Below I have listed several published papers on the ecological basis of river-delta-estuary-bay and coastal zone connectivity, specifically discussing the SF Bay-Delta situation.). Two important attachments are only referenced below as URLs that will expose my past submissions to the BlueRibbon Committee's work (<http://www.deltavision.ca.gov/>). These will provide further details to this letter.

I would like to reiterate a few of the issues that impinge on the Delta ecosystem and future water supplies, and request that these issues each be thoroughly examined in the scope of BDCP's EIS/EIR.

First, I believe that today's science has already provided a real understanding and a reasonable goal for future delta water distribution. For a number of reasons explored in the publications below, and documented in the early 1980s studies (2 Vols) of the Bay-Delta done by Dr. Michael A. Rozengurt at the CSUSF Tiburon Marine Laboratory, the quantitative water diversion goal should be no more than approximately 25-30% of the longterm (50 year) average unregulated rivers flow. This is the maximum depletion that can be naturally withstood by any delta environment. The EIS/EIR should document the impact(s) of any greater amount being removed from the system.

Second, I believe that the construction of a restriction channel at the mouth of Suisun or San Pablo Bay could provide a useful impediment to the danger of salinity intrusion into the delta proper, and this would allow somewhat more freshwater to be shunted from the delta without paying the price of moving the halocline too far upstream or destroying the ecosystem. This would also be of even greater import if and when the expected tidal rise due to global warming hits the bay. I believe this construction needs to be thoroughly evaluated with respect to possible mitigating measures for increased delta withdrawals. I have provided reference to preliminary information below on this restriction channel.

Third, construction of a series of low-head dams above the delta should be evaluated as a mitigation for their use in providing emergency water for future flushing flows during low in-stream flow months of summer/fall.

Fourth, with respect to increased supplies, I believe that increased conservation and water efficiency should be carefully evaluated first. In southern California a huge and most effective step would be to provide advanced wastewater treatment to reclaim some of the millions of acre feet now being dumped into the ocean. This is already being accomplished in Orange County on a large scale. The OLAC (Orange/Los Angeles County) Project in the late 1970s identified at least 500,000 thousand acre feet that could be easily reclaimed, but it has taken over three decades to achieve this modest savings. Evaluating these possibilities also should detail the savings of a great deal of the energy being used to pump delta water over the Tehachapi Mountains.

Thank you for this opportunity to comment of the scoping process for the BCDC EIS/EIR. I welcome any questions or further explanations regarding these requests. I believe that it is vital to truly consider the coequal concerns of water supply and ecosystem, as well as honor the Delta as Place at this time. I stand ready to help in any way that I can to get this process right for all of California's citizens.

Irwin Haydock, PhD
Haydocki@aol.com

Reference URLs to previous submittals to Delta Blue Ribbon Committee:
<http://www.deltavision.ca.gov/StrategicPlanningProcess/ExternalSubmissions/2008-ES-3.pdf> Michael Rozengurt/Irwin Haydock April 10

1. PROJECT TITLE: Development of a Physical Model of a Salinity Restraining Channel to Control Salinity into Estuaries. Case of Study: San Francisco Bay
2. Delta under Current and Planned Freshwater Diversions, SWRCB Findings of Fact: Submitted Romberg Tiburon Center, 1988
3. The Restraining Channel that Can Avert Salinization of Sacramento - San Joaquin, Stockholm Symposium 1997
4. References and figure of channel and inventor

http://deltavision.ca.gov/docs/9_Comment_from_Irwin_Haydock_11-30-07.pdf

1. Transmittal letter Blue Ribbon Task Force Delta Vision
Subject: Our Vision for California's Delta
Comments on Third draft prepared by Staff (Revised Nov. 19, 2007)
2. Peripheral Canal letter to Gov Brown, November 28, 2007 (added below)

Some Critical References:

1994. With M.A. Rozengurt. The Role of Inland Water Development in the Systemic Alteration of the Coastal Zone Environment. In: Proc. Watershed '93 National Conference on Watershed Management. Alexandria, VA. pp. 755-759.
1993. With M.A. Rozengurt. Freshwater Flow Diversion and its Implications for Coastal Zone Ecosystems. In: Transactions of the 58th North American Wildlife and Natural Resources Conference. Washington, D.C. pp. 287-295.
1991. With M.A. Rozengurt. Effects of Fresh Water Development and Water Pollution Policies on the World's River-Delta-Estuary-Coastal Zone Ecosystems." In: Ocean-91 Long Beach Proceedings; Coastal Wetlands (H.S. Bolton and O.T. Magoon, (Eds). ASCE, New York, 85-99.
1991. With M.A. Rozengurt. Effects of Fresh Water Development and Water Pollution Policies on the World's River-Delta-Estuary-Coastal Zone Ecosystems. Seventh Symposium on Coastal Zone Management (CZ '91), Long Beach, Ca. July 8-12, 1991. Pp. 85-99. In: H.S. Bolton (ed.). Coastal Wetlands. American Society of Civil Engineers, New York.
1981. With M.A. Rozengurt. Methods of Computation and Ecological Regulation of the Salinity Regime in Estuaries and Shallow Seas in Connection with Water Regulation for Human Requirements. In: Proceedings of the National Symposium on Freshwater Inflow to Estuaries, Vol. II, USFWS, Biological Services Program, FWS/OBS-81/04, Oct., p. 474-506.
1980. With M. Rozengurt. Salinity Regulation in Conjunction with Increased Water Usage of the San Francisco Bay - Delta Regime, Pacific Division, AAAS, Abstracts 61st Ann. Meeting, Davis, CA, June 1980.

Letter Discussing Critical Facts Regarding Proposed Peripheral Canal, 1980.
June 20, 1980

Honorable Governor Jerry Brown
Sacramento California

This letter is being written to appraise you of certain facts which must be considered in your deliberations on the Peripheral canal issue currently before the California legislature and being discussed almost daily in the news. This issue has not only statewide, but national significance, as an example of large scale water development for which important ecological, economical, and social effects have already been demonstrated in similar programs of other nations.

The following facts are apparent to us, as professionals examining the demise of the San Francisco Bay Delta; some of these derive directly from observing the corpses of other similar ecosystems abroad:

1. There should be no further water projects' constriction, including the Peripheral canal, until such time as new cost-benefit analyses have been done and predictions are made as to the relation between Delta outflow and (a) salt intrusion in San Francisco Bay, (b) pollution and waste treatment needs and (c) productivity of the entire system.
2. There should be no further water withdrawals from the existing Delta pool as history both here and abroad has shown severe economic and environmental damage results from greater than 30 % reductions in the natural flow.

The lack of data to understand this system and to make adequate Predictions is appalling and must be corrected immediately by a major research effort.

This must lead to a proper monitoring program to prevent future problems. The cost of these programs is estimated as at least \$2 million per year, but this is minuscule compared to the \$11 billion expenditure contemplated for replumbing the system to meet only man's perceived needs.

3. The primary question which must be answered prior to any further water development (or replumbing) is the following "What is the natural limit water withdrawals from the Sacramento River and its Delta?"

The experience of foreign countries is frightening: diversion of no more than 30 to 50 % of the normal natural runoff (computed as averaged for 55 years) has led to serious immediate consequences and subsequent, successive degradation of resources, including finally the destruction of the diverted water supply itself due to salt intrusion from an adjacent estuary and sea. Note that these results did not occur all at once, but developed slowly at first and more rapidly toward the end.

This result could be predicted at the outset, for it is quite evident now in well documented case histories. The total time span involved in the above events was measured in years, not decades or centuries, from the point of withdrawals beyond 30% of the natural, spring outflow. This leads us to predict that "25-30 % is nature's limit!" We note with alarm that withdrawals from the River-Delta currently exceed 50%, with eventual projections scheduled for 75% or more of the normal, natural flows.

We predict that the system will collapse long before this point is reached, although we would not be pleased to see this prediction come true. More to the point, we feel that there is an immediate need to protect the Delta from the already observed salinity intrusions resulting from excessive water development. Dams and the Peripheral Canal cannot correct maintaining of a positive balance of brackish and fresh water exchange necessary to sustain natural estuarine conditions, created by Nature. Other solutions exist and should be examined for their applicability to this important problem.

The Peripheral canal, by itself, cannot flush this system and cannot prevent the salt intrusion water already occurring with alarming frequency. Such a canal will destroy even more of the natural circulation and exacerbate chemical and biological deltaic environment. This is directly opposite to nature's way of enriching the system with a meandering flow and its natural reversals (due to tides and winds, not pumping activities).

A similar, to proposed one, the Peripheral Canal was built on the eastern part of Volga Delta in 1974 to restore the low river- delta tributaries. Here anadromous (beluga, sevruga, sturgeon) and semi-anadromous fish (herring, shad, others) migrate to spawn, and feed. But the Canal nearly stop these activities. And due to excessive upstream and downstream water development, the fishery had declined precipitously.

We would point out that the Delta is not plumbing water distribution system. Historically, any delta is the heart of a rich productive river ecosystem. It receives nutrients from upstream; produces, processes and circulates its own additional nutrients within its fresh and brackish water body; and subsequently affects the rich productivity of the estuary (bay) and even the coastal sea. Any change in the course of this vital bloodstream or in the quality of its fluids will lead to change, much of which has already been shown to be detrimental to societal and economic as well as ecological systems.

My colleague and I represent almost 50 years of working experience in marine and estuarine biology, hydrology, and oceanography. This experience is directly pertinent to the problems faced today by the Delta - San Francisco Bay system. Our collective experience leads us to state that, without doubt a final result of further water developments will lead to economic, societal, and ecological ruin for the Delta - Bay for the predominant residual runoff to the San Francisco Bay corresponds to years of subnormal wetness or drought.

Published results regarding similar water development abroad (the Rivers Don and Kuban, the Volga and Terek, the Dnieper and Dniester, and the Nile and Po, which enter the Azov, Caspian, Black, and Mediterranean Seas, respectively) all point to the inescapable conclusion that no more than 25-30 % of the natural Flow can be diverted without disastrous consequences. The historical, average Annual Delta outflow tributary to northern San Francisco Bay was 28.5 MAF (1871-1929) and is presently about 14 MAF, a 50% reduction.

A similar runoff decline had occurred in 1923-24 and led to very serious effects even prior to major water developments.

This natural lesson should be kept in mind when discussing eventual Projections of 75% water withdrawals from the Sacramento River in 1990.

The early warning signs of this excessive withdrawal are apparent in the reduced productivity of fish and wildlife resources, increased salinity intrusion affecting municipal and agricultural water supplies, increased effects of pollution loads in progressively more stagnant waters, and both subtle and gross changes in the delta system's configuration and flow pattern.

These impacts are all the same in kind (not yet in degree) as have been thoroughly documented elsewhere. As such, equal or greater disruption to the ecology and basic economy of this system can be expected in the future. Taken together, these findings adequately demonstrate that the costs of eventual losses, where they are fully known or projected, far exceed any short-term benefits gained.

More importantly, it has also been demonstrated that many engineering works designed specifically to mitigate prior environmental disruption only exacerbated the problem and accelerated the eventual outcome.

Detailed reports have been published over the past decade which have addressed the problems of water resources development leading to the subsequent destruction of the resource itself.


We are scientists and cannot advise you on the difficult political realities of this general problem. Nor can we understand the approach of some engineers:

"first must build and answer questions later." "Final answers to many of our most perplexing questions must be derived from the construction and operation." This quote was attributed to former Director Harvey Banks in the fifties (New West Magazine, June 16, 1980). We do know that if one follows nature's example, and answers the questions the same manner that nature has, then the result will be safe for both the environment and man.

Yours very truly,
Irwin Haydock, Ph.D. (Marine Ecology)
Michael Rozengurt, Ph.D., P.E. (Oceanography, Hydrology)

Remember Mom this Mother's Day! Find a florist near you now.

bdepccomments

 This message was sent with High importance

From: jim [stripers@ptd.net]

Sent: Thu 5/14/2009 12:59 PM

To: bdepccomments

Cc:

Subject: Bay/Delta Conservation Plan

Attachments:

Ms. Delores Brown
Chief, Environmental Review
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

May 14, 2009

As a fisherman and an executive and founding member of www.stripers247.com, I am requesting the Department of Water Resources to consider and provide an adequate answer to the following fundamental questions regarding the Bay/Delta Conservation Plan's stated preferred alternative of a "dual conveyance" system, aka the Peripheral Canal.

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these fundamental questions, the Department of Water Resources is unable to assess the ability to export water out of the Delta for agricultural and municipal uses in other regions of the state. It is clear that our Delta is at crisis with several of its 750 species of plants, animals and fish in endangered or threatened status. Of particular note is the number of fish species threatened or endangered within the past several years. Salmon and steelhead populations are down 90% from historic levels. Resident open-water species (Delta and longfin smelt, threadfin and American shad, striped bass, splittail and sturgeon) are at or near historical lows. Much of their native food supply – phytoplankton and zooplankton – has been reduced by 90-99%. The mass and diversity of bottom dwelling organisms has plummeted. Hundreds of non-native invasive species have become established, further destabilizing the estuary. In addition, the Delta is severely polluted by numerous pollutants.

The first and foremost factor is the massive quantity of water exported south by the most powerful pumping network in the world: pumps that can reverse the tide and cause the San Joaquin River to flow upstream; pumps that can suck a volume of water including fish and their food supply equal to the capacity of the south Delta every four days. In some years, these pumps export almost three-fourths of the water that would have flowed to the sea.

Despite the obvious affect on the ecosystem of the Delta, pumping water south has increased exponentially since the 1950's with particular increases since the year 2000.

It is our belief that the Bay Delta Conservation Plan's stated co-equal goals of water delivery and improved habitat for the Delta is unattainable. This plan is essentially a water delivery plan sold to the general public as a conservation plan.

This plan does not pass the environmental test or the economic test. A recent study by of the University of the Pacific estimates that the economic consequences to California from ending exports are far less than from continuing upon the same path with exports.

As stated by Jerry Johns, Deputy Director of the Department of Water Resources, at the March 2009 Stockton Scoping meeting when directly questioned, "The chance of an alternative system to the dual conveyance is less than 5%" Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a pre-conceived plan looking for a rubber stamp.

We acknowledge that our Delta, one of the world's greatest resources, is in a critical state. To do nothing is not an option, but the "dual conveyance" plan offered as a solution to our water problems, is not a viable solution. The Department of Water Resources is highly encouraged to develop and present viable alternatives that answer the three questions previously listed:

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these questions, there is no plan.

Respectfully submitted,
James J. Hannan
Allcoast Media
membership of 100,000

www.stripers247.com represents over 10,000 members

We would like to see gamefish status - as well as protection of our fish from the poachers and water grabbers.

Dear Reader,

The following is an overview of my contribution to the meeting of 3/26/09

Being in a wheelchair takes me a bit longer to get to a microphone. I am one of the 'visible' survivors of West Nile Virus. In late August of 2005, I brushed a mosquito off my shoulder after swimming my daily 100 laps in the pool. I didn't give that very ill mosquito another thought. Approximately two weeks later I started to experience lack of stamina, and aches in the joints, particularly my hips and shoulders. I was unable to keep my appointment with my primary care physician because when I tried to stand (on the morning of my appointment) to my horror I found my legs would no longer support me. Overnight I had become paralyzed.

Instead of an appointment with my doctor, I was rushed to the hospital by ambulance. Five days and a series of MRIs, CAT scans, and, finally, a spinal tap later, a diagnosis of Polio from WNV was determined. Five weeks later, I left the hospital in a wheelchair. Believe me, it is indeed life-altering to learn that you have lost your independence and will never walk unaided. This, because of one mosquito bite.

When I hear ideas like flooding valuable agricultural land, returning certain areas of our precious farms to its original state, i.e. marsh land, it begs the question of just who is in danger. It's we the people, not the smelt or wildlife. When I asked, at a previous meeting, what health concerns were being addressed I was told "we haven't done that yet". At least it was mentioned in passing on 3/26. Why are we being asked (or told or threatened) to accept a life style change that cannot be justified morally, economically, or healthily? We will continue in our efforts to preserve our Delta and our way of life. Thank you

Jayne Alchorn, River Rd., Courtland CA

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

bdepcomments

From: Trooper208@aol.com [Trooper208@aol.com] **Sent:** Wed 3/25/2009 11:22 AM
To: frost56@sbcglobal.net; bdepcomments
Cc: grovercbethards@yahoo.com; Jackson.Chapman@comcast.net; rddaytripper@comcast.net;
jackdinubilo@sbcglobal.net; klfair1950@comcast.net; Dmgoodson@aol.com; Hurleyjacks@aol.com;
HJANES84@aol.com; jsprop@gmail.com; kingfish211@yahoo.com; kevinsprofishing@comcast.net;
donmil40@att.net; fishseeker1@comcast.net; clifdweller51@yahoo.com; marylourich@yahoo.com;
Huge92@aol.com; BobZanoni@aol.com
Subject: Re: Bay Delta Conservation Plan [SCHEME]
Attachments:

RIGHT ON DAVID THANKS John B.

[Great Deals on Dell 15" Laptops - Starting at \\$479](#)

BDCP

BAY DELTA CONSERVATION PLAN

ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: John Erman Organization: Suisun Marsh Landowner

Telephone: 925-525-3638 e-mail: jerman@harrisrebar.com

Address: 990 Hawthorne Dr.

City: Walnut Creek State: Ca Zip: 94596

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

Removing water from the Sacramento/San Joaquin
Delta is not a good plan now or in the future.
Please consider the Nuclear Desalination
process that is cost effective, safe and
already being used in other countries. This
is a solution that will protect our
natural resources and supply the needs
of generations in the future. Reduced fresh
water flow adversely impacts the Suisun Marsh
where I am a landowner for the last 35 years
and I have seen the changes that have resulted
from transporting water south. Please stop now.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

BDCP

BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

3/24/09

Fairfield

Please Print

Name: JON FADHL Organization: FARMER

Telephone: _____ e-mail: _____

Address: 8320 KING RD

City: DIXON State: CA Zip: 95620

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

ISSUES of CONCERN

• EROSION of TAY BASE in SOLANO DUE TO MITIGATION

• ANAEROBIC CONDITION FROM FLOOD OF DELTA ISLANDS

• WHERE IS THE DOWN RANGE STORAGE

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

Davis

BDCP

BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: JOE FADHL Organization: SELF
Telephone: 707-678-1334 e-mail: ~~JOE~~ JOVIAFARMS@CASTLES.COM
Address: 8320 KING RD
City: DIXON State: CA Zip: 95620

☒ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

MY QUESTION IS MORE ABOUT THE DELTA VISION
AS A WHOLE. AS A PUBLIC PERSON AT LARGE IT
IS BECOMING DIFFICULT TO NAVIGATE ALL THE
AGENCIES INVOLVED. I WOULD LIKE TO SEE
A CENTRAL OR STEERING COMMITTEE TO ASSIST
THE PUBLIC OF WHICH AGENCIES MAY BE INVOLVED
WITH THE CONCERN. I FEEL LOST ABOUT
THE VISION AND EACH AGENCIES RESPONSIBILITY.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

BDCP

BAY DELTA CONSERVATION PLAN

ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Stockton

— Comment Card —

Please Print

Name: John Studarus Organization: property owner in Delta

Telephone: 916 920-2800 e-mail: jstudarus@aol.com

Address: 195 Cadillac Dr

City: SACRAMENTO State: CA Zip: 95825

☒ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

In nearly 100 yrs of Delta levees, no levee has failed because of earthquake, even in the 6.9-7.1 1989 Loma Prieta earthquake. Taking more & more water out of the Delta has had more adverse impact on fish than anything else. All the levees (and islands) in the Delta are NOT peat. None of the levees nor islands north of Rio Vista are peat. Taking the cleaner water from above or in the Northern portion of the Delta will only harm the water quality (and habitat for fish, wildlife, and humans in the Delta. Until more storage is created there is no more water that can be sent south.

This project is being Railroaded through without regard to critical concerns.

Current laws are currently being ignored to ship water south. These laws should be honored.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

TAYLOR & WILEY

A PROFESSIONAL CORPORATION

ATTORNEYS2870 GATEWAY OAKS DR., SUITE 200
SACRAMENTO, CALIFORNIA 95833TELEPHONE: (916) 929-5545
TELEFAX: (916) 929-0283JOHN M. TAYLOR
JAMES B. WILEY
JESSE J. YANG
KATE A. WHITATLEY
MATTHEW S. KEASLING
JAMES E. MIZELL, IIIOF COUNSEL
KATHLEEN R. MAKEL

May 14, 2009

Ms. Delores Brown
Chief, Office of Environmental Compliance
Department of Water Resources
P.O. Box 942836
Sacramento, California 94236

Re: Environmental Impact Report and Environmental Impact Statement for the
Bay Delta Conservation Plan (State Clearinghouse Number 2008032062)
– Scoping Comments and Comments on the Revised Notice of Preparation

Dear Ms. Brown:

My wife and I are residents of the City of Sacramento's Pocket neighborhood, which is adjacent to the Sacramento River and could potentially be affected by the proposed Bay Delta Conservation Plan (BDCP). In particular, I am concerned about the potential aesthetic and land use impacts of the proposed project. It is my understanding that your agency is currently soliciting scoping comments on the joint environmental impact report/environmental impact statement (EIR/EIS) that is to be prepared for the BDCP. In that regard, I have reviewed the Notice of Preparation (NOP) issued by your office and offer the following comments

Inadequacy of the NOP Project Description. The NOP does not appear to meet the minimum standards specified in the California Environmental Quality Act (CEQA) and CEQA Guidelines. Specifically, the CEQA Guidelines require that a NOP include "sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response." (Cal. Code Regs., tit. 14, § 15082, subd. (a)(1).) In this case, the NOP does not depict proposed locations for new diversions, nor does it have any mention of new pumping plants. Rather, the NOP merely notes that new points of diversion "could be located along the Sacramento River between South Sacramento and Walnut Grove." (Revised NOP, p. 8.) Thus, the NOP does not include sufficient information regarding the locations of proposed diversions and pumping plants or of the physical configuration of such facilities to allow for a meaningful response regarding the BDCP's potential environmental effects. Accordingly, the NOP should be revised to include further detail regarding the potential locations and design of proposed diversions and pumping plants and be recirculated for public review and comment as required under CEQA.

Analysis of Impacts of New Diversions and Pumping Plants. The EIR/EIS should include an analysis of the aesthetics and land use impacts of each diversion and pumping

14-May-2009 14:23 From-Taylor and Wiley

T-950 P.003/003 F-376

Ms. Delores Brown
May 14, 2009
Page 2

plant that is under consideration. This analysis should include a detailed description of the proposed location, the environmental setting in the vicinity of each location, the design of the proposed facilities, visual simulations of the proposed facilities, and the environmental effects of locating such facilities on surrounding land uses.

Thank you for the opportunity to provide my comments on the BDCP. Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Taylor", followed by a long horizontal line extending to the right.

John M. Taylor

BDCP

BAY DELTA CONSERVATION PLAN

ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: Joseph Corey Wilkerson Organization: _____
Telephone: 916.428-8000 e-mail: COREY@COREYWILKERSON.COM
Address: 7779 RIVER LANDING DR.
City: SACRAMENTO State: CA Zip: 95831

☒ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

INCLUDED AS PART OF THE ENVIRONMENTAL IMPACT
STUDY SHOULD BE/MUST EVALUATE THE QUALITY OF
LIFE FOR LONG-ESTABLISHED HOMEOWNERS IN THE
POCKET AREA. HOW WILL THE NOISE FROM PROPOSED
INTAKE PUMPS AFFECT HOMEOWNER'S RIGHT TO A PEACEFUL
EXISTANCE? HOW WILL THE VISUAL IMPACT ALTER AND
IMPACT THE COMMUNITY'S STABILITY? HOW WILL THE
EXISTING WATER SPORTS ENJOYED BY MANY BE AFFECTED?
HOW WILL THE RESALE MARKET OF OUR HOMES BE
AFFECTED? WILL POTENTIAL BUYERS BE OFF PUT AT
THE NOISE AND OTHER INTRUSIONS? WILL OUR PROPERTY
VALUES BE NEGATIVELY IMPACTED? CAN THE INTAKES BE
LOCATED SOMEWHERE LESS PEOPLE POPULATED?

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

William S. Reustle

Attorney & Counselor at Law

547 Jefferson Street, Suite "C"

Fairfield, CA 94533

Phone: 707 427-1662

Fax: 707 425-4488

E-mail: wreustle@sbcglobal.net
www.geocities.com/wreustle@sbcglobal.net

County of Solano

Department of Resource Management

675 Texas Street, Suite 550

Fairfield, CA 94533

RECEIVED
Solano County
Resource Management

MAR 12 2008

AM

7/8/9/10/11/12/1/2/3/4/5/6

PM

July 6, 2007

ANAEROBIC

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Solano County
Resource Management

JUL 06 2007

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PM

7/8/9/10/11/12/1/2/3/4/5/6

RE: General Plan Update

Dear Mr. Harry L. Englebright & Citizens Advisory Committee (CAC):

June Guidotti (Bonnici) has used her property for the agricultural grazing of sheep and cows. Her future plans are to continue this practice.

In addition, she proposes to construct a research project the study the production and quality value of feed grains produced from an acerbic and/or pyrolysis system. Feedstock to be considered in the project are sugar beets, green waste, corn, wheat, cannery waste, brewery waste, and other available by-product or agricultural product sources. It is estimated that the research project would be sited on approximately 20 acres.

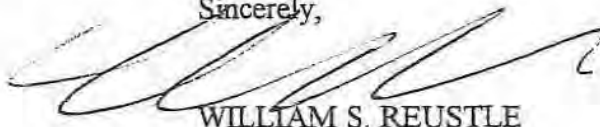
In 1993, she proposed to site a Waste To Energy (WTE) plant on her property. **See Solano Garbage Company Landfill Environmental Impact Report dated January 1993, Page 3-27 (5) Bonnici Project. A portion of the reserved project will also involve the production of energy from waste by-products. This project is similar to what UC Davis is presently using.

Her property has been in her family for 5 generations. It is safe to say that her property is, and should be, considered "grandfathered" in all aspects regarding agricultural, land use, water, and no limits should be placed on this parcel. Her property is located in the buffer zone as outlined in the Suisun Marsh, as adopted by the State Legislature.

The permits, "*Certification of Qualifying Status of a Small Power Production Facility*" (18 C.F.R. §381.505(a); and, "*Certification of Qualify Status as a Cogeneration Facility*" (18 C.F.R. §381.505(a) Ms. Guidotti is seeking may not be necessary because of research.

She requests that her land use be accordingly revised so that there will be no restrictions on her anticipated activities.

Sincerely,



WILLIAM S. REUSTLE

June Guidotti
3703 Scally Road
Suisun, CA 94533

RESOURCE MANAGEMENT

NOV 16 2007

RECEIVED BY: *J. Freeman*

November 16, 2007

RECEIVED

NOV 16 2007

SOLANO
COUNTY COUNSEL

County of Solano
Department of Resource Management
675 Texas Street, Suite 550
Fairfield, CA 94533

RE: General Plan Update My Parcel No. 0046-130-170
**REQUEST THAT GUIDOTTI PARCEL LAND USE BE ACCORDINGLY REVISED SO THAT THERE WILL BE
NO RESTRICTIONS ON GUIDOTTI ANTICIPATED ACTIVITIES FOR THE ALTERNATIVE FOR PHASE I
AND PHASE II OF POTRERO HILLS LAND FILL**

Dear Mr. Englebright & Citizens Advisory Committee (CAC):

I read with interest an article in today's newspaper (Daily Republic) a press release about the upcoming meeting on Monday, November 19, 2007 on the Solano County General Plan Update.

Gentlepersons, my parcel of land is on that map and I have written letters with specific requests, as well as attended the meetings. On September 10, 2007 the minutes from the August 13, 2007 and the August 27, 2007 meetings were adopted and the portion of those meetings pertaining to my land were wrongly adopted.

I wrote a letter to Terry Curtola on October 28, 2007 asking for specific performance regarding my land, but Mr. Curtola chose to ignore my letter. My request was valid—The above parcel has been in my family over 100 years and now because Solano Land Trust wants my land via the "Resource Conservation Overlay" so they can litigate and mitigate with Potrero Hills Land Fill (PHLF) to get my land. If you look carefully at the overlay you will see that PHLF does not have an overlay on their property. Why not?

All I want, in a nutshell, is to be able to enjoy the use of my land as outlined in Mr. Reustle's letter of July 6, 2007 (attached). That is my inherent American right.

Sincerely,

*June Guidotti & Family
& For The Public*
June Guidotti & Family & For The Public

Birgitta Corsello, Resource Management Director
County of Solano
675 Texas Street, -
Fairfield CA 94533

Dennis
~~James~~ Bunting, Counsel
County of Solano
675 Texas Street
Fairfield CA 94533

RECEIVED
NOV 09 2007
SOLANO
COUNTY COUNSEL

November 9, 2007

Dear Ms. Corsello and Mr. Bunting,

I submit these comments to Solano County officials on behalf of the Guidotti Family, and the need of the people now that the Board of Supervisors has authorized an additional \$42,000 contract with EWAW to revise the decertified EIR for the proposed 35-year Potrero Hills Landfill ("PHLP") project.

The Guidotti Family believes that you as responsible public officials should ensure that the revised EIR considers the most practicable alternative site available for the general purpose of this project. In our opinion Potrero Hill Landfill Phase I and Phase II has an adverse ecological and aesthetic impact on the Suisun Marsh. Guidotti Family does not believe it is in the public interest to have a project approved that would significantly impact one of the most important brackish marshes in the entire United States. Nor is it in the Public interest to approve a project that will potentially impact an endangered species, the Delta smelt, on the brink of extinction. Finally, an alternative site for this project should be selected because this project entails impacts to aquatic resources that are either not mitigable or inadequate.

The Guidotti Family did not give any one the right to use are parcel of land for mitigation, for any project Republic Services Inc owns, or Solano Land Trust, or Solano County, or anyone to make use without written permission of the owner.

Alternative sites: 66646 Construction of a new or expanded Thermal Electric Generating plants within Suisun Marsh for long term Agricultural use:

Guidotti Family believe that the alternative site for the general purpose of the project is in the 1993 Solano Garbage Company Environmental Impact Report dated January 1993 Page 6-27 (5) Bonnici Project: A portion of the reserved project will also involve the production of energy from waste by products. This project is similar to what UC Davis is presently using.

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Solano County
Resource Management
NOV 09 2007
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

Enclosed is William S. Reustle July 6, 2007 letter to County of Solano Resource Management RE: General Plan Update: Stating Certification of Qualifying Status of a Small Power Production Facility' (18 C.F.R.381.505 (a), and, "Certification of Qualify Status as a Cogeneration Facility' (18 C.F.R.381.505 (a) Ms.Guidotti is seeking may not be necessary because of research.

June Guidotti & Family for the Public

June Guidotti & Family & for the Public.
3703 Scally Road
Suisun California 94585
Cell 707-6319365

Received

DEC 08 2008

Solano County
Board of Supervisor

William S. Reustle
Attorney & Counselor at Law
547 Jefferson Street, Suite "C"
Fairfield, CA 94533

Phone: 707-425-4470
707-427-1662
Fax: 707-425-4488

E-mail: wreustle@sbcglobal.net
www.geocities.com/wreustle@sbcglobal.net

August 25, 2007

Solano County Citizens Advisory Committee
Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533

**RE: Comments and Recommendations on CAC
Workbook: Land Use Alternatives South Vacaville-
Fairfield-Suisun City Area**

Dear CAC Members:

I am submitting this letter on behalf of my client, June Guidotti, for the August 27, 2007, County of Solano General Plan Update - Citizens Advisory Committee Meeting #23 scheduled to begin at 6:00 p.m. Please include the following comments and recommendations in the meeting record.

The CAC Workbook contains several errors related to the P13 proposal. Please revise Table 2 on page 20 of 31 to

OCT 22 2007

reflect the current designation of **Agriculture, extensive agriculture, and solid waste**. In addition, the notes section of Table 2 states: "In the Primary Management Area of the Suisun Marsh Protection Plan. Amendment to BCDC's Suisun Marsh Protection Plan required." Ms. Guidotti's property is located in the secondary management area of the Suisun Marsh as stated on page 19 of 37 of the Workbook. We request that the note be revised to reflect what is required for the secondary management area for a multi-designated land use.

Table 2 on page 20 of 31 of the Workbook does not reflect land use classifications that would allow Ms. Guidotti to continue long-term agricultural activities on her property. It was her intent to add solid waste/energy activities to her property uses and, if necessary, modify the General Plan designation to reflect all current and proposed activities. The designation "pyrolysis plant" was a result of a communication error on the part of my client, and does not appear to be a land use designation that is listed in the CAC workbook: **Therefore, we request that "pyrolysis plant" be changed to agriculture, extensive agriculture, composting, solid waste, industrial, and commercial agricultural related industry.**

My client has sought clarification from various County staff (Dale Cardwell, Harry Englebright, Ron Glas, Mike Yankovich) on what the appropriate land use and zoning classifications currently are for her property. In addition she has inquired as to the future land use and zoning classifications under the proposed General Plan in order to continue her long-term agricultural activities, and to add an anaerobic or pyrolysis plant to her property. She has not received direct or sufficient answers.

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RESOURCE MANAGEMENT

DEC 08 2008

OCT 22 2007

Page 2
Solano County
Board of Supervisors

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When questioned at a CAC meeting on September 18, 2006, Harry Englebright indicated "...alternative energy projects as a land use is a topic the CAC will be discussing during the update process". To our knowledge this topic has never been discussed at a CAC meeting per Mr. Englebright's promise.

It is my client's understanding that the County Assessor's Office has the Land Use for my property identified as Range and Watershed. This is a mistake as her property is located in the secondary management area of the Suisun Marsh and according to the Solano County Land Use and Circulation Element "... The Secondary Management Area established in the 1977 Act, as shown on Figure 4, is designated for extensive agricultural use on the Land Use and Circulation Map." (Page 41). In addition, the Land Use and Circulation Element (Page 38) states: "The watershed designation has been applied to three areas of the County: the northern portion of the English Hills, the Vaca Mountains and the Twin Sisters area comprising a total of 34,000 acres."

My client believes that her property's Land Use is vested as Agriculture, Extensive Agriculture, and Solid Waste and that the zoning is Limited Agriculture-160. Ms. Guidotti has historically grazed cows, sheep and goats, as well as raised pheasants on my property. In addition, she has grown hay and maintained a vineyard. Her goal is to continue long-term agricultural use on her property and to add two projects that she believes are currently considered agricultural composting (solid waste) and thermal energy projects.

Ms. Guidotti has filed an application with the Resource Management Department (Ron Glas) on August 24, 2007, for a two-step compost facility and energy project. The first step will be a research project for long-term agricultural use.

to process various combinations of feedstock (i.e., sugar beets, green waste, corn, wheat, cannery waste, brewery waste, and other available by-product and agricultural product materials or wastes) using an anaerobic digestion or a pyrolysis system to produce a high quality feed grain and energy [*Certification of Qualifying Status of a Small Power Production Facility (18 CFR Section 381.505(a))*]. It is my understanding that the California Integrated Waste Management Board currently considers anaerobic digestion systems compost facilities.

The second step will be the development of a full-scale anaerobic digestion or pyrolysis system to produce a high quality feed grain and cogeneration facility [*Certification of Qualifying Status as a Cogeneration Facility 18 CFR, Section 381.505(a)*] for the manufacture of feed grains and energy using the technology and feedstock that proved to be the most successful during the research study.

Within ten days of the date of this letter, please acknowledge in writing if the requested changes will be made. Thank you for the opportunity to present you with my client's comments.

Sincerely,



WILLIAM S. REUSTLE


Received

DEC 08 2008

Solano County
Board of Supervisors

RESOURCE MANAGEMENT

OCT 22 2007

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EXISTING AND PROPOSED PROJECTS

- 1 Cordelia Villages
- 2 Wastewater Pilot Project
- 3 Cordelia Commerce Park
- 4 Abernathy Road Interchange
- 5 Anheuser-Busch Brewery
- 6 Fairfield Subregional Sewage Treatment Plant
- 7 Fairfield Streams Project
- 8 Suisun Pacific Marina
- 9 Suisun Villages
- 10 Laurel Estates
- 11 Cold Springs Harbor
- 12 Suisun Slough Channel
- 13 Solano Garbage Company
- 14 Envirosol, Inc.
- 15 Explosives Technology Corp.
- 16 North Bay Aqueduct
- 17 Highway 12 Improvements
- 18 East Bay Municipal Utilities District Aqueduct
- 19 Atlantic Richfield Petrochemical Plant
- 20 Dow Petrochemical Plant
- 21 PG&E Power Plant
- 22 National Steel Co.-SP Transportation Co. Property
- 23 Shell Natural Gas Pipeline
- 24 Benicia Industrial Park

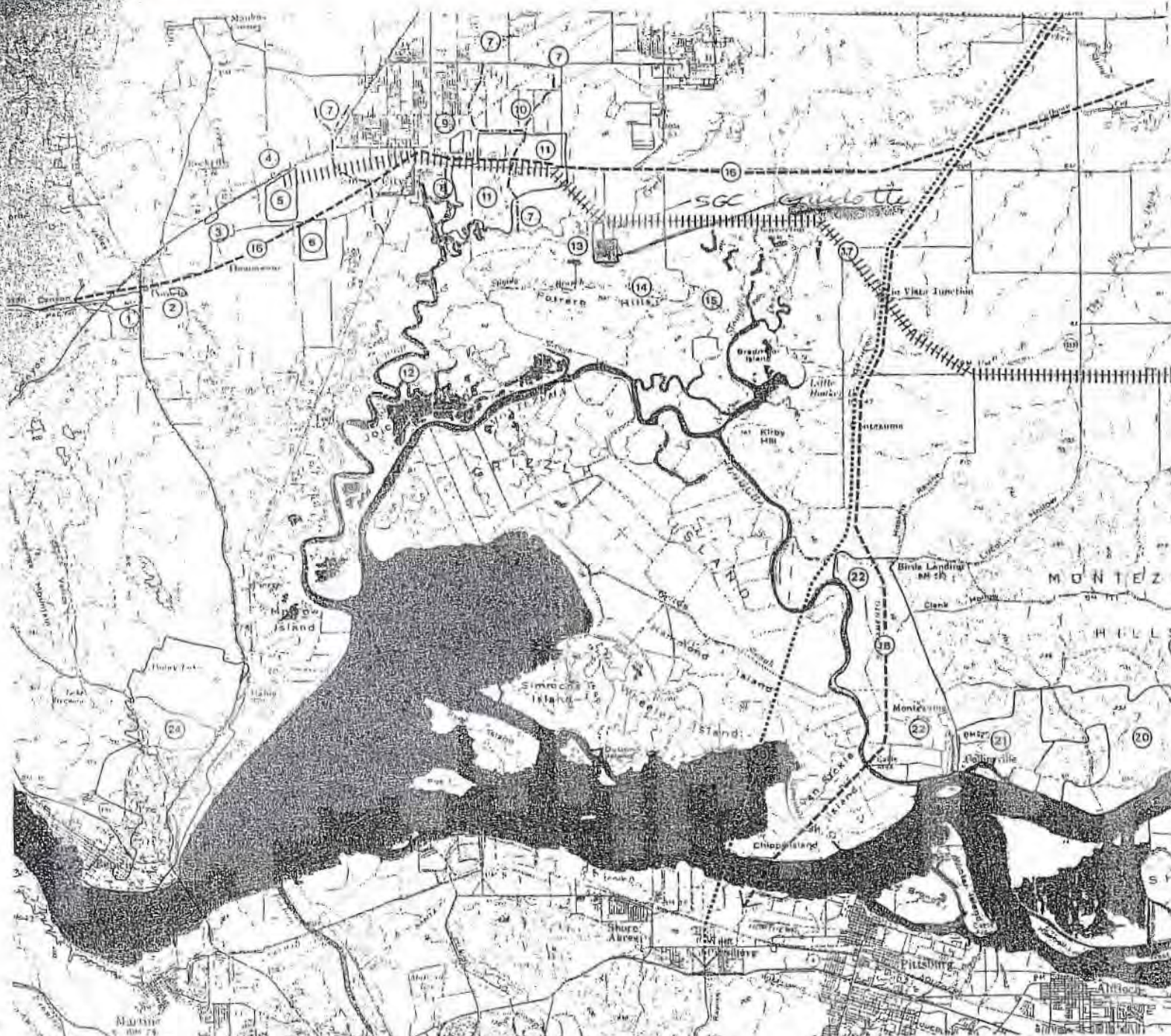
Pipeline
 Aqueducts ----
 Highway Improvements |||||
 Present Dredged Channel &
 Proposed Flood Control
 Project -----

San Francisco Bay
 Board of Supervisors

1 0 1 3 5
 kilometres

San Francisco Bay Conservation
 and Development Commission

Figure 10



William G. Reustle

Attorney & Counselor at Law

547 Jefferson Street, Suite "C"

Fairfield, CA 94533

Phone: 707 427-1662

Fax: 707 425-4488

E-mail: wreustle@sbcglobal.net
www.geocities.com/wreustle@sbcglobal.net

Received

DEC 08 2008

Solano County
Board of Supervisors

RESOURCE MANAGEMENT
BUILDING DIVISION

DEC 08 2008

RECEIVED BY *[Signature]*

December 6, 2008

Solano County Board of Supervisors
675 Texas Street, Suite 6500
Fairfield, CA 94533

RE: Agenda #38 Public Hearing to further consider certification of the Final Environmental Impact Report for the Potrero Hills Landfill Expansion Project and approval of modifications to Use Permit No. U-88-33 (Revision No. 2) for the Potrero Hills Landfill Expansion Project

Dear Ladies and Gentlemen:

I am submitting this letter on behalf of my client, June Guidotti. Please consider this letter and include the following comments and recommendations in the meeting record.

It's hard to improve upon perfection. Attorney Kelly Smith's letter, dated 12/8/2008, expressed almost every word I wanted to say. About the only thing lacking was ... an objection to a public entity siding with a private enterprise to take my client's land, or vested rights of her land, away from her. She has survived death of a family member, fires, vandalism, terrorist threats, nuisance, litter, dust, odor and bio-solids across her property from the landfill next door, trespassers, loss of water in her pond, the landfill gasses, and the nastiest tasting water on this planet. Many of these things bear a direct relationship to the Landfill, which is not necessarily a great neighbor.

My client, June Guidotti, went so far as to sue (and prevail, I might add) Solano County. It was ordered by Judge Paul Beeman that Solano County must "reconsider" the certification of the EIR in accordance with CEQA and CEQA guidelines or to reconsider and/or modify the conditional use permit prior to any decision to proceed. I submit that these "fixes" have not yet been satisfied. Submission of an *addendum*, knowing it will only fail again is probably not the most efficient way to proceed.

An analogy I liken to what you are trying to accomplish is the K.I.S.S. system, or Keep It Simple Stupid. Why don't you simply fix what was ordered and then prepare a NEW Environmental Impact Report, instead of publishing in the Daily Republic about a public meeting on an addendum? To also avoid a Hatfield & McCoy situation, I strongly urge you take other avenues of access to the landfill without the taking of more of my

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DEC 9 8 2008

Solano County
Board of Supervisors

client's property. She has already lost an easement of 16 ½ feet because the landfill did not use the Amos & Andrews quarry road to the west of Emmington Road, but established a 32 foot wide commercial industrial road to the landfill. I am not going to allow anyone to take any more land or property rights from her without litigation.


It is incumbent upon the County to make the "fixes" and then prepare and submit to the public a new revised EIR that fully complies with CEQA.

Enclosed for the record are letters from 7/6/07, 8/20/07, 8/25/07, 11/30/07, and a map, which you probably should look at carefully. On the map, item #13 is shown as the Solano Garbage Company, but really part of #13 is my land. Solano Garbage Company and Ms. Guidotti's property is in the Potrero Hills, but the Potrero Hills Landfill is in the nearby canyon. Burning is not allowed in the canyon thus a power plant is not appropriate. Ms. Guidotti's land was previously identified as a site for a solid waste to energy plant which satisfied the original land use permit requirements. Solano Garbage Company actually had an option to lease a portion of the Guidotti Ranch for a few years after which the option was not renewed. Solano County did not challenge the failure of Solano Garbage Company to maintain the requisite site.

These items should be addressed in the Joint Technical Document and the Landfill Closure plan. These documents must be certified and made available to the public.

Finally, included as part of the record reference is made to all environmental laws (Federal, State, Local and County) and especially to Solano Superior Court Case Nos. FCS026779 and FCS026839 (Protect The Marsh). Also see enclosed a Complaint for Mandate from California Water Impact Network (C-WIN) and California Sportfishing Alliance (CSPA), Felix Smith (an individual).

Sincerely,



William S. Reustle

Attorney for June Guidotti

**Comments made at the
BDCP Scoping Meeting
March 26, 2009
Clarksburg Middle School
Clarksburg, CA**

Hello. My name is Kathy Hunn. I am a resident of Clarksburg and my husband is a farmer in the area. I wish to speak to the human aspect of this proposal being put before us tonight.

Many people who would be affected in the area are landowners. Far more people who live and work here do not own land. Our farming operation alone has 35 employees, fifteen of whom live here year round with their families. Once you have taken our land, or have created circumstances where the land is no longer farmable, those families will be left homeless and unemployed. Multiply that by the fact that Clarksburg has 331 farming units. Then, as you move on down the river, you have all the farms in the towns of Hood, Courtland, Locke, Walnut Grove, Isleton, and further south. The human cost is immeasurable, not to mention the economic devastation to the area.

In addition, there are many support businesses which will be gravely affected by the destruction of area farming. For example, equipment sales and repair companies, fuel delivery companies, seed companies, and the list goes on from there.

My request and my prayer is that you will hear all the comments made tonight and work to include the residents of the North Delta in the process to come up with workable solutions for all of California's citizens.

Please address this directly in your final EIR/EIS.

— Comment Card —

Please Print

Name: Ken Hoernlein Organization: _____
Telephone: 744-1415 e-mail: Kkhoernlein@calbroadband.net
Address: 49207 Gutfrey Rd
City: Clarksburg State: CA Zip: 95612

☒ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

1) Why is the deep water channel not being considered as a conveyance?

2) What about Southern California Storage systems. How can water be sent in excess time without local storage.

3) Please consider the socio-economic impacts of this plan.

4) Clarksburg is the largest contributor to economy of Yolo County

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

5) Land ~~value~~ ^{talk} should be consider at a pre-lanel level.

bdcpcomments

From: Kent Wisecarver [kentwisecarver@sbcglobal.net]
To: bdcpcomments
Cc:
Subject: BDCP, comments
Attachments:

Sent: Wed 5/13/2009 7:56 PM

Ms. Delores Brown

Chief, Environmental Review

Department of Water Resources

P.O. Box 942836

Sacramento, CA 94236

As a fisherman and member of the California Striped Bass Association, and the Bolinas Rod and Boat Club+, I am requesting the Department of Water Resources to consider and provide an adequate answer to the following fundamental questions regarding the Bay/Delta Conservation Plan's stated preferred alternative of a "dual conveyance" system, aka the Peripheral Canal.

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these fundamental questions, the Department of Water Resources is unable to assess the ability to export water out of the Delta for agricultural and municipal uses in other regions of the state. It is clear that our Delta is at crisis with several of its 750 species of plants, animals and fish in endangered or threatened status. Of particular note is the number of fish species threatened or endangered within the past several years. Salmon and steelhead populations are down 90% from historic levels. Resident open-water species (Delta and longfin smelt, threadfin and American shad, striped bass, splittail and sturgeon) are at or near historical lows.

Much of their native food supply – phytoplankton and zooplankton - has been reduced by 90-99%. The mass and diversity of bottom dwelling organisms has plummeted. Hundreds of non-native invasive species have become established, further destabilizing the estuary. In addition, the Delta is severely polluted by numerous pollutants.

The first and foremost factor is the massive quantity of water exported south by the most powerful pumping network in the world: pumps that can reverse the tide and cause the San Joaquin River to flow upstream; pumps that can suck a volume of water including fish and their food supply equal to the capacity of the south Delta every four days. In some years, these pumps export almost three-fourths of the water that would have flowed to the sea.

Despite the obvious affect on the ecosystem of the Delta, pumping water south has increased exponentially since the 1950's with particular increases since the year 2000.

It is our belief that the Bay Delta Conservation Plan's stated co-equal goals of water delivery and improved habitat for the Delta is unattainable. This plan is essentially a water delivery plan sold to the general public as a conservation plan.

This plan does not pass the environmental test or the economic test. A recent study by of the University of the Pacific estimates that the economic consequences to California from ending exports are far less than from continuing upon the same path with exports.

As stated by Jerry Johns, Deputy Director of the Department of Water Resources, at the March 2009 Stockton Scoping meeting when directly questioned, "The chance of an alternative system to the dual conveyance is less than 5%"
Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a pre-conceived plan looking for a rubber stamp.

We acknowledge that our Delta, one of the world's greatest resources, is in a critical state. To do nothing is not an option, but the "dual conveyance" plan offered as a solution to our water problems, is not a viable solution. The Department of Water Resources is highly encouraged to develop and present viable alternatives that answer the three questions previously listed:

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

Respectfully,
Kent Wisecarver

bdcpcments

From: wklywdr@aol.com [wklywdr@aol.com]

Sent: Fri 4/3/2009 6:00 PM

To: bdcpcments

Cc:

Subject: Scoping Comment EIR/EIS: An Alternative Route for the Peripheral Canal

Attachments:

To: Ms. Delores Brown
Office of Environmental Compliance
Department of Water Resources
PO Box 942836
Sacramento, CA 94236

From: Laura Schneider
1501 South Edgewood Street
Unit #579
Arlington, VA 22204
(703) 553-0497

Re: Scoping Comment for EIR/EIS BDCP: An Alternative Route for the Peripheral Canal

I have studied the various maps outlining alternative routes for the proposed peripheral canal. I realize these studies are all concept plans, and no one route has been decided on at this time. However, by taking them as a whole, I have come to realize that any one of them would be devastating and cause irreparable damage to delta lands. This is because this project is massive in scope. We are talking here of a conveyance 600 feet wide. This is the width of two football fields, measured end to end, cutting right through prime farm land, for many miles. Land such as found in the delta is a valuable and treasured resource and should not be used for such purposes. The top soil in the delta, especially in the north delta, is incredibly rich and very deep. To carve it up, compact it with heavy equipment, and take it out of production, in the way proposed by the BDCP, is exceedingly short sighted. There is no reason to put this conveyance through the delta, when other routes, completely outside of the delta, have not even been seriously considered.

I propose the following route for this conveyance (peripheral canal): The best place for this conveyance project is out in the range land, in the foothills, east of Sacramento. The soil there is much poorer than in the delta. Follow the eastern edge of the Sacramento/ El Dorado County Line, south to the eastern edge of the San Joaquin County Line, to the Stanislaus/ Calaveras County line until it meets the Stanislaus River. Then follow that river west to the Delta Mendota Canal, and use that conveyance to send the water south.

In order to use the peripheral canal for flood protection for the city of Sacramento (which it would not do in any of its present configurations, because all the water for all the proposed canals will be taken out after the water has passed through the city of Sacramento), water for the peripheral canal should be taken out north of Sacramento, near Nicolaus, and then directed through the peripheral canal to Folsom Lake, with an outlet on the south side of Folsom Lake at the Sacramento/El Dorado County Line, and then south, along the foothills, as described above.

Using this plan, the canal would serve as an "overflow device" for Folsom Lake during high water years, and this would reduce the likelihood of a catastrophic flood in Sacramento. Less money would have to be spent on levee strengthening along the Sacramento River, the people of Sacramento would get a benefit from reduced flood insurance premiums, to say nothing about the reduced worry of being flooded out of their homes, and Folsom Dam would not have to be raised to increase capacity in Folsom Lake.

I realize the focus of the BDCP is to save fish in the delta. I feel, however, the BDCP is missing an opportunity to do good, by not considering other alternative routes to those already proposed. Preserve the prime farm land in the delta for future generations of hungry people. Increase flood protection for the city of Sacramento, and save lives and property. Change the route of this canal. Put this canal outside of the delta.

PLEASE ADDRESS THIS DIRECTLY IN YOUR FINAL EIR/EIS.

I am was born in Sacramento. I grew up in the delta, near Clarksburg, and I come back often to visit my parents on their delta farm.

Sincerely,
Laura Schneider

E-file your IRS taxes **FREE** with TaxACT & have your refund in as few as 8 days.

bdcpcomments

From: les johnson [lesjohnsonconsults@sbcglobal.net]
To: bdcpcomments
Cc:
Subject: Fw:
Attachments:

Sent: Thu 5/14/2009 1:46 PM

----- Forwarded Message -----

From: Maureen Johnson <lightmo@sbcglobal.net>
To: lesjohnsonconsults@sbcglobal.net; Maureen Johnson <lightmo@sbcglobal.net>
Sent: Thursday, May 14, 2009 12:59:37 PM
Subject:

We are local "Pocket" area residents with a home located directly behind the levee in the Pocket/Greenhaven area, i.e. Dutra Bend Drive.

Our understanding of the BDCP is that it includes the building of 4-5 new water intake pumps and water storage facilities to enable more water to be conveyed to the Bay and Southern California areas.


It is also our understanding that the pumps and water storage facilities will require construction of vast numbers of new towers and power lines. We have concerns about the noise pollution, landscape and riverbank degradation, as well as the volume of water drained, especially during drought periods.

We are astonished at the lack of public discussion and short notice regarding this project. Do we need to remind you of the successful lawsuits that occurred after the airport was forced on the Garden Highway neighborhood?

It would be our hope that full disclosure and consideration of the above listed concerns be addressed.

Les and Maureen Johnson
7791 Dutra Bend Dr.
Sacramento, CA 95831
Ph# 916-393-7900

bdcpcomments

From: JLucas1099@aol.com [JLucas1099@aol.com] **Sent:** Thu 5/14/2009 5:09 PM
To: bdcpcomments
Cc:
Subject: Fwd: US COE Public Notice on NOP EIR/EIS Sacramento River Shipping Channel d...
Attachments:  [US COE Public Notice on NOP EIR/EIS Sacramento River Shipping Channel dredging\(8KB\)](#)

Dear Ms. Brown,

Please find attached my July 2008, comment letter to the San Francisco Corps of Engineers. This is for your information, just in case you do not have the background COE Public Notice that the SFCOE circulated last Spring in regards the deepening to 35 feet of the Yolo Bypass shipping channel off the Sacramento River. The bypass, I believe, exits downstream of Sacramento, and this project needs to be incorporated in your review for cumulative impacts to the Sacramento River system flows.

Libby Lucas
174 Yerba Santa Ave.,
Los Altos, CA 94022

[Dell Mini Netbooks: Great deals starting at \\$299 after instant savings!](#)

bdepcomments

From: JLucas1099@aol.com [JLucas1099@aol.com]
To: SPNETPA@USACE.army.mil
Cc: JLucas1099@aol.com

Sent: Wed 7/30/2008 12:02 PM

Subject: US COE Public Notice on NOP EIR/EIS Sacramento River Shipping Channel dredging

Attachments:

Bill Brostoff CESPN-ET-PA
 USACE, San Francisco District
 1455 Market Street, 15th Floor
 San Francisco, 94103

Dear Bill Brostoff,

In regards to the Public Notice for NOP of an EIR/EIS on the proposal to dredge the Sacramento River Shipping Channel, I would like to suggest addressing the following considerations:

~ The 1992 San Francisco District COE Final Report on Sediment Budget Study for San Francisco Bay has essential base data for modeling the Sacramento River flows needed to carry variable annual sediment loads through the Estuary. (Please note subconsultant report by Professor Ray B. Krone of U.C. Davis.) The model for an EIR/EIS should assess the magnitude of base flows needed to carry sediments not only through the mainstem Sacramento River and shipping channel but eventually through the Bay and out the Golden Gate. If a greater percentage of the Delta sediment load is allowed to remain in San Francisco Bay it will travel throughout bay by wind and wave action and increase sedimentation of the Oakland Estuary and South Bay, resulting in increased dredging costs for the Ports of Oakland and Redwood City. (A cost benefit analysis should address this.)

~ If shipping channel is lowered to 35 foot level, is it likely to be sufficiently below historic Sacramento River so as to result in this bypass dewatering the mainstem Sacramento River and degrading its riparian corridor and instream beneficial uses? Will migrating anadromous steelhead and salmon be diverted into shipping channel? Could this be lethal due to raised water temperatures or lack of continuity of riparian canopy? If diverted into shipping channel can fish eventually reach main Sacramento River channel upstream?

~ Saltwater intrusion has been an ongoing concern with increased diversions from the Delta. How much further upstream of Rio Vista will this deepened shipping channel bring saltwater? Will this new mixing zone degrade quality of drinking water supplies pumped out at Clifton Court Forebay? How extensively will Suisun Marsh and Sacramento River riparian vegetation be altered by these more brackish water conditions? Will such changes in marsh and riparian vegetation impact food sources for resident or migratory waterfowl? Will an endangered species or species of special concern be impacted? Will any alteration in habitat occur? Will increased brackish conditions likely result in increased incidence of invasives?

~ In USCOE Sediment Budget Study for San Francisco Bay it states that flows of 5000 cfs are maintained at Sacramento River Navigation Control Point from April through October, and 4000 cfs from November through March of all normal CVP delivery years. What will be anticipated navigation channel and mainstem Sacramento River channel flows implemented with a deepened channel in present water supply regimen?

As I am presently out of town and working on a laptop that has moments of disconnect, think it would be safest to get this off to you in extension timeframe that you so kindly gave. Thank you very much for any review of these points of concern.

Libby Lucas
 174 Yerba Santa Ave.,
 Los Altos, CA 94022

PS If old USCOE documents are not readily available to you I can make copies. References not mentioned here on sediment transfer loads would be from U.C. Professor Krone and USGS. It is important that the full spectrum of high and low flow conditions are considered. 'Average flow' modeling is flawed in the extreme.

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Statements of Linda Morse-Robertson

At the Clarksburg meeting:

I introduced myself as NOT being from Clarksburg, but rather Bethel Island, and that we, on our island, are pissed. We are being forced out of our homes; out of our businesses and that we would fight TO THE DEATH against this debacle. I explained that I recognized that all the farmers in the north that depend on the water are going to lose their livelihoods and our island would lose theirs as well as we depend on the water to make our living, just in a different way.

I asked the Board how much each county was going to be paid for the easements that would have to be provided for the pipeline through all the south Delta islands...asked three times with no response. The only answer they had was "we are not sure IF that is going to happen"..... I explained that we have seen many salt water species around our island, including jellyfish, flounders in Walnut Grove, and that seals are living there on a full time basis around our island the last two years. Why? The salinity is such that they CAN. That happened because of the additional pump that, thankfully, the Feds shut down....

I asked what gave them the right to overturn our vote of 1982. I asked what they expected me to tell clients when their fresh water boats started getting ruined by the constant state of salt water. I asked what was going to replace the income of all of us on the island from the professional fisherman who came from all over the world to fish for black bass because our Delta is that good as it stands now. While the farmers in Clarksburg depend on the water for their land for income, I depend on the water for my small commercial harbor. And all that fresh water entails... The end result will be the same; we are all out of business if they push the canal through. Even though it is compromised now, it has a chance of recovery as long as the pumps are kept turned off and no canal is built.

Despite the board rolling their eyes at the statement, I said that if I had to tell my clients, no swimming, sharks sighted, that the chance was indeed there if we were turned into a salt water marsh. I closed with the fight to the death statement again.....

I was honored to be at that meeting with the great residents of Clarksburg, and I wear their shirt with pride. They are an impressive group!

bdcpcomments

From: Marian Fricano [MFricano@scu.edu]
To: bdcpcomments
Cc:
Subject: Restoring the Sacramento-San Joaquin Delta
Attachments:

Sent: Mon 4/20/2009 4:31 PM

Dear People,

This is the time to put our resources into restoring the Sacramento-San Joaquin Delta and its ecosystem. California must deal with fixing our broken Delta, which in its current condition, cannot support our environment or our economy.

Whether it's the drought, reduced pumping through the Delta or our half-empty reservoirs, everyone can see that we haven't done enough to protect California's water for the future.

The Sacramento San-Joaquin Delta is home to more than 750 plant and animal species - 5 of which are endangered - and provides 25 million Californians with drinking water. We cannot wait for disaster to strike and jeopardize the well-being of our state's environmental and economic foundations - we must take action now.

Thanks,
Marian

Marian Fricano
Head, Access Services
University Library
Santa Clara University
Phone: (408) 554-5439
email: mfricano@scu.edu
www.scu.edu/library/

"Customer Services: Where service excellence is an everyday occurrence."

"A book, or a piece of art, should be the

axe for the frozen ocean within us."

---Kafka



Mark and Dana Lee
5600 Starboard Drive
Discovery Bay, CA 94505

November 18, 2009

Ms. Delores Brown
Office of Environmental Compliance, Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Dear Mrs. Brown,

I have lived on or near the California Delta since 1989. During that time, more and more water has been re-routed to the southern part of the state, for the use of the people down there. This has resulted in a major change in the environment of the Delta waterways. It used to be that we could see clear to the bottom; that we could go outside without a sour smell coming from the water; that we could see fish swimming around; that we had lots of birds nesting nearby and that we had fresh water to swim in. Now the water is brackish, smelly and the wildlife is greatly reduced. The invasive water weeds today are unbelievable, and the resultant blockage of sunlight to the bottom has caused significant eutrophication, increasing the concentration of chemical nutrients in the Delta ecosystem to an extent that the subsequent negative environmental effects such as lower oxygen levels and severe reductions in water quality, fish, and other animal populations are occurring. The impact on the Delta ecosystem has been significant and verified by many scientific reports.

Now they are proposing to stop up the natural tidal flow of water into our town by constructing two gates nearby. We already have been impacted by the California Aqueduct and the Los Vacqueros Reservoir removing fresh water from our area. With the blockage of tidal water into the region, there will be a significant increase in stagnate water, resulting in a prime breeding ground for mosquitoes carrying the West Nile Virus. We are very concerned for ourselves and our children. I am appealing to you as a mother and a person who cares about the California environment to please help us. There has not been an Environmental Impact Report done on this project, which we feel is illegal. With a population of over 30,000 people impacted by these gates, we think that the Water Agency should stop and recognize the impact they will have.

I have seen first-hand the decay of the Delta water and its environment. Blocking the natural flow of waters and tides and sending more water south through the Tracy pumps is NOT helping the Delta or the San Francisco Bay. Please help us, and our town, remain healthy.

Sincerely,

Dana A. Lee

bdcpcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com] **Sent:** Tue 3/31/2009 5:32 PM
To: bdcpcomments
Cc: Karla Nemeth
Subject: Designation of "peripheral canal" or "isolated facility" in BDCP Communications
Attachments:

March 31, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources

Dear Ms. Brown:

During my study of BDCP materials over a period of many months, I have noticed the repeated use of the phrase "around the Delta" when referring to the proposed new North Delta diversion and its associated conveyance facilities. While it is true that the water the new facility carries will not be running through the Delta channels as happens at present, it is definitely not true that the new conveyance will run "around the Delta" as stated in many of your public documents and as often appears in print media and other public pronouncements. A few examples from your literature follow:

- BDCP Facts About Conveyance (8/25/08) back of page: "new point(s) of diversion in the northern Delta with isolated conveyance *around the Delta*." (italics mine)
- BDCP: An Overview and Update (March 2009) page 3: Improvements to water operation and flow: "Constructing and operating new points of diversion in the northern Delta reach of the Sacramento River with isolated conveyance *around the Delta* to the existing south Delta State Water Project and Central Valley Project facilities." and page 11: "The Steering Committee agreed that the most promising approach...would be to develop and analyze more environmentally friendly ways to move water through and/or *around the Delta*, and then to develop corresponding conservation strategies." (italics mine)
- The Bay Delta Conservation Plan: Points of Agreement for Continuing into the Planning Process (November 16, 2007) page 3: 2.3 Conveyance Facilities: "The main new physical feature of this conveyance system includes the construction and operation of a new point (or points) of diversion in the north Delta on the Sacramento River and an isolated conveyance facility *around the Delta*." (italics mine)

In fact, a cursory examination of your maps shows that the new canal, along with its considerable infrastructure (pipelines, transmission lines, pumps, bridges, tunnels, roads, etc.), runs directly through the Statutory Delta, the longer portions actually running through the Primary Zone, an area that under almost every other circumstance has been declared effectively off-limits to most types of development. In view of the wide-spread agreement about the fragility and environmental degradation of the Delta, this is as it should be.

However, your printed materials contribute to a misapprehension about this proposed project that is widely held among members of the general public, and very likely most of our lawmakers as well, namely, that it leaves the Delta intact because it carries the water around it to the pumps. Those of us who call the Delta home know that it will have huge impacts on the physical integrity, economic viability, and ecological health of the Delta, entirely aside from considerations of the effects of water diversion from the north. It shreds the landscape from north to south, introduces huge urban-scale facilities into a rural setting, and slices and dices fragile waterways, levees, farmland, and habitat areas alike. None of this will be apparent to anyone who hears that this canal will go "around the Delta". I call on the BDCP Steering Committee and everyone associated with this Plan to stop using this description of the "isolated conveyance" and to instead begin to give a true verbal picture to all of where this canal will actually be located. As an alternative, move as much as possible of the route of the conveyance to a location outside of the Primary Delta so as to minimize the massive detrimental impacts a through-Delta route cannot help but have.

Thank you for your consideration.

Mary McTaggart
34840 South River Road
Clarksburg, CA 95612
cayelanding@yahoo.com

bdepcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com]

Sent: Thu 5/7/2009 6:51 PM

To: bdepcomments

Cc: lori_rineck@fws.gov

Subject: BDCP EIR/EIS Public Scoping

Attachments:

May 7, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Dear Ms. Brown:

Please evaluate the following in the Final EIR/EIS:

1) Re: The Revised Notice of Preparation of EIR/EIS for the BDCP (February 13, 2009):

(a) Under "Project Area" (p.6) it is stated, "Any conservation actions outside the Statutory Delta would be implemented pursuant to cooperative agreements or similar mechanisms with local agencies, interested non-governmental organizations, landowners, and others." (underlinings mine) Since it is not stated elsewhere in this document that conservation actions inside the Statutory Delta would be implemented pursuant to cooperative agreements with landowners, etc., please confirm whether conservation measures will be implemented through cooperative (voluntary?) agreements with landowners within the Statutory Delta, or not.

(b) Please answer the question: "Is the proposed new North Delta diversion and conveyance a conservation measure under the BDCP?" If so, will this measure be implemented pursuant to cooperative agreements with landowners? If not, please state which of the Covered Activities numbered 2 through 9 (p.4) 1) are not conservation measures under the BDCP, and 2) will be implemented if necessary through the exercise of eminent domain power. Then evaluate the impacts of the use of eminent domain seizures on the economic and social viability and cohesiveness of affected Delta communities (agricultural and water-based recreational). By "communities" is meant not just the so-called "legacy towns", but the much larger rural communities surrounding them of which they are a part.

2) This request targets all future BDCP and indeed DWR map and document publication, with a further request to update, edit, or revise past publications to accomplish the following: Identify or designate on any map or list of Delta islands, districts, or tracts two of the northernmost of these, that is, Netherlands District (Reclamation District 999) and Lisbon District (Reclamation District 307). These comprise together more than 30,000 acres of the Primary Zone of the Statutory Delta, yet they have been omitted from all of the following recent Delta resources: the Delta Vision Blue Ribbon Task Force Report (October

2007) and Strategic Plan (December 2008), both of the recent Public Policy Institute of California Delta reports (which list 74 Delta islands, but not these), DWR's Delta Overview and Delta Atlas, and the Delta map accompanying the Revised BDCP NOP, to name only a few. In addition, State Highway 84, the northernmost portion of which is known locally as Jefferson Boulevard, is also routinely left off of Delta maps and lists of Delta infrastructure that accompany publications by various entities engaged in Delta planning. The North Delta is more than a blank space. As a matter of justice, courtesy, accuracy, and for the public and historical record, please put us "on the map".

Thank you for your consideration.

Mary McTaggart
34840 South River Road
Clarksburg, CA 95612
(916) 744-1945
cavelanding@yahoo.com

bdcpcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com] **Sent:** Tue 5/12/2009 3:34 PM
To: bdcpcomments
Cc: Lori Rinek
Subject: EIR/EIS Scoping Comment
Attachments:

May 12, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Dear Ms. Brown:

Please include in your range of alternatives a proposal made by ex-Senator Mike Machado at the Stockton scoping meeting. He believes there is an alternative that has never been tried and that would require only this change: enforce all the laws governing the Delta - water quality, water rights, fish harvest, etc. - that are now on the books. No one knows what the Delta would be like if this were done, because it never has been; the true baseline conditions of the present Delta cannot easily be determined because of this lack of enforcement - just looking at what laws are now in place won't tell you what is actually happening in the ecosystem. Therefore please consider what the direct, indirect, and cumulative impacts of energetic enforcement of current law would be on the Delta ecosystem. I urge you to consider this as an alternative to the huge cost of massive new infrastructure (i.e. the isolated facility and thousands of acres of man-made habitat areas) which, by its very construction and presence, let alone operation, may bring a whole new set of unforeseen environmental maladies upon the Delta.

Thank you for your consideration.

Mary McTaggart
34840 S. River Rd.
Clarksburg, CA 95612
916-744-1945
cavelanding@yahoo.com

bdcpcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com] **Sent:** Tue 5/12/2009 5:01 PM
To: bdcpcomments; Lori Rinek
Cc:
Subject: BDCP Scoping Comment: Conveyance Design
Attachments:

May 12, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Dear Ms. Brown:

A document entitled "Draft Considerations for Determining the Capacity of Isolated Conveyance" was presented at the February 24, 2009 meeting of the BDCP Integration Team. "Pros" #5 states: "A 15,000 cfs capacity could minimize cut-and-fill costs associated with digging a canal and building levees around the canal....a 15,000 cfs canal would be able to use the soil removed for digging the canal for building the levees." Please be advised that probably as much as a third of the length of the proposed eastern alignment (central and south Delta areas) runs through peat soil of thickness up to 10' and perhaps more (map from one of the PPIC reports). Since various planning papers have attributed the high susceptibility to failure of Delta levees in these very areas to the fact they are constructed of and on peat soil, perhaps cost estimates on construction of those portions of the canal need to be revised to reflect greater costs for export of dug soil and import of suitable levee-building soil. The surplus peat soil could perhaps be used to raise the land level of subsided peat islands in the central Delta to help lower their vulnerability to flood hazard.

On a related topic, please examine the possibility of catastrophic failure of the canal itself, given that it will run through an area that has been relentlessly characterized in studies and the media as extremely fragile and vulnerable to earthquake and flood risk. Examine both the direct and long-range regional, state and national economic, food security, and public health impacts. In addition, since it is likely that, if the canal is built, it will in time become the primary conduit for the majority of the water moving south to supply ever-growing populations, please examine the risk and impacts of intentional sabotage/destruction of the canal by terrorist act.

Thank you for your consideration.

Mary McTaggart
34840 S. River Rd.
Clarksburg, CA 95612
916-744-1945

cavelanding@yahoo.com

bdcpcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com]
To: bdcpcomments; Lori Rinek
Cc:
Subject: BDCP Scoping Comment: Transmission Lines
Attachments:

Sent: Tue 5/12/2009 6:02 PM

May 12, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Dear Ms. Brown:

The NOP (p.4) and NOI (p.7259): Covered Activities #2 mentions power line alignments associated with the alternative routes of the proposed isolated conveyance facilities. Please examine direct, indirect, and cumulative impacts of these transmission lines on residences and businesses, including relocation/removal to accommodate lines, human, animal, and plant/crop health, transportation and traffic (including crop dusters and agricultural equipment on- and off-road traffic), aesthetics and viewshed, other agricultural operations and agricultural economic viability, conversion of agricultural land to non-agricultural uses, air quality during and after construction, property values, and helicopter emergency-response times (for both medical and flood response). Please be aware that the BDCP Concept Level Conveyance Planning With Candidate Points of Diversion From the Sacramento River (March 2009) shows power lines running along the Sacramento River for about 1 to 1 1/2 miles up- and down- stream from where Babel Slough meets the River, and from about 1 1/2 miles north of Clarksburg to beyond the point opposite Hood. Those lines, depending on their voltage, would heavily impact or force the removal of all residences along these stretches, including quite a few within the "legacy town" of Clarksburg. Many residences in this area were built close to the bank of the River both for historic reasons (proximity to the River for riverboat transportation) and later to access levee-top roads and to maintain farmland in uncluttered parcels for more convenient and therefore more economical use. These residences lie in the direct path of your lines. The proposed Transmission Authority of Northern California high tension line project alternatives also run through the Clarksburg area. Depending upon their eventual placement, all of these lines taken together could also have a very significant negative impact on the agricultural economy of this area, as well taking a toll on its scenic vistas, particularly its locally famous sunsets.

Thank you for your consideration.

Mary McTaggart
34840 S. River Rd.
Clarksburg, CA 95612
916-744-1945
cavelanding@yahoo.com

bdepccomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com] **Sent:** Thu 5/14/2009 4:15 PM
To: bdepccomments; Lori Rinek
Cc:
Subject: BDCP EIR/EIS Scoping Comment - Conveyance Design a Moving Target
Attachments:

May 14, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Ms. Lori Rinek
Sacramento Fish and Wildlife Office
2800 Cottage Way, W-2605
Sacramento, CA 95825

Dear Ms. Brown and Ms. Rinek:

The BDCP publication An Overview of the Draft Conservation Strategy For the Bay Delta Conservation Plan (December 17, 2009) states on p.20: "The new north Delta diversion facility would consist of multiple intake structures along the Sacramento River between Walnut Grove and Freeport with a combined capacity of 15,000 cfs." On p.21 is further stated: "The Fish Facilities Technical Team proposed three different designs for fish screens depending on the size and location of individual intakes, and a range of options for the number and size of intakes ranging from 15 intake structures with a capacity of 1,000 cfs each to three large intakes with a capacity of 5,000 cfs each...DWR staff are currently conducting a value engineering analysis to determine the optimal number, size, and location of intakes and fish sceens." The February 24, 2009 Draft Considerations for Determining the Capacity of the Isolated Facility stated, "A 15,000 cfs canal is expected to need more associated engineering work and infrastructure than a smaller canal, particularly if the facility consisted of 5 separate intakes." (underlinings mine) The concept level maps released on the BDCP website several days before the last public scoping meeting in Clarksburg on March 26, 2009 show 12 or 13 intakes. And a later document entitled Conveyance Alignment Comparison presented to the BDCP Steering Committee by SAIC on April 24, 2009 proposes 5 intakes of 3,000 cfs each for each alignment. Many of the direct, indirect, and cumulative impacts of each of the proposed alignments on areas of the north Delta through which they may pass depend on the number, location, size, type, operation, and associated infrastucture of the intake facilities for these canals. How are members of the public, including the stakeholders who are most likely to be directly impacted, to comment in a specific and meaningful way, given that the design of these facilities is this much of a moving target? The same could be said for the location, size, and operation of the many thousands of acres of habitat to be constructed on areas presently designated on BDCP maps by large fuzzy green areas whose boundaries keep changing. The

NOI and NOP are still filled with words and phrases such as "may", "likely", "could be", "such as", "include, but may not be limited to", "list may change", "potential", "it is premature", "possibly". I request that a new public scoping period, accompanied by new scoping meetings, be planned after the design of the north Delta diversion and other facilities/measures have been planned in enough detail to justify specific comments as to possible impact, mitigation, etc.

Thank you for your consideration.

Mary McTaggart
34840 S. River Rd.
Clarksburg, CA 95612
916-744-1945
cavelanding@yahoo.com

bdepccomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com]
To: bdepccomments; Lori Rinek
Cc:
Subject: BDCP EIR/EIS Scoping Comments: Impacts to Agriculture
Attachments:

Sent: Thu 5/14/2009 6:54 PM

May 14, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Ms. Lori Rinek
Sacramento Fish and Wildlife Office
2800 Cottage Way, W-2605
Sacramento, CA 95825

Dear Ms. Brown and Ms. Rinek:

Please examine for the EIR/EIS the direct, indirect, and cumulative impacts on national, state, and local economies and food security of the conversion of Delta agricultural land, much of it prime farmland producing 45% more than the state average, to habitat and conveyance by the BDCP. Include in your assessment also the loss of the expertise of the Delta farmer, for to the extent that farmers here are negatively impacted by the loss of their lands and/or by the effects of new regulation or oversight enacted with only the co-equal goals in mind, to that extent they may be forced financially to leave the Delta, taking with them knowledge about its environment that perhaps cannot be replaced. For more information about the importance and uniqueness of Delta farm lands and the impacts upon them of implementing the co-equal goals, please consult a letter submitted by California Secretary of Agriculture A.G. Kawamura (dated June 20, 2008) to the Delta Vision Blue Ribbon Task Force. It may be found at

www.deltavision.ca.gov/StrategicPlanningProcess/IllustrativeComment/2008-AR-7_RESPONSE_FRM_CDFA.pdf. I would also refer you to an article written by Yolo County Agricultural Commissioner Rick Landon in the Yolo County Farm Bureau Agri-News (September 2008 - available at www.yolofarmbureau.org/PDF/newslencer/2008_09.pdf) regarding the impacts to our state and nation of the conversion of agricultural lands to habitat, with local examples. Delta farmland is valuable partly because of its richness, the suitability of its climate to the growing of many different crops, and because this is where the water is. Its value goes far beyond that of commodity prices; please attempt to carefully examine these factors in your analyses.

Thank you for your consideration.

Mary McTaggart
34840 S. River Rd.
Clarksburg, CA 95612
916-744-1945
cavelanding@yahoo.com

bdcpcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com] **Sent:** Wed 5/20/2009 7:29 PM
To: bdcpcomments; Lori Rinek
Cc:
Subject: Comment Letter with Link Error - May I resubmit?
Attachments:

May 20, 2009

Dear Ms. Brown;

I discovered that a BDCP EIR/EIS comment letter I submitted late in the afternoon on May 14 has a slight error in a link to a letter I believe to be a help to the process of determining impacts to Delta farmland of the BDCP. I have attached a copy of the letter with the corrected link, along with a couple of typo corrections I found. Let me know if you will accept the correction or not - believe me, I will be understanding if you do not, since I am over the deadline with this, but feel the linked letter, written by Secretary of Agriculture A. G. Kawamura, might be of interest to the EIR/EIS team. Thank you, and hope to see you again. Letter follows in a separate email.

Mary McTaggart

bdepcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com]
To: bdepcomments; Lori Rinek
Cc:
Subject: Letter Resubmit - Impacts to Agriculture
Attachments:

Sent: Wed 5/20/2009 7:30 PM

May 14, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Ms. Lori Rinek
Sacramento Fish and Wildlife Office
2800 Cottage Way, W-2605
Sacramento, CA 95825

Dear Ms. Brown and Ms. Rinek:

Please examine for the EIR/EIS the direct, indirect, and cumulative impacts on national, state, and local economies and food security of the conversion of Delta agricultural land, much of it prime farmland producing 45% more than the state average, to habitat and conveyance by the BDCP. Include in your assessment also the loss of the expertise of the Delta farmer, for to the extent that farmers here are negatively impacted by the loss of their lands and/or by the effects of new regulation or oversight enacted with only the co-equal goals in mind, to that extent they may be forced financially to leave the Delta, taking with them knowledge about its environment that perhaps cannot be replaced. For more information about the importance and uniqueness of Delta farm lands and the impacts upon them of implementing the co-equal goals, please consult a letter submitted by California Secretary of Agriculture A.G. Kawamura (dated June 20, 2008) to the Delta Vision Blue Ribbon Task Force. It may be found at

www.deltavision.ca.gov/StrategicPlanningProcess/IllustrativeComments/2008-AR-

[7_RESPONSE_FROM_CDFA.pdf](#). I would also refer you to an article written by Yolo County Agricultural Commissioner Rick Landon in the Yolo County Farm Bureau Agri-News (September 2008)

- available at www.yolofarmbureau.org/PDF/newsletter/2008_09.pdf regarding the impacts to our state and nation of the conversion of agricultural lands to habitat, with local examples. Delta farmland is valuable partly because of its richness, the suitability of its climate to the growing of many different crops, and because this is where the water is. Its value goes far beyond that of commodity prices; please attempt to carefully examine these factors in your analyses.

Thank you for your consideration.

Mary McTaggart

34840 S. River Rd.

Clarksburg, CA 95612

916-744-1945 cavelanding@yahoo.com

bdcpcomments

From: Peter Nakamura [fish5544@sbeglobal.net]

Sent: Fri 5/15/2009 10:32 AM

To: bdcpcomments

Cc: FishSite@aol.com

Subject: Johnson's Oyster Farm

Attachments:

Dear BDCP,

Let Johnson's Oyster Farm continue. What is wrong with you people.

One of the joys of Point Reyes is being able to sightsee and pick up some oysters at the same time. It is like two for one.

Sincerely,

Peter Nakamura
Coastsiderfishing Club Member
El Cerrito

bdcpcomments

From: thevalco@aol.com [thevalco@aol.com]
To: bdcpcomments
Cc:
Subject: Bay Delta Conservation Plan
Attachments:

Sent: Fri 5/15/2009 9:22 AM

Ms. Delores Brown

Chief, Environmental Review

Department of Water Resources

P.O. Box 942836

Sacramento, CA 94236

As a fisherman and member of the California Striped Bass Association, I am requesting the Department of Water Resources to consider and provide an adequate answer to the following fundamental questions regarding the Bay/Delta Conservation Plan's stated preferred alternative of a "dual conveyance" system, aka the Peripheral Canal.

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these fundamental questions, the Department of Water Resources is unable to assess the ability to export water out of the Delta for agricultural and municipal uses in other regions of the state. It is clear that our Delta is at crisis with several of its 750 species of plants, animals and fish in endangered or threatened status. Of particular note is the number of fish species threatened or endangered within the past several years. Salmon and steelhead populations are down 90% from historic levels. Resident open-water species (Delta and longfin smelt, threadfin and American shad, striped bass, splittail and sturgeon) are at or near historical lows.

Much of their native food supply – phytoplankton and zooplankton - has been reduced by 90-99%. The mass and diversity of bottom dwelling organisms has plummeted. Hundreds of non-native invasive species have become established, further destabilizing the estuary. In addition, the Delta is severely polluted by numerous pollutants.

The first and foremost factor is the massive quantity of water exported south by the most powerful pumping network in the world: pumps that can reverse the tide and cause the San Joaquin River to flow upstream; pumps that can suck a volume of water including fish and their food supply equal to the capacity of the south Delta every four days. In some years, these pumps export almost three-fourths of the water that would have flowed to the sea.

Despite the obvious affect on the ecosystem of the Delta, pumping water south has increased exponentially since the 1950's with particular increases since the year 2000.

It is our belief that the Bay Delta Conservation Plan's stated co-equal goals of water delivery and improved habitat for the Delta is unattainable. This plan is essentially a water delivery plan sold to the general public as a conservation plan.

This plan does not pass the environmental test or the economic test. A recent study by of the University of the Pacific estimates that the economic consequences to California from ending exports are far less than from continuing upon t he same path with exports.

As stated by Jerry Johns, Deputy Director of the Department of Water Resources, at the March 2009 Stockton Scoping meeting when directly questioned, " The chance of an alternative syste m to the dual conveyance is less than 5%"
Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a pre-conceived plan looking for a rubber stamp.

We acknowledge that our Delta, one of the world's greatest resources, is in a critical state. To do nothing is not an option, but the "dual conveyance" plan offered as a solution to our water problems, is not a viable solution. The Department of Water Resources is highly encouraged to develop and present viable alternatives that answer the three questions previously listed:

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Thank You.

Peter Valconesi

Point Reyes Station Ca.

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bdcpccomments

From: dutraoffice@aol.com [dutraoffice@aol.com]

Sent: Thu 5/14/2009 4:17 PM

To: bdcpccomments

Cc:

Subject: comments

Attachments:

I would like to know impacts to the farmers forced out from their business, land and their homes?

Social impacts

Monetary impacts

Impacts to the remaining residents, Schools, businesses, churches, health?

Health..? What diseases do animals and insects carry? How will you protect people?

Air Traffic: Sacramento is second in bird strikes affecting major airlines in the United States. What impact will this have on safety?

Phyllis Dutra 916 775-1786

Clarksburg CA

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12865 River Road, Courtland, GA 33615

26 March '09

Dear Mr Brown,

Before stating an overview of my presentation I must give you some background information on my situation.

In late August of 2005 I left my pool after swimming my second set of one hundred laps. I flicked my towel and brushed a mosquito off my shoulder. I honestly did not experience the usual itching of a bite. Perhaps that's because it was a very very ill and nasty bug!

Approximately 2 weeks later I made an appointment with my primary care physician because I had no energy and felt really ill. In attempting to leave my bed to keep the appointment the pain in my hips was extreme, when I tried to stand I fell to the floor! Overnight I became a victim of polio.

When I make presentations on the dreadful

aftermath of W.Nile Virus I give the preamble you have just read.

I choose an area close ^{to} the speakers because it's hard to get through a crowd when you are in a wheel chair. The only good thing about the chair is, it gets everyone's attention.

At Thursday evening's mtg, I expressed and explained the reason why I can no longer walk unaided, I can stand in a walker for short periods of time, I wear a brace on my right leg (from my toes to my hip, it holds me up! As determining a diagnosis of WNV-polio I spent 5 wks in the hospital & 2 1/2 yrs in rehab. The very thought of "returning the Delta to its original state of marsh and overflow land" is not only ridiculous it's terrifying. The public health was not addressed in the original plan, at all - In talking with Sac/Yolo Vector Control I learned that they had no input at the onset of discussions; in fact, Vec. Con. was not mentioned at all prior to Thursday's mtg. We, the people who live, farm and love the Delta are the endangered. We are more valuable to the state of CA than the smelt! We will continue to have our voices heard and we refuse to have our way of life destroyed.

Please address this directly in your final EIR/EIS.

hdepcomments

From: MLIZ007@aol.com [MLIZ007@aol.com] **Sent:** Sun 5/10/2009 11:52 AM
To: hdepcomments
Cc: lcory@pd.cityofsacramento.org; CRicha2000@aol.com
Subject: Pocket area and the water facilities
Attachments:

I read the article in the Pocket News and talked personally with Laurie Cory in regards to these facilities. My questions are:

1. Why is this being built in a residential area?
2. Is the real purpose to provide water for southern California? If so, I see the lack of water preservation that they do down there. I am very distraught that our water is so mismanaged. Trinity Lake is almost empty this year due to the lack of proper water control.
3. If this is a good project, why can't it be built further south on farmland that has no residents nearby.
4. Has anyone ever thought of a bigger project to build canals across the country to alleviate flooding throughout the country?

Please respond to any of the above.

I just happened to drive over on the Yolo side of the river and saw the huge water structure that is now being built. They not only selected one of the prettiest spots on the river to build this huge plant, but they have obstructed the bike path to Freeport. I have been a resident of the Pocket since 1984. I am living in this area for the love of the river. Please do not destroy our home/environment.

This city talks of maximizing the waterfront for its beauty and extending the access all the way to Sutterville Road. Please so not destroy our serene life in the Pocket.

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bdcpcomments

From: Richard Enderlein [renderlein@hotmail.com]
To: bdcpcomments
Cc:
Subject: BDCP
Attachments:

Sent: Tue 4/14/2009 11:18 AM

Dear Regulatory Agency,

The people have already spoken on this issue in 1982. The canal was rejected then because it would be an environmental disaster then and it would be an environmental disaster now. Do not fool yourselves into thinking that by digging a new river in the delta that the water to fill it will miraculously appear to fill it. By moving the water around the delta, the salinity gradient will move further up the Sacramento river. This has been proven and is a well known fact. By trying to disguise the "new" canal as a boon for the environment is a lie being posited by those who wish more water to go south. By removing more water from the delta through the canal, the problem of massive fish die offs will only increase. Please do not fool yourselves into thinking the way our forebears did, in that "the rain will follow the plow". If and when this canal is built, where is the water going to come from to fill it? All water in the state has been "spoken for" for a very long time, and no new sources have been found yet. Where will this extra water come from to fill this canal? The water in the Sacramento river at freeport has been claimed and used for a very long time. Instead of trying to take more than is environmentally acceptable at the pumps, why not shut off the pumps for those times when fish are really in danger. Why not review (EIR?) the use of these pumps? Maybe the best and cheapest environmental solution is to remove those pumps from the delta. The canal is a "band aid" for a serious sickness, and that sickness is the continued removal of the water from the delta by those tide changing pumps. In proposing a canal around the delta for "environmental reasons", you are lying to and spitting in the face of those people who rightfully voted on this proposal in 1982. The people spoke on this issue many years ago, and law was passed. Find another solution.

Sincerely,

Richard Enderlein
renderlein@hotmail.com

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Statements of Richard Robertson

I opened with numbers, the numbers of gallons that the canal, not including the proposed pipe line would be NOT entering the Delta.

We had an engineer help do the math, but our calculator would not go any higher than one trillion gallons PER YEAR....that translates to 178,000,000 MILLION swimming pools PER DAY going to the south. That amount of water just IS NOT AVAILABLE....that amount of water would not reach our system, south Delta, and would not flush out contaminants, silt, or any other invasive species.

Our entire system would crash just as had been predicted when the fourth pump was turned on. It only took less than three years at the PRESENT rate of pumping to impact every species in the water. Add the horrible amount that they will take, IN ADDITION, and it boggles the mind. There just is not enough water in the system to take that volume and have ANYTHING SURVIVE. There is no water entering the Delta now, due to mismanagement of the past three years.

The salmon and striper runs were such that you could catch them all day and in some parts of the river they were thick enough that you could almost walk across their backs. No more...now it was lucky to catch one a day.

All of our native birds, animals, plants would be gone and never recover. Our sloughs would silt up and close up. The gates proposed would push salt water even farther into our system.

The people of Clarksburg were telling the same stories as the people of Stockton had at that meeting. Farms and homes of families that had been there for generations cut up destroyed so those families had no income, just the same as Clarksburg. I told of the 60 lawsuits that were already filed from the farmers of Stockton.

bdepccomments

From: Robert Horst [horstfamily@sbcglobal.net]
To: bdepccomments
Cc:
Subject: Bay Delta Conservation Plan EIR/EIS
Attachments:

Sent: Wed 5/13/2009 8:53 PM

To Whom It May Concern,

I moved to Sacramento about 6 years ago and was happy to find the pocket community and call it home. My family and I have enjoyed the levee paths and views across the river countless times in these years. We have grown to love the river and this area deeply, so much so that we recently purchased a home along the levee with a third floor view of the river and farmlands beyond. Since coming to Sacramento from the Seattle area I have been amazed and often appalled at the disrespect shown for the Sacramento River in this area. This is particularly evident in the downtown area where miles of riverfront are essentially wasted. I keep waiting for this situation to improve and am very happy to see at least some progress being made particularly from the West Sacramento side. I have felt proud of my small community's respect and pleasure in the Sacramento river and believe that the pocket area selects for those truly in love with nature and the river. That said I am deeply concerned about the proposal to not only build massive water intake facilities directly across from my little spot on the river but also to place power lines along the river, ruining this wonderful view not only for the many residents that call the levee their home but for the countless pedestrians, bikers, etc that enjoy this view everyday. It truly surprises me that this is even being considered and I urge you to build these facilities (if they must be built) in a less populated area. Coming from the perspective of a former Seattle resident where every piece of waterfront is treasured and enjoyed, this type of development along the river can only serve to further erode our community and bring us further away from this extremely important Sacramento resource. How power lines and pumping facilities are supposed to be "good" for the environment is beyond me. I've read your proposal carefully and suspect this is largely driven by southern California's insatiable thirst for water. When will it end?

Thank you for your attention.

Sincerely,

Robert O Horst, MD

Concerned Citizen and Homeowner

Father of 3 wonderful children who enjoy the riverfront on a daily basis

Faculty, UC Davis School of Medicine

Medical Director, Sacramento County Child and Adolescent Psychiatric Services

7799 Dutra Bend Drive
Sacramento, CA 95831
May 9, 2009

Ms. Delores Brown, Chief
Office of Environmental Compliance
State of California Department of Water Resources
POB 942836
Sacramento, CA 94236

Dear Ms. Brown

Re: Public Comment
Bay Delta Water Conservation Plan
Environmental Impact Report and Statement
Water Intake Facilities in Yolo County
Facing the Greenhaven Pocket Area in South Sacramento

From where I live, at the address referenced above, water intake facilitie(s) that are contemplated with this plan that would have a negative impact on me. The closest one would be approximately 1,000-1,200 feet away (as the crow flies) from my house, as identified to me by a representative of the State of California Department of Water Resources, Paul Marshall, Operations/ Planning Manager. This would have a considerable adverse impact on my property, its value and benefit to me, a retired single male on a limited income. The sight, sounds, light pollution and other potential unknowns of a large facility, much bigger than the one being built, would be terrible.

I worked 20 years to save to build my house, which took another 7 years to realize after I bought the lot.

If you must do something like this I urge that it be placed outside of an impacted residential area.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Pecora". The signature is fluid and cursive, with the first name "Robert" and last name "Pecora" clearly distinguishable.

Robert Pecora

Fairfield

BDCP

BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

✓ Comment Card

Please Print

Name:

Roberto Valdez

Organization:

HCP of Solano Co Stakeholder
Friends of Placerville Valley
May Khama Laka Friendship
Affiance

Telephone:

(707) 448-4905

e-mail:

robertovaldez55@hotmail.com

Address:

248 Plantation Way

City:

Vacaville

State:

CA

Zip:

94657

☒ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

- ① Please notify on any public hearings re: BDCP.
- ② I am very concern on protecting & preserving threatened, endangered, & species of concern & their habitats in the Bay Delta, including but not limited, to Suisun Marshlands & Montezuma Slough.
- ③ I strongly recommend that you consult & Dr. Peter B. Doyle (Dr. Fish) re: native Fish.
- ④ In addition, I strongly recommend that you educate & publicize ^{bill, greatly} the environmental, water, ^{recreation} etc. benefits that this plan will provide for both Northern & Southern California users.
- ⑤ also, please consult the Vallejo Inter-Tribal Council for native american input.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

⑥ Please spread the good word to Spanish-speaking users in local newspapers & radio & TV media

re: site well as your

bdcpcomments

From: Roberto Valdez [robertovaldez55@hotmail.com] **Sent:** Thu 5/14/2009 5:26 PM
To: bdcpcomments
Cc:
Subject: FW: Bay Delta Conservation Plan Comments(May 14, 2009)
Attachments:

Please add the Golden Eagle(Not Listed) as another species which needs to be reconsidered by the BDCP in my second point.

Thank you.

From: robertovaldez55@hotmail.com
To: bdcpcomments@water.ca.gov
Subject: Bay Delta Conservation Plan Comments(May 14, 2009)
Date: Thu, 14 May 2009 17:08:53 -0700

May 14, 2009

Ms. Delores Brown
Office of Environmental Compliance
Department of Water Resources
Post Office Box 942836
Sacramento, CA 942836

Subject: Individual Comments to EIR/EIS Scoping Meeting for the Environmental Analysis of the BDCP Proposed Action.

Dear Ms. Brown:

I am a Vacaville resident who is concerned with both protecting and preserving the endangered ,threatened, and species of concerns and their habitats in our natural corridors in Solano County. I am also a long-time stakeholder in the Multi-Species Habitat Conservation Plan of Solano County. Since i will be providing specific comments to the both the listed and not listed species which will be targeted or determined with regard to this HCP/NCCP. i am requested that you attach my additional comments to the written comments that i submitted to you during your previous scoping meeting in Fairfield, CA on Wednesday(3/25/09).

First, responding to the Draft of the DWP-BDCP- Covered Species Selection & Potential List(5/22/08), I applaud your BDCP efforts to target the following listed species: the Swainson's Hawk, Tri-Colored Black bird, California Black/Clapper Rail, Giant Garter Snake, Salt Marsh Harvest Mouse, Valley Elderberry Longhorn Plant, Mason's Lilaeopsis, Delta Smelt, Chinook Salmon(Not listed), Steelhead fish, and vernal pool crustaceans such as the VPTS, VPFS, and CFS which continue to be challenged by development, landfill, and transportation projects in Solano County.

Secondly, i do not understand why the BDCP is not targeting the California Red-Legged Frog, Western Pond Turtle, Logger-Strike, White-Tailed Kite, and Contra Costa Goldfield Plants which tend to coexist within both the fertile farmlands and tule/marshlands in the San Joaquin-Sacramento Rivers Bay Delta areas. I strongly recommend that the BDCP reconsider these species and their habitats.

In addition, i do not understand why there needs to be additional evaluation for the California Tiger

Salamander, when, in fact, the scientific evidence reaffirms that the CTS are found throughout the San Francisco Bay Delta, including Solano County.

If you have any questions/concerns about my comments, please contact me at my home telephone: (707) 448-4905 or email: robertovaldez55@hotmail.com.

Thank you very much.

Yours Truly,

Roberto Valdez Jr., 248 Plantation Way, Vacaville, CA 95687.

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bdepccomments

From: withrowwong@cs.com [withrowwong@cs.com]

Sent: Thu 5/14/2009 10:10 PM

To: bdepccomments

Cc:

Subject: Bay Delta Conservation Plan

Attachments:

Ms. Brown:

I hope my comments/suggestions aren't too late. It is still the 14th, however, somewhat late.

I have been diligently trying to follow the proposals, plans and suggestions regarding the canal that is being proposed; however, I find it somewhat confusing to understand what is really going on. One such proposal directly impacts my home, with the line on the map going right through our home. I realize that this is only a proposal; however, I am concerned.

I was wondering why water couldn't be moved using the existing waterways. The Deep Water Channel seems a logical choice considering it is deep, opens at the river and travels down to the delta. Another option may be using Winchester Lake. It is large and spans about 3 miles, directly off the river. An additional pipeline/canal may need to be constructed to reach the Deep Water Channel from Winchester. There are ditches and sloughs all over the delta. Why can't some of these be used rather than building a costly and intrusive new canal?

Secondly, what about pipelines rather than a canal? I'm not an engineer, but it seems that a pipeline would be less intrusive and easier to build and maintain. It is my understanding that to build a canal, all the dirt would need to be hauled in and the area fenced. A pipeline may be less intrusive to farming operations and possibly less land would be needed to build.

Thank you for considering my ideas.

Robin Withrow-Wong
51200 Pumphouse Road
Clarksburg, CA 95612

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BDCP

BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: Ronald J. Ferrario Organization: Chertron Engineering Retired
Ex Port of Stockton
Commissioner

Telephone: (209) 952-4503 e-mail: rferrario@sbcglobal.net

Address: 9006 Cavendish Ct.

City: Stockton State: CA Zip: 95209

☒ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the

1st – The name of the plan should be changed to what the plan really is, a peripheral canal designed to bypass the Delta and deliver water to the L A Basin with minimal amounts to others. Renaming the plan is a ploy to hide the true nature of the plan from the people of California. I've been involved with these types of plans and EIRs for 30 years; most of the plan is fluff covering its true intentions.

2nd – You provide no controls for water usage at the delivery points such as a moratorium on construction until local sources of water are obtained or there is continuing surplus water available. Continued expansion at delivery points will surely bring on continuous emergency regulations thereby bypassing all of the controls for the distribution of the Deltas water. History has shown that Southern California's ravenous water appetite will eventually suck California dry, i.e. the Owens valley, the Colorado River, etc...

3rd – We were informed that fish screens are currently available that protect all fish from entering pump intakes but that due to the volumes of water pumped the fish congregate at the pump intakes. The fish then are caught and trucked to locations distant from the pump intakes. One solution is to place the screens at locations away from the pump intakes. You already have 3 typical drawings showing various types of pump intake stations w/fish screens.

4th – Salt water intrusion in the various channels can be controlled with gates, this isn't rocket science, it's done all over the world.

5th – Finally, I see no vision or originality in this plan. Your slide presentation was all about protecting fish species; I guess the human species isn't important. You mentioned people once; the figure was 25 million who needed water, then on to fish again. It took the people, in the audience, at the Stockton meeting to bring out other relevant points.

— Comment Card —

Please Print

Name: Sandra Wilson Organization: _____

Telephone: 916-803-5165 e-mail: Sandra.Wilson@aol.com

Address: P.O. Box 18

City: Clarksburg State: CA Zip: 95622

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

- * State is broke!!! where does \$ come from?
- * I have never heard so much about saving fish
- * Dams are not being operated properly now except to send water south.
- * Who has been contacted locally to ensure to be part for your board... someone they will listen to!
- * How do you know your experiment will work?
- * Where will you show us on your Report ^{where} our comments have been taken into effect.
- * Best Water will kill us if you taking our water doesn't
- * How much will you buy my land for with so I can live & my children live the rest of my life.
- * I want my water rights, they've been stolen by my ancestry!

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:

Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

Thank You for the opportunity to address questions on the BDCP plan this evening: We request herewith that you make all of our comments and questions tonight part of the record and address all of them in the final EIR-EIS.

I'm Stephen F. Heringer, 5th of 6 generations of the Heringer family to farm Clarksburg soils. At your Clarksburg meeting one year ago I requested economic analysis, intended environmental mitigation, cost projections and intended economic mitigation on the following issues of immediate concern to residents of the North Delta: To Summarize:

- 17,000 Acres of premium Wine grapes in the Clarksburg Appalachian Vineyard Establishment Costs in the \$16 - \$20,000 Range
- Vineyard Infrastructure Costs alone exceeding \$340,000 Mil
- 11,000 Local and 13,500 Nationwide Jobs created by these wine grapes
- \$357 Mil Statewide and \$900 Mil annual wages paid by these acres
- Taxes generated Statewide \$107 Mil, \$64 Mil additional Nationwide
- 17,000 Agrotourism Visitors- \$70 Mil Expenditures from Tourism

Please complete the requested analysis for the EIR-EIS.

As North Delta Water Agency constituents, we have paid contractual fees for almost three decades to the State of California for specific water quantity and quality parameters. Outline in the EIR-EIS how these quality and quantity parameters will continue to be met under your various BDCP plan options as our North Delta contract has no sunset date and we will fight for proper performance of its provisions.

Since the native soil material along the western route has been deemed unsuitable for levee construction purposes, where will the estimated 10 million yards of levee material come from and how will it be economically moved and placed on the proposed Western conveyance project?

We have implored all of you involved in the BDCP deliberations to consider the Delta as a Place in your planning processes. Outline in your EIR-EIS report the measures you have taken to consider the communities and peoples of the Delta, what considerations of the social and economic fabric of the area you have considered in your options, what considerations of the businesses that support our family farms and ranches, and finally, the considerations of the schools that educate our children. Ring levees may save our towns but will not save the Delta communities.

Our Yolo County Supervisors have partnered with us to keep our unique upper Delta area agricultural. We adapted sustainability generations ago to assure the farming and enjoyment of our Delta region for the benefit of all of the people of our Great State. Most, if not all, of your environmental suppositions are based on opinions and not on proven science. Farmers have used adaptive management for years, only difference was our definition, "Oh Hell – That didn't work!! Let's try something else. Following the authorization of the State Water Project 50 plus years ago, the State of California reneged on its promise to bring 10 million additional acre feet of water to the table through additional storage capacity and importation of north coast water. We will not now willingly sacrifice our heritage, homes, communities, and farms to satisfy the States thirst at our sole expense. Outline in the EIR-EIS how local voices will be made a significant part of the governance body that will control the future of our Delta. Thank you for your attention to these questions.

Stephen F. Heringer
916-744-1094
sfheringer@aol.com

My name is Stephen Hiromoto , 4th generation farmer and resident of the Clarksburg Community. My family had witnessed the building of these levees and were instrumental in the reclamation of many Holland Land acres. Great grandfather's diligence and hard work paved the way for the following generations to reap a livelihood from these soils. Each generation took pride in providing food for our country's tables and as prosperity ensued, we generously gave back to our community. Only during the years following the outbreak of World War 2 and the forced evacuation of Japanese American Citizens was our family away from Clarksburg.

As you work your jobs or careers, you chose to put your money into a bank. You assume that you will retain the right to do what you want with that money when you want it. My family chose to reinvest into Clarksburg Farmland. We assumed that taking caring of this land now would allow it to take care of us later.

My folks are aging and the time is now when that land needs to be liquid. Simply put it up for sale and cash out? Well...when this fiasco about flooding our homes and farmland began, all hopes of simply selling came to a "dead halt!" Realtors were suddenly saying " who wants to buy land that's going to be underwater?" For whatever reasons you give for this to take place...its just not the right thing to do. You're just telling me that my family just wasted one hundred years for nothing!

Arnold...before you swipe that card in your wallet issued by L.A. Metro Water, think about the families like mine and what you'll be doing to them!

bdepccomments

From: Tom Lindemuth [srindy@pacbell.net]
To: bdepccomments
Cc: Nancy Chinn
Subject: Comments on BDCP draft EIR/EIS
Attachments:

Sent: Mon 5/11/2009 11:09 AM

Ms. Delores Brown, Chief of Environmental Compliance, California Department of Water Resources

Dear Ms. Brown,

The following below are comments regarding the draft EIR/EIS Bay Delta Conservation Plan. Although I serve on the board of directors of the Delta Science Center, these comments are my own professional views and not those of the Delta Science Center.

1) The draft BDCP discusses potential alternatives for water supply reliability and impact on the environment from diversion projects along with environmental restoration efforts that would be mounted in parallel. What is not discussed, and an area where there is little compelling evidence, is the quantitative relationship between physical and chemical stressors and the food chain that supports the threatened and endangered species in the Delta. It is felt that many of these stressors will be magnified due to the increase or resumption of urban and agricultural runoff when water supplies provided by the project are restored. Although difficult to quantify, these relationships should at least be firmed up prior to the commitment for design and construction of such a major project. Having this vital science in hand can help form part of the framework for adaptive management both prior to and if successful, during implementation of the plan.

2) It is becoming increasingly accepted by scientists that anadromous fish "smell" out their natal waters in returning to spawn. The implementation of the BDCP will cause large amounts of Sacramento water to move south, some of which will return to the San Joaquin in the form of urban and agricultural runoff. This water may look or perhaps smell like "Sacramento" water to returning spawners, causing them to become disoriented and attempt to spawn in the San Joaquin watershed which currently provides few effective spawning areas. This phenomenon has been observed in Walnut Creek where hundreds and sometimes more steelhead attempt to spawn in the concreted channels which contains runoff of Mokelumne water.

Both of these issues could result in serious further harm to endangered species; harm which may be difficult and perhaps impossible to mitigate once major water exports from the Sacramento River are in operation. According to a recent newspaper article, a new draft study conducted by the Department of Water Resources questions the link between pumping from the Delta and the decline of pelagic fish species, a major part of the food chain. If this link is not significant, what then can explain the dramatic decline in the smelt and other fish species. Until these questions are much better understood, it seems unwise, perhaps even foolhardy to move forward with a new, large plan to export or bypass water from the Delta.

Thank you for your time and consideration.

Sincerely,

Thomas E. Lindemuth, P.E.
Consulting Scientist

COMMENT CARD

BUILD SALT Removal
Plants all along
The Coast -
LEAVE the Delta
ALONG -

Wally Brungarten
Box 568
CHARLESTON 95612
916 744-1231
36560 RIVERVIEW DR.

bdepccomments

From: william gravert [bgravert@sbcglobal.net]

Sent: Tue 5/12/2009 6:00 PM

To: bdepccomments

Cc:

Subject: Public comment

Attachments:

I live in the Pocket area; adjacent to Garcia Bend Park, and directly across the river from a proposed intake facility. We chose this location to buy a home, in large part, due to the quite environment. I hope your EIR includes how this project will impact humans, and our quality of life, not to mention our property values. From my bedroom window, I can hear the farmers dog, across the river, barking. I can hear cars driving on the South River Road. I can't imagine the sound of the construction, and ultimate operation, of the proposed pumping facility. Perhaps that's why the only other pumping facility this size, in the state, is located in an agricultural area in Redding. Hopefully, your EIR will include information on other states pumping facilities, within/adjacent to urban areas, and their adverse impact on those communities. Preserve our quality of life!!! If pumping stations are required, they should, like the Redding facility, be placed away from urban areas, having the least negative impact on humans. We oppose the 3/4 proposed pumping facilities adjacent to the Greenhaven/Pocket neighborhoods! Also, be honest. This has nothing to do with the environment, the Delta, or the Smelt (which, surprisingly, as of late, is not negatively effected by the intake pumps; how convenient). This is all about water, and water transfer; come hell, or high water.

bdepcomments

From: woody alspaugh [w_als2004@yahoo.com]

Sent: Mon 4/27/2009 11:09 AM

To: bdepcomments

Cc:

Subject: Perhiheral canal

Attachments:

To:

egsd@dnr.wa.gov

Sir/ Miss, there are plans to build an canal trough the San Joaquin Delta. (In order to by pass the delta to convey the water to South Ca.

I, (we), think that this will be harmful, (kill), the environment of the delta.

Stockton has the longest inland seaport in the world. The "canal" would have to pass through, or under the river. I do not think that this is possible. I think that interrupting the flow of water would be like having a dam and the water would back up and flood.

What do you think? Is there any information on the subject? Thanks, Woody Alspaugh

www.hope05.org

1 **APPENDIX I: COPIES OF TRANSCRIPTS OF 2008 PRELIMINARY**
2 **SCOPING MEETINGS**

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BAY DELTA CONSERVATION PLAN MEETINGS

PUBLIC COMMENTS ONLY

FOR:

BAKERSFIELD

Bakersfield:

Chair: I have a number of speaker cards here. If you didn't fill out a speaker card and you'd like to make a comment, you can grab one from the folks in the back and they'll bring it up to me. Otherwise, I'm just got a few here and we'll go ahead and get started. So the first one I have here is Jim Beck. I have a little timer here, too, for you to watch.

Mr. Beck: (indiscernible)

Chair: That's right. I'll even let you say your name first, too.

Mr. Beck: Thank you for visiting Bakersfield. This is the tenth stop on your world tour, and it's definitely going to be the most important place you visit. I'm Jim Beck. I'm the General Manager of the Kern County Water Agency, and Brent (indiscernible) been on the representatives from our agency that's been participating as part of the (indiscernible). And I just want to take the opportunity to express how important completion of the BDCP is to Kern County, and especially our agency. We're the second largest agricultural contractor on the State Water Project. We're the third largest urban contractor. And so the livelihood, the way of life of Kern County really relies on the Delta. And so the mission that you all have been

charged with is very important to us, and really the fate of our county is in some ways in your hands. So you have a very weighty responsibility and it's very important to us that the take permits that are part of the outcome of this be received. I think you're familiar with some of the significant impacts that we've received this year as a result of the lack of those permits and the decision under Judge Wanger, which is costing us at least 400,000 acre feet of water. That's a huge hit for Kern County, and it indicates the necessity for a long-term solution to the Delta issues. We believe that construction of an isolated facility, the operation of dual conveyance, is the most reasonable approach, and we expect that the BDCP process will lead to that conclusion. I think the important challenge for you, and for us as water users, is to make sure that process doesn't get derailed. We can't afford to wait. Next year's going to be a really tough year in our neck of the woods. You ought to visit us next year at this time, if we face some even more critical situations. And I think that that's a message, too, that as you complete the BDCP, remember the co-equal role of protecting species and protecting water supplies. Again, in this portion of the state, it seems that often the importance of protecting species at any cost seems to be the way business is

trying to get done in California. And often we see water users, and especially agricultural water users, unfairly targeted as the solution to all the species problems in the Delta. Again, we would hope that you continue to take up the message that we've bringing to Sacramento. And as part of this process you've got to take a fair look at all the stressors that are affecting the health of the Delta, that's invasive species, that's toxics, that's other pumpers besides the federal and state export facilities. And again, we think that that's an important part, that you maintain a scientific objectivity that looks at all of the stressors that have been identified. Again, I want to say thank you for coming and for giving us a chance to express some of Kern's concerns, and also some of the support that we have for the BDCP process. And finally, good luck.

Chair: Thank you. Robert Cundie?

Mr. Cundie: My name is Robert Cundie. I'm the Assistant Engineer Manager for Wheeler Ridge Maricopa Water Storage District. The district is a public agency formed in 1959, and we provide irrigation water service directly to 140 square miles of farmland at the southern end of the San Joaquin Valley, and an additional 30 square miles of lands in our district that rely on ground water also benefit from the project.

That project relies essentially on State Water Project supplies. Our agency takes water from the Kern County Water Agency. We comprise about 20% of their contracts, which makes us about 5% of the State Water Project. We also participate in ranges of 15-25% in various local groundwater banking projects, for which the State Water Project deliveries are essential components. Our farmers over the past 20 years have taken a number of activities consistent with state and environmental organization priorities. These has been to switch from low value crops to high value crops, to install high water use efficiency on farm irrigation systems, and to invest in groundwater banking facilities. All of these activities have the affect in some sense of making us more reliant on the State Water Project supplies and their delivery. And as we all know, those have been impacted. I will provide specific comments on some of the scoping that you are charged with doing as part of this process. My assumption is that there will be no project alternative. In some sense there will be a reduced or multiple reduced export alternatives, as well as what I understand is the preferred alternative for a dual system. Obviously, fisheries in the Delta are in a serious state, and you are urged to consider, not just the pumps themselves, but of

course, many, if not all, of the other stressors that impact those fishery species. Because a plan which primarily involves focus on the pumps can't possibly be the whole solution, because of the influence of invasive species, toxics, and waste water discharges, unscreened diversions, over 2,000 in the Delta, not just the screened diversions that occur at the state pumps. So all of these have to be factored in some fashion into the plan and in the analysis, so that the proper mitigation measures, and appropriate to the level of impact, are properly analyzed. In Kern County, there will be impacts from the Bay Delta Conservation Plan. They may be positive or negative. These impacts will include environmental impacts. For instance, in the no-project or reduced export alternatives, we would expect exports to be reduced into Kern County, and that reduction has direct affects on farmland, resulting in less farmland being in production and less food being produced. A loss of farmland under CEQA is a significant environmental affect that would need to be analyzed as part of your alternatives. In addition, the impacts on groundwater banking projects, of which Kern County has a major role in the state in supplying groundwater banking facilities, those impacts are necessary for analysis in reduced exports or no-project alternatives.

In the preferred alternatives, it's possible that these impacts may, in fact, be positive, if not only water supply reliability, but water supply itself, are improved as a result. And those positive impacts should also be recognized. We would like to make many more comments, but that focuses on the scoping elements that you've asked for input on tonight. Thank you.

Chair: Thank you. Next up is George Capello.

Mr. Capello: Hello, and thank you for allowing us to speak to you. I am George Capello. I am the President of the Wheeler Ridge Maricopa Water Storage District. My straight man there has given you all the statistic, so I won't bother going back over that. I wrote something out, but as I listened to you speak in the preliminary, I thought, you know, I better just talk off the top of my head and give you a flavor of what growers in the district are going through. I was a grower in the district. [beeping sound] Already? These impacts are real to the farmers, as you well know. And they understand dealing with the Delta, and the environmental situation, and making sure the environmental side is equally balanced with the agricultural need. And we have contracts for water that comes through the Delta. And with our reliability shrinking, and Judge Wanger type rules, and

these kinds of things, it's crushing the small farmer, and it's putting a heavy burden on the larger farmers. I've transitioned from a farmer into a real estate and appraisal business, and I see it impacting these guys continually. And it won't be long when the larger farmer cannot afford the cutbacks, the costs, and some of these burdens that are put on them, not to mention the other input costs that are going through the ceiling. Yes, prices have risen somewhat, but ag prices have stayed stable for over 35 years, while costs have gone up. So it's imperative that in your analysis that you please give some heavy weight to these impacts to agriculture, the need for a reliable water supply, and hopefully some stability in that region, along with the environmental issues that have to be covered. Those are important also. The Delta doesn't work without the species and all the things that go with it. But at the same time, you have to have agriculture that helps pay the bills. And I want to thank you, and hope you're not too exhausted after all these trips. But thank you for your consideration.

Chair: Thank you. And the last card I have is Ernest Connant.

Mr. Connant: Just a couple of brief comments. My name is Ernest Connant. I'm with the Young, Woolridge Law Firm, and we represent a number of

different districts in the San Joaquin Valley, principally in Kern County. And just to kind of put this in further perspective, and to kind of elaborate on a little bit of what Jim said, all of the imported supplies to Kern County are dependent on the Delta. Of course, the State Water Project is, as you all know, the Cross-Valley Canal contractors are dependent on the Delta and contract with DWR and the Bureau, and last, but not least, the Friant system is dependent on the Delta. There would be no Friant system but for the 1939 contract between the exchange contractors, which have to be supplied from the Delta in exchange for San Joaquin River water. So all of the imported supplies in Kern County are dependent on the Delta. There probably is no other area of the state that's more dependent on the Delta than this area. And so this is very important to us. In terms of kind of scoping comments, and very general, and I'm sure that we'll be providing more specific comments by the deadline, but I think it's very important that the right no-project alternative and baseline be identified. And it's important that you keep in mind what has occurred in developing that, and the failure of the federal government, through the Bureau and DWR, to meet the contractual expectations of the contracts that were entered into in

reliance of the water supplies that were expected these many years ago. So as we move forward and you commence the process to prepare the EIR and EIS, I think it's extremely important that the no-project alternative and baseline be properly framed. Again, we thank you for coming to Kern County and providing the opportunity for us to interact with you a bit. And we all know that Brent is very much involved in this process and will be providing information to us as this process moves forward. And again, thank you for providing this opportunity. Thank you.

Chair: Thank you. Anyone else like to make a comment? Okay, I'm not seeing any takers. So with that, we'll adjourn this part of the meeting. I want to thank you all very much for coming. And I'll see you next time. Thanks.

-- MEETING ADJOURNED --

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BAY DELTA CONSERVATION PLAN MEETINGS

PUBLIC COMMENTS ONLY

FOR:

CHICO

Chico:

Mr. Anderson: And, we have a lot of members who have some strong, strong perceptions about what the BDCP will be doing. My name is Charles Anderson. I'm with the Association of the California Water Agencies. Written comments were provided yesterday by our president Glen Peterson in Sacramento and so this is (unintelligible) some oral comments that will be from (unintelligible). The Association of the California Water Agency represents more than 450 complete water agencies throughout the state, ranging from small irrigation districts to larger urban water agencies and aqua members collectively deliver 90 percent of the water in California to homes, businesses, farms and increasingly for the environment. Aqua members view the BDCP process as a critical step towards fixing the troubled delta and the larger goal of securing a more sustainable system for California. Briefly, I just have a few comments. The need for a more sustainable water system has never been more urgent. Species are in decline and communities are losing jobs and income because of a failing water system. The system we have today was conceived of in a different era, one that did not include consideration of the environment. We have to invest

in a sustainable delta and as part of that we need a comprehensive solution that includes the co-equal objectives of protecting the aquatic environment and providing for a reliable high quality drinking water that our economy needs. We also have to invest in the environmental restoration and fish passage improvements expand watering sufficiency and groundwater management, and increase of surface and ground water storage capacity. And, my final comment is that while the crisis in the delta is clearly a time urgent problem, we must insure that solutions there work for all of California. As solutions take shape, we have to make sure that we do not solve water supply problems south of the delta at the expense of upstream regions. Solutions must respect existing water rights in areas of origin interests. This is of particular interest to our members in the North Sac Valley and demands consideration. Thank you.

Chair: Thank you, others?

Ms. Strong: My name is Susan Strong and thank you for coming to Chico. We do appreciate not having to drive to Sacramento. First of all I'd like to say that I think it's inappropriate to hold a scoping meeting for an environmental document when there is not a plan. I spent about two hours on the Web site for the conservation plan, and it was really

difficult to even determine exactly what is being considered. But, based on that research it looks as if there are two categories of potential impacts that would be of concern in our region. One is the conveyance issue. In doing conveyance improvements by installing the peripheral canal what sort of capacity changes will occur, and the ability to convey water if we increase the ability to convey water, where is that water gonna come from, and what would be the impacts of those changes? What would be the growth inducing impacts of those increases in water supply? If more state ground waters become a portion of this statewide water supply then either three increased conveyance capacity or as a substitute for un-devoted surface water, then we need to look at what would be the impacts on the ground water systems up here. Those will include impacts to public services because we have increased pumping costs, and deepening of loans. It would possibly include increased emissions if we have to pump more to draw ground water for agricultural, municipal and industrial supply. But, most important and for the fisherman's agencies, there is an aqua-form, formation called the lower Tuscan which surfaces along the eastern edge of the Sacramento Valley. And, that is crossed by five (unintelligible)

salmon streams. Butte Creek, Big Chico Creek, Deer (unintelligible) and bridal creek, and that particular aqua first system right now has wells funded to extract 30 thousand acre feet of water between June 1, and October 1, and that was intended for the Sacramento (unintelligible) agreement. So, as a basis of comparison the city of Chico from June 1 to October 1(unintelligible) in '06 extracted about 18 (unintelligible) acre of water (unintelligible) water. We currently are experiencing about 10 feet of ground water to climb every 10 years. We've lost 20 feet since the middle 1980's. We have growing ground water depressions under the city of Chico and under Durham in 2006 they noticed for the first time. So this is a stressed community system, and if this ground water source which is going to affect spring run salmon streams is intended to be used as a substitute for service water that can no longer be devoted, that's really inputting impact. Finally the alternative analysis should look at whether regulation of water party impacts could be doing and not by disallowing surface diversions but, by managing of the toxic inputs at the source.

Chair: Thank you very much. Next?

Female: I just have a few brief questions and then to call the (unintelligible) Groundwater Protection Association and, I'm in the (unintelligible) predominately independently on groundwater.

Chair: I'm sorry if I didn't make myself clear before sort of Q & A, there's this comment.

Female: Oh.

Chair: So, we're just doing comments now, and if you have any questions.

Female: (Unintelligible)

Chair: Then, hopefully to some answers.

Female: Okay, great.

Chair: Okay.

Female: Thank you. One comment is I was under the impression that major projects had a real project alternative workup first. I haven't heard any comment about that. The reason why that comes to mind for me is because I read more and more about the exotic species in the delta, things like the mussel, they have no treatment that may help collapse into things that may, in and of themselves make certain (unintelligible) recovery goes, impact going along one, and the, that brings to mind what kind of risks are you going to impose in the source areas that might provide you alternative solutions for your

adaptive management projects, especially because we have unknowns up here with our aquifer, with our water supplies, with the potential direction of our economy up here and, you know, what kind of out sources we're going to need to respond to our future demands. How would you fund or (unintelligible) this project fund, the research that will be needed to assure us that more solutions aren't coming at the risk of our (unintelligible), thank you.

Ms. Vlamis: My name is Barbara Vlamis. I represent 850 members of Butte Environmental Council. I'm going to start out by saying I really object to your moving protocol. It's terribly unfortunate that you have interested parties here, and not only will you not answer questions for the group, you are telling people that they can't even ask questions (unintelligible). And, I think that's --

Chair: You know, I want to make that clear because I'm not saying don't ask questions, I just wanted to make sure that you knew that these folks are here to listen and if there are Q & A, we'll get into it later. So, I just wanted to make sure that I wasn't miss-representing it.

Ms. Vlamis: -- I think that with in here, and especially with a small audience we should be able to obtain answers, thank you that we can ask questions, that that's clear, but I think we should be able to ask

people questions in a group in here, and group answers, and I find that objectionable. I find no project description, and I don't know what, and I agree with Susan. There's nothing to scope. You know, you have nebulous, down the road HCP and NCCP. There is no project, so I don't know how you can proceed with Sequa and NEPA at this point. I think, you know, you have your priorities eschewed and I have never yet encountered an HCP and NCCP that started the environmental review before they've even got to the purpose and need, and what are you doing? And, there's no initial study provided, at least that's acknowledged that that isn't provided to the public which would have at least given us a little more, I hope to balance off of. And, I really think that if you ever get to a project description so that the public would want something to analyze and comment on, I hope you'll come back because I think this should all be repeated. Because, it's terribly pre-mature, but I would hope that as you look at creating a project description that you will consider the terrestrial and aquatic species and, habitat that is outside of your study area. Clearly the tributaries are crucial to what happens in the delta and so, I don't think that you can only consider a project area that was at least good to read that you may consider that. But, I

think you absolutely must consider it, and that's all for now. Thank you.

Chair: Thank you. Is there anyone else?

Ms. King Moon: I'm Laura King Moon with the State Water Contractors and I represent 27 agencies, water agencies up and down the state that byline from the state water project. And, I'd just like to observe that this year due to restrictions under the Endangered Species Act we've had to give up 600 thousand acre feet of water already, about a 20 percent (unintelligible) on our average water supply for the year. And that's just, you know, (unintelligible). As a result of that, and that those restrictions are in place because of the way the water is moved through the delta. And so, we're very much supporting this conservation plan which we hope will lead to a much more (unintelligible) water and a conservation plan that will address a lot of the other problems that are affecting those species so that we aren't doing the knob to turn in response to their problems. I think that land that this plan will do; it will put a lot less pressure on the water resources here in the north if we're able to move the water that's in the reservoirs and that won't be ratcheted down so severely as we are right now. So, I'm very happy to see, interested to hear

the comments that this is too soon from the (unintelligible), usually it seems to me that you want to (unintelligible) anyway so people will have a chance to provide input, and I certainly learned a lot from three of you tonight. So, I appreciate you coming up here and doing this, thank you.

Chair: Is there anyone else? It looks like we have another one.

Ms. Dunlap: I just have a quick comment. My name is Marty Dunlap and I just want to dovetail a little bit on, in the part of the project as it goes forward that it has to do with establishing a water reliability and the movement of water, you know, south. That the growth inducing impact creating environments or communities that are going to be dependent on this water is going to create a never dependent need. And I really want to make sure that that's taken into account because that available water might not always be possible, and then there's, we've created this expectancy that this is going to be moving down there and not necessarily gonna be feasible.

Chair: Okay, are there any others? Okay, so hearing that I think we'll adjourn this part of the meeting but please feel free to stay. We have plenty of time; go take a look at the stations again. All of the staff members will stay and answer your questions.

Female: (Unintelligible)

Chair: Okay, sure. Thank you all very much.

-- MEETING ADJOURNED --

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BAY DELTA CONSERVATION PLAN MEETINGS

PUBLIC COMMENTS ONLY

FOR:

CLARKSBURG

Clarksburg:

Ms. Vick: I am Jan Vick. I am a member of the Rio Vista City Council. I also filled out a Speaker Card so you can ignore it when you come to it.

Um -- we -- the City Council is very concerned and interested in all of the processes that are going on in the discussions of the Delta. In my investigations into the BDCP and when I have read your options document -- um -- and looked at the steering committee, and I would like to know where on the steering committee and involved in this process are the Delta stakeholders. There are no residents, farmers, cities or towns, recreation owners, sportsmen, or the Delta Protection Commission. They are -- we in the Delta are not represented on something that is going to impact every single one of us, and our livelihoods. And I really want an answer to that because I think there needs to be someone on the steering committee representing the Delta. Um -- the options that have come out of this -- um -- and also the DRMS is there's a lot of talk about an alternative conveyance, otherwise known as the Peripheral Canal. Um -- I want to know what studies will be done to determine the impact of the moving of significant amounts of water from the -- um -- from the Upper River near Hood. What will the extent of the salinity

intrusion into the Suisun Marsh, the Sacramento, and San Joaquin Rivers. This will impact our agricultural resources and every user of Delta water. Um -- what is the impact on the cross Delta transportation, the gas lines and the electrical lines of any action that is done. And I think you answered partly how will this interface with the Delta Vision Strategic Plan. Um -- it needs to basically be a part of that. There really should only be one plan. Thank you.

Mr. McGowan: Good evening. My name is Mike McGowan, the Yolo County Supervisor representing District 1, which includes the City of West Sacramento and the Community of Clarksburg and welcome to Clarksburg. We hope we provide you with a warm and lively welcome here. I think you'll get that today. My observation representing this area is that you will get very good, very intelligent, and very informed comments that you are looking for. We are frustrated at this point that -- and then in some ways we don't feel that there was really sufficient -- has been sufficient opportunity to participate and certainly to prepare for this meeting, although this large crowd seems to belie that -- that assertion. But nevertheless, we worked hard to get as many folks here to make comments as possible. But it does -- um -- what my observation is, and taking on

from the last speaker -- uh -- there is not a adequate opportunity as I see it, in the process for the -- both the local communities and the local jurisdictions to be directly involved. And whether that's actually at the steering committee level, or in some more formalized work group setting, it is imperative that you create a better opportunity to engage the varied jurisdictions that would be most directly affected and impacted by this. Uh -- one of the frustrations is what we see -- or what we perceive to be -- or perhaps fear is an attitude that there is some many other values that we're concerned about that -- that trump significantly the values of community that we -- that we represent here tonight, and the very important parts of our lives and lifestyles and economies, and the industries down here in the Delta. Clarksburg district is a thriving agricultural community. And Yolo County is working very hard to enhance the opportunities down here for our agricultural -- for the farmers and for the folks who live down here and who support that. What we are afraid of, and I think some of the preliminary suspicions or concerns that we have is that again, there will not be an adequate opportunity to really represent those concerns and help shape this project. I think that's the big -- the biggest function we have. Yolo County has a

general plan underway; much of what I am concerned about would run in direct conflict with our plans to revitalize, enhance, and support and nurture this part of the county. And primarily in an agricultural context. Seeing it become somebody else's water farm, or environmental habitat project at our considerable expense is unacceptable to us here in Clarksburg. I could go on. There are a number of concerns, specific concerns and questions we have. I've put -- I for one am concerned about the impact of additional flows from around -- more flows for a longer period of time along the -- uh -- in the bypass, down the deep water channel, and what those impacts would have in the surrounding jurisdictions, especially here in this particular area. But also for West Sacramento as well. West Sacramento is in the process of an extensive flood control project, and we're very concerned and curious about what other activities would be. Certainly we have concerns about the compatibility or lack thereof of a habitat plan that you all are working on or the one that Yolo County has been working on for a long time. And I think we have different goals in those plans. Certainly we would believe and expect that this particular project -- uh -- this plan would be collaborative work and harmonious with the work that's being done

by Yolo County. And -- uh -- I have someone else here this evening, Maria Wong, from -- uh -- in here to speak to you about that. So actually, in closing, I don't want to take much more time than I should -- I want to urge you to open the dialogue, to actually create a formalized place for places like Solano County, Yolo County, Sacramento County to be at the table. To be formally and legitimately represented in your conversations and your meetings. Um -- whether it's actually a member of the steering committee, which probably should have happened, with all -- and with all -- with all due respect, I look at the list of who we have on your steering committee, there's not one local jurisdiction. It's somewhat of an affront to me to see that it's places like Contra Costa, the Kern County Water District, and not any of the local jurisdictions that are more directly and immediately impacted by -- by what's going on here. So with that -- I thank you for coming. Hang onto your hats. It's going to be a good ride, but it's going to be an interesting one. And you'll learn a lot from the folks here in Clarksburg. So thanks again for taking your time to come down here and be our neighbors.

Chair: Thank you, Supervisor.

(Applause)

District Rep.: I'm at the microphone primarily to identify myself as being present. I'm District Representative for Congressman Mike Thompson who represents Clarksburg and large portions of Yolo County, and as many of you in the room probably know, he is a great champion on resources issues and received a very prestigious award from the Sierra Club just a few months ago. And is concerned both about the resource issues here, but also about the -- um -- the failure so far to engage our local jurisdictions. The process needs to be not just about the fish and the water, but about the land and the people who live here and who have farmed it through generations. So the sooner that the planning effort can become proactive and collaborative, I think that would be a win-win for all concerned. So thank you for allowing me this brief opportunity to speak.

Chair: Thank you very much. Okay, I'm going to go ahead and call names from the speaker cards that I have here. I have Maria Wong, Russell Van Logansells, and Ken Wilson. If you would come up.

Ms. Wong: Good evening. My name is Maria Wong. I'm the Executive Director of the Yolo Natural Heritage Program. And as Supervisor McGowan indicated just a few minutes ago, we're running a parallel process, another HCP and NCCP in Yolo County that the county has

been working on for many, many years, and I just wanted to remind some of the folks in the panel and the folks that are working in the BDCP that we are here, that we are interested in the same footprint that you all are working on, and that we look forward to collaborating and cooperating in the future on both of those efforts. I also wanted to comment very briefly on the content of some of the outreach materials that are coming forward. Um -- as I look at the BDCP Agenda, it's sometimes difficult to tell -- you know -- what the content of the meeting is going to be and where I need to pay attention. So I think the BDCP could do a little better job of indicating what's going to be discussed at the meetings going forward. Thank you very much.

Chair: Thank you.

Male: If I may just briefly. Uh -- he's not going to speak this evening, but I wanted to make sure that folks knew that -- uh -- the City of West Sacramento Mayor Christopher Cabaldo was here. He's also a member of the Delta Protection Commission, and many of my comments he shares. And so I wanted to make sure that you knew he was here.

Chair: Thank you for that. Thank you very much.

Mr. van Lobensels: My name is Russ van Lobensels. I'm a long time Delta resident all my life. And I jotted down just a few concerns that I have as you go forward with this conservation plan. You need to understand that when you put water in the Delta it doesn't stay where you put it. You can put it behind the levee and it pops up on the next island. So as you change -- as you plan to change the hydrology of the area, you need to be very careful about where you put water. You need to look at where -- what uses are on the property now. If it's intense farming, I would -- you know -- I think you should go some place else. There are opportunities in the North Delta to do what you want to do and to put together a good plan without making it very difficult for the intensive farming that occurs. I would encourage you to use boundaries that are known. Boundaries that exist today. And not cut across reclamation districts and create new boundaries. New boundaries bring all kinds of very unusual impacts. We have reclamation districts that operate for flood control and drainage that operate as a unit and they may not operate very well all split up. When you introduce species or create habitat that moves species around in the Delta you -- all you're doing is moving the impacts around from different people. If you move species away from the

water purveyors and you move them up into the Northern or the Western Delta, you create the same impacts for people who are using that water. You need to prepare and provide for mitigation for those impacts that you create for them. There are -- I believe -- opportunities in the Western Delta. You have a large area of public ownership in the bypass. You have an area that has flood easements already. It has water. And I think those are the areas that you should concentrate in the North Delta as your plan is developed. Finally, as you develop this plan, understand that we have many, many -- um -- many, many special districts that are dependent upon tax revenue. Yolo County -- if you make this a dedicated towards public ownership, you will destroy tax base for reclamation districts, mosquito districts, North Delta Water Agency, and Yolo County. So provide for that. Thank you very much.

Chair: Thank you.

(Applause)

Mr. Wilson: My name is Ken Wilson. I'm the president of Wilson Farms. I'm a third generation farmer. Um -- some of our guests here talked about the BDCP and some of the things that they are doing and I'm going to try not to sound too redundant, but -- uh -- what I had -- uh --

already written out beforehand was a little bit about what is the plan to mitigate threatening the endangered species. We have a host of wildlife species here in the Delta. Many animals I've seen -- um -- many animals I've never seen before 20 years ago are all of a sudden kind of showing up and in increasing but small numbers. Now these aren't all endangered, but I'm kind of putting in some other critters out there that are pretty well known as well. Maybe one or two that could be endangered, I'm not sure. But what looks to me like some mink I see trotting across the road once in a while. Otters, tree squirrels, Swainson's Hawks, Cottontail rabbits that disappeared for years, and have now come back. Now 1,000's of animals that live under the ground like snakes and many -- much of their prey. And I find it interesting listening at -- you know -- there are some species that are endangered that are worth taking, and some that aren't worth taking and it just kind of seems like -- uh -- God is among us here in the flesh sometimes. You must have a very extensive EIR on every single species that's out here that might be affected. We need to know of any and all endangered species. I would suspect that it would be -- it would take many years before you have enough data, and factual information being that you'll have

to cover 10's of 1,000's of acres just around our backyard here, and 100,000's of acres throughout the Delta if you're considering flooding. You'll also need to study adjacent lands to this project, because this project will have an enormous impact on these lands as well. We want to see a very detailed report before any of this begins. Thank you.

Chair: Thank you.

(Applause)

Chair: So next up I have Jeff Merwyn, Jane Alshorn -- I'm sorry if I mispronounce your names -- and Tim Waites.

Mr. Merman: Good evening. My name is Jeff Merwyn. I'm a 5th generation California farmer, 3rd generation here in the Delta. Thank you very much for the opportunity to speak tonight. Um -- I found out about this meeting yesterday, and I concur with what was said earlier about -- uh -- no stakeholders being part of the steering committee. Um -- I think that's unconscionable, frankly. Um -- but -- I'm going to go on. Um -- most of what my comments address have to do with -- uh -- four different options that we saw that actually appear to have been taken out of the Senate. A presentation to the Senate Natural Resources and Water Committee Hearing on the Governor's Delta

Actions by Lester Snow, Director of Department of Water Resources, March 11, 2008. And my understanding, and I'm also a Farm Bureau Director for Yolo County, I should have known about this through that, because they're part of the CFBF. I'm also a Yolo County Planning Commissioner. So I understand the EIR process. Okay, my understanding of the scoping is that we're here to scope the EIR, which is what you talked about. If you're doing an EIR, you already have a rough outline of what you're going to do. The fact that Lester Snow would address the Senate with documents with maps that include our area, scares me. Okay? Here we go. I urge you to cut -- and I'm very serious about this. This is going to sound kind of funny. I read it out loud and it sounded kind of funny, but I urge you to include at the top of your Protected Species List, the California Delta Farmer. Agriculture has co-existed --

(Applause and cheers)

Mr. Merwyn: -- agriculture has co-existed within the Delta environment since the Gold Rush. And all four options proposed as a conservation strategy appear to significantly threaten, if not completely exterminate, this vital species. I was under the impression that the Delta Protection Act was created in large measure to protect Delta agriculture. What

happened to that? I farm about 2100 acres in the Clarksburg area. I'm a -- just a typical farmer, okay? One of the primary crops that I grow is alfalfa for dairy hay. My 1,000 acres of alfalfa enables dairies to produce enough milk to supply 61,000 people their per capita consumption of milk per year. Don't let that 150 people fed by a farmer fool you. My neighbor grows 1,000 acres of processing tomatoes. We supply about 1.5 million people their per capita consumption of tomatoes per year. Clarksburg produces virtually the entire world supply of dichondra seed. In the hood of it, you're not alone. We are the tip of the iceberg. Yolo County is the 5th largest agricultural community and the leading agricultural state in the nation. Even though just 5% of Yolo County farming lies in the Delta, it generates more than 20% of this community's agricultural revenue. Not only are we helping to feed people, but we also pay property taxes in assessments on our farm land. So as tax and inputs in personal and corporate income taxes, too. We hire services and buy supplies from companies that help us fertilize, protect, harvest, and haul our crops. The people that help us grow our crops live on our farms. Many with their families. These farms are what make the Delta communities function. And when they hurt us, then

the communities wither. We are environmental stewards of our land and water. We'd be foolish not to be. The land provides our livelihood, and the water is our life blood. We are extremely careful about how we use our water, and we participate in the watershed coalition which monitors and helps improve our use of water. In my lifetime, I have seen a tremendous increase in the diversity of wildlife on my farm. One day last Fall -- last Fall I counted more than 150 Swainson's Hawks in one harvested wheat field that we were discing. We were all hunting. It was the most incredible site I've ever seen in my life. The Delta -- and -- and I didn't see them when I was a kid. They are here now. And I would agree with what Ken Wilson said, the Delta is a vital and an economic engine in a beautiful region to have in Northern California. All of the distinct and unique communities that exist in the Delta continue to exist to support agriculture. Eliminate agriculture to restore native habitat, and you will create the following problems adjacent to and up wind from metropolitan areas like Sacramento. No property tax revenue. No economic production. Increased mosquito pressure, what is now Bird Flu, and virulent encephalitis, malaria, and other insect pressures. The last couple of years out where I live, the minute

pirate bug has become particularly obnoxious to our quality of life. Spore a grain of rice and it fills every nook and cranny when it flies. Putrid odors born on the cooling Delta breeze would arise from lowlands since they dry out seasonally. I know exactly what you have to expect and look forward to. I live 200 yards from the Yolo Bypass, and I live downwind from government owned, managed wetlands.

Chair: Sir, if I could ask you to wrap up, please.

Mr. Merwyn: I'm wrapping it up. Because I love fishing, because of our location I benefit from relatively inexpensive and readily available water. I find it inconceivable that it would be more beneficial to the state to convert my ranch to tully's in order to allow a farm 100 miles from here to exist with much more expensive imported water. Or to even allow even 100 more houses to be built somewhere. Thank you very much.

Chair: Thank you.

(Applause)

Chair: Sir, I'm going to let -- uh -- Ms. Alshorn go. She's right here.

Mr. Waites: Oh.

Chair: Yeah, sorry. You need that.

Ms. Alshorn: Yes, I do, thank you. Good evening. My name is Jane Alshorn and it's perfectly obvious I am physically challenged. I am physically challenged and I want to speak to you tonight about the public health issue of more and extensive wetlands. I am in this wheelchair and have been since 2005 because of one mosquito bite. I contracted West Nile Virus. I will be paralyzed partially for the rest of my life. I can deal with that. What I can't deal with is having other people suffer the same fate. I spoke today with Vector Control. They have absolutely no idea of this entire project. I -- I have been their spokesman for the last three or one of their spokespersons for the last three years. And I cannot -- and there's no way that I can impress upon you the terrible, terrible danger of mosquitoes. It's -- it's far reaching. Your life can literally change overnight. Literally. One day I could walk, the next day I couldn't stand. And it's terribly, terribly important that we get all of the agencies involved that can help us in this sort of a situation. Yes, this is my personal ax to grind, but it's also my obligation to tell you that it could happen to you.

Female: (Whisper) Speak right into the mike because they can't hear you.

Ms. Alshorn: That's it.

(Applause)

Chair: Thank you very much. And Mr. Waites, okay.

Mr. Waite: My name is Tim Waites. I'm -- uh -- representing myself as a local landowner, and also the -- uh -- Clarksburg Association for Wine and Grape Growers and Vendors. Um -- first I want to talk about -- um -- private property. Um -- this area has a lot of large ranches on it, a lot of them farming grapes and alfalfa, and other things like that. And what that allows us to do is to work as a community to do some things that are very important for the area, but also very important for the Delta. I happen to live on a large lake in the area. Lake Winchester. And I selected that as my permanent home site. In fact, I have a foundation for a home going up there now. We work very closely with the people that are managing the water through a rec district. The landowners chip in. We have recreational activity that goes on in that lake through a water ski club. They chip in and maintain the banks on that. We work to keep the reeds and the other problems down jointly. And we get a lot of good things done. And we follow all of the regulations, too, which are becoming quite burdensome, very expensive for permits, and all of those sort of things. I'm sure you'll hear a little bit more about that from some of

the others. Um -- the other thing I want to switch gears to is -- uh -- the wine economy. Un -- our area has recently been named one of the best areas -- uh -- to develop and -- and farm wine grapes. It's -- it's got a lot of the resources that are lacking in other areas. We're not as well known as many of the others, but -- uh -- we produce a very, very fine product. We have about 10,000 acres currently in production, and we have another -- uh -- 2 or 3,000 coming on through long term contracts. Um -- so we have quite an uncommon hill to protect. We have homes. We have farms. We've got people spaced out far enough to where there is breathing room between. We don't want to become a subdivision. And we certainly don't want to become a flood pond. And, believe me, we have the resolve to fight. Whoever would -- would want us to go that way.

Chair: Thank you very much.

(Applause)

Chair: Okay, I have Katherine Merwyn, Andy Wallace, and Bill Worrell.
Is that right? Okay.

Mr. Worrell: Yes.

Chair: Okay.

Mr. Wallace: I think Kathy Merwyn had to leave, so I'm going to jump in here.

My name is Andy Wallace. I live -- uh -- here in Clarksburg. I'm 3rd generation. My -- uh -- kid is right over here -- a 4th generation of Wallace's here in this town, and I have 12 acres of apples that are farmed by a local farmer here that -- that I own. So, I have a few procedural comments here. Number one, it is important to the people of Clarksburg and the people who are interested in the project from around the state to keep our comments in the record in their entirety. And not reduce our individual comments into general or combined comments. Number two, the documented and undocumented impacts of this plan directly and indirectly affect the people of Clarksburg. Yet, the people of Clarksburg carry the burdens but get none of the benefits of this project. Number three, this admirable goal for quote, "fixing the Delta" is meaningless if at the end of the day it ends up creating just enough smoke to keep transferring more water to Southern California. There is nothing co-equal --

(Applause)

Mr. Wallace: -- there is nothing co-equal in California water politics. The Delta and its people are always going to come last. Number four, the nature and character of the Delta today is recognized as valuable in

this document, yet our redevelopment interests are specifically rejected by this document, replaced with the unbridled growth of Southern California. This is an arbitrary and capricious attempt to shift the burden of development on the very people who are themselves not able to develop. I'll assess some technical issues. Number one, tidal marsh wetlands have significant odor problems as anyone who has driven by one knows. Thus create objectionable and nuisance odors for the community. How will these be mitigated? With regards to the restoration of these tidal marsh wetlands, Clarksburg has never had this type of wetland. We are too far north, so it would be impossible to restore what we have never had. Number two, by improving habitat for Delta smelt, other listed species could begin using the area, and potentially be creating new legal issues for the community further reducing our ability to exercise our property rights. How will the community be protected from the consequences of this likely impact? Consider this a request for a Clarksburg safe harbor agreement. Number three, if West Nile Virus increases in this area, it is expected to have significant impacts on native birds. How were these impacts analyzed and mitigated for? Number four, water transfer should be deleted from this

process and the health of the water shed should be the primary focus of these efforts. If it could be proven that the species that use the Delta can be managed sustainably over droughts, then you'd begin discussing water transfer. Number five, converting fresh water habitat to brackish water habitat will have negative influences on the ecosystems that have adapted to the upper Delta, leaving this area as one of the last reservoirs of species such as listed turtles and birds. Now the state wants to reduce their habitat for a fish that is largely limited by Southern California's water intakes. The sole purpose of this document is an attempt to comingle the issues of habitat restoration and water supply. Finally, loss of farmland in the Delta will have ripple effects with ag equipment suppliers, truck dealers, seed suppliers, etcetera, where good paying stable jobs will be directly impacted and lost. How will this plan mitigate the losses of those jobs? Thank you.

Chair: Thank you.

(Applause and cheers)

Mr. Worrell: Thank you for -- uh -- letting me speak today. I'm definitely not a public speaker. My name is Bill Worrell. I'm a native of Antioch, California. We're probably like the striped bass, I'm not a real

native, because I've only -- my family has only been here one generation. I'm a fat, disabled old man, probably not safe to drive the Delta roads after dark. I'm representing the Sportsmen's Yacht Club in Antioch, and mainly myself. The reason we're here today is public trust. You folks are -- are trusted or entrusted with the public trust. It's not to do about water. It's not to do about money. It's public trust. You are public officials, public employees, you owe us the trust. Alternative conveyance, Peripheral Canal, or Love Canal, it's wrong. California voters approved a \$4 billion dollar bond issue to repair and improve the levees. This is what the public warrants. Not a cement lined canal. Who cares about the Delta smelt? It's a small ugly fish. It's a barometer for the ecosystem though. Today there's no salmon fishing in California. Folks care about that. It's been forecasted that little guy, the Delta smelt has forecasted it. No salmon fishing in California. This follows no or limited what they call bottom fish in the ocean. Use to be you could catch a gunny sack full of bottom fish. Now you could catch 10, now it's limited. We blame pollution. Blame farming pollution. We even blame the striped bass. We've lost Riparian Water rights in Antioch. Go back to the Gold Rush. The water is not fit to pump. Canal will make

Contra Costa water unable to drink -- unsuitable to drink. We can't take more water. It's public trust. Thank you.

Chair: Thank you.

(Applause)

Chair: Jerry Spain -- is that right? Mark Wilson, and Mary McTaggart.

Mr. Wilson: Mark Wilson, with Wilson Farms and Vineyards in Clarksburg.

And as far as the scoping issues, I have some questions. Is the BCDC Plan consistent, or will it be consistent with the Delta Protection Act legislation and management plan in all respects?

How much water will this plan consume month by month on an annual basis? How will public health and nuisances from increased insect populations be dealt with, especially considering prevailing wind patterns and proximity to small and large population centers.

How will invasive species be reliably excluded from new tidal wetlands and shallow water habitat? What mitigation measures will be taken for each of the known invasive species that already inhabit the Delta if they become established in any new tidal wetlands or shallow water habitat? Considering the increase in the amount of habitat recommended, and the desired current activity of the various habitat types, how will invasive species be reliably excluded from

the tributaries to the Delta? What mitigation measures will be taken for each of the known invasive species that already inhabit the Delta if they become established in any of the tributaries of the Delta? How will the increase in number and concentration of tunneling and burrowing animal species that will derive from the increased available habitat affect infrastructure in and around the edges of the Delta? What are the projected labor requirements and projected costs with and without overhead costs included for the management of the new habitat that is proposed? What formulas and assumptions will be used in calculating these costs? And I'd like to see these -- uh -- these costs -- uh -- going out to 2050, so we can get a better view of -- uh -- the total cost of the proposed actions. What is the financing structure going to be for all phases of the proposed physical and management changes from the BDCP Plan? From its execution onward through the 2050 and out 100 years. Thank you.

(Applause)

Chair: Thank you.

Mr. Wilson: And we turn in questions to who? I've written documents to turn in.

Chair: Yeah -- written comments and questions at the back table where Ms. Wong is.

Mr. Spain: Good evening. My name is Jerry Spain, resident of Clarksburg, Chair of the Clarksburg General Plan Advisory Committee. A couple of things about your -- as I'm watching and listening to this. First comment is, if it wasn't for one of our local citizens hearing about this meeting tonight, you wouldn't have anybody here.

(Applause)

Mr. Spain: That doesn't get us all off to the most trusting starts. Secondly, as we're going through this, even your own information -- uh -- it all points to diversional water. It's almost like this whole -- everything is about diversion. Protect the fish, get a judge off your back, and convey water. Secondly, the model assumptions. Are these the same model assumptions that they're using elsewhere throughout the state? There's several of them. Which one is the right one? DWR has about a 16-inch model assumption if the earth continues to warm. And even that model is suspect. There's a lot of folks that say that it's not warming. So here we are fixing to create a policy that is going to go and stretch out 50 years beyond, out to 100 years? When I was in high school, I remember one of my teachers telling us that the best thing we could do for mankind is figure out how to stop global cooling.

(Laughter)

Mr. Spain: Also, as I'm looking through here, one thing I don't see or in any of this literature, is the human habitants of the Delta. No mention whatsoever.

(Applause)

Mr. Spain: I find that to be a critical oversight, because human beings that have grown up in this Delta and created this Delta have been the stewards of this Delta for 100's of years. It's not the Delta Vision nor is it the BDCP. We have to be very concerned about the direction that you want to take us. Especially when the stakeholders themselves -- there is not an elected official on any of these. They are authorities. They are water agencies and districts. And who are these folks beholding to? It's not the voters. That has a lot of us very concerned when as we read through this stuff, and try to figure out when as the direction of this is ironed out, who answers to who, and who is going to answer if this whole thing turns out to be a huge problem for all of us. You've heard a lot of concerns about vector control, about potential taking of species, I'm concerned about the taking of land, the taking of water, and the taking of a way of life.

Thanks.

Chair: Thank you.

(Applause)

Ms. McTaggart: My name is Mary McTaggart. I'm a resident of Reclamation District 307, which is just north of here. I grew up here. My 96-year-old father and my 90-year-old mother live next door, and my grandparents came here in the 20's. I've just come back recently. I just found out about this meeting, so I can't be quite as articulate as the people who have already spoken, but one thing has been on my mind recently. I was reading in the beginning of the Delta Vision document where it says -- it's talking about the history of the Delta and how it was formed or let's say how the levees were formed, and it says to quote, "when levees were built, most celebrated the new farmland and few thought of what might be lost." And I'm worried about that. Because I see now that there's a new interest in the Delta. It sounds like we want to go back to the way things were, and yet, I don't think people are thinking much about what might be lost, namely the farming land that was produced in the beginning. Um -- today's paper, there's an article in here about a scientist questioning whether so much land should be diverted to raising ethanol. Now it's growers and farmland that are doing that, and yet, the scientists

who are -- um -- they're saying we need to feed our stomach before we feed our cars. Nations need to rethink programs that divert food such as corn and soy beans into fuel, given the burgeoning worldwide food crisis. Um -- you can't grow -- you can grow ethanol on farmland, but you can't grow food on anything else. And so, I'm just worried about the loss of the farmland we have here. Some of the richest farmland in the world. You know -- I think that I read recently that the United States became a net importer of food sometime in the last two years for the first time in its history. Now that's kind of scary. The other thing that I see relative to this is the fact that there's a lot of plans going around, or thoughts going around about turning farmland into habitat, or wildlife friendly farming. I think that's the term that I've seen all the time. And I even understand that the governments are preparing to pay farmers so that they will farm in this way. Okay? But you know -- it bothers me a little bit, and it worries me, because governments can't react to needs like private enterprise. For example, if you drive around this area this year -- right now -- you will see acres, and acres, and acres of wheat. Two years ago you didn't see hardly any. Now how did that happen? Well, there's a need for wheat. But if the government

was involved in deciding whether to farm wheat this year, it might even take 10 years before they could come to that decision. And you know what? I just -- I just can't -- you know -- and as soon as you have an ag conservation easement or wildlife habitat easement on your land, then you have a silent partner that isn't going to be so silent. And I think that the farming industry will be affected by that. Um -- I think that's all I have to say at this point. Thank you.

Chair: Thank you very much.

(Applause)

Chair: Sue Stevenson, Martin Hill, Peter Stone.

Ms. Stevenson: Good evening. Thank you for holding this meeting. My name is Sue Stevenson. I live in Livermore, California. It's a little under 100 miles away from here, so I drove a long way to come and talk to you tonight. I work at Dublin/San Ramon Services District. We're a water, waste water, recycled water, retailer. So I'm very concerned about the State of California's infrastructure water system throughout the entire state on several different levels. Um -- I feel like it's struggling to meet the needs not only of the aquatic life forms, but also the people who want to drink the water that's supposed to pass through this Delta, and the farmlands that need it

for irrigation purposes. So we need a sustainable water system for the entire State of California, and I think a critical part of that sustainable water system is a sustainable Delta. And so we need to improve the Delta. And what that means -- the Delta affects all the other ways that the California water system functions. We recycle water in the Valley. That's a big part of how we're able to maintain our Valley and to have a green valley by recycling water for irrigation purposes. And that's a critical tool, but without a sustainable Delta, that's going to impact things like recycled water and local storage of water, and all other elements that are part of the entire infrastructure. So, in essence, no action is not an option. You need to act -- I always am amazed how long it takes to make things happen with the government. Echoing a little bit of what the previous speaker said. So I encourage you to act and in a thoughtful way. And I also would like to say, at the risk of upsetting most of the people in this room, I think of the Delta as the heart and soul of the entire California water system, and maybe bypass surgery -- maybe a canal, a pipeline, an alternative water conveyance system would be a good thing. And it would make it a sustainable Delta, which would make a sustainable water system. Thank you very

much.

Chair: Thank you.

Mr. Hill: Hi, my name is Martin Hill. I'm a resident here in Clarksburg. I have a few questions. I believe here in the Sacramento Region that - that the gopher snake and the Swainson's Hawk are both on the highest part of the endangered species list. I'd like to know -- I'd like to know with you folks if the endangered species list -- if one species trumps another? Um -- I don't believe that these things could survive in a marsh wetlands. Um -- the other question I understood tonight by listening, that the concerns of a seismic event were almost imperative. The fact of the matter is I don't believe there's ever been a seismic event here in the Delta, and I would like to know where that information comes from. And third, but not least, if this is just another futile way to get water to L.A., why don't we just bypass all of this and you just tell us that that's really the way it is? So -- anyhow, I'm done.

Chair: Thank you.

(Applause)

Mr. Stone: Hello, my name is Peter Stone, and I'm a resident. I live on a farm just across the river, but consider myself a part of Clarksburg, which

is a town that has one of the distinctions of one of the longest running Boy Scout Troops in America, 80 years with 100 Eagle Scouts, two of which are mine. And I consider it a privilege to be a part of this community.

(Applause)

Mr. Stone: Unfortunately as a number of speakers have mentioned, I've only had about 40 minutes before the meeting started to even find out. I had plans tonight. I had to cancel those plans to come here. And so I apologize in advance for the fact that unlike some speakers, my comments won't focus on EIR's and EIS's and BC's and HC's and PC's and things. But actually, the one thing that really got my attention in the -- in the presentation where out of all those letters that I couldn't understand, was the chart that showed the two circles. Conservation of Species, and Water Sources -- equal and one won't trump the other. But I didn't see anything about levees, which sort of tie into preserving the farmland and the people's homes, and sort of what goes on around here. And -- and I'm concerned, because I live on the levee, and I really appreciate the efforts of those folks from State Water Resources Board to drive around trying to take care of our levees. I really appreciate what they do. Have a chance

to talk to a lot of them. Because I'm around. I work at -- at my home. So I'm there all the time. And when they come by, I go out to see them. And I appreciate what they do, but I'm frustrated. Because when I talk to them, just the regular workers, not the guys with any fancy titles, they talk to me about the things that they know should be done to protect the levees, but the other group that's on the other side of the levee won't let them touch -- the Fish and Game won't -- you know -- they're totally on the opposite side of things. So I'm concerned as I hear about all this new planning that's going on. How do we make sure that conflicting assumptions at various federal and state agencies will in fact not just be perpetuating things that don't work, by their own admission. You know -- I'm just concerned, sort of with the notion of, well, it's all about global warming, or is it global cooling, or -- you know -- what's the flavor of the decade. Okay, and with just a couple of other things -- you know -- when I was looking at one of the charts over on the side there, it sounds like -- you know -- there's a big focus on the diversion of water for Southern California. And it sounded like it's - - you know -- the system is broken and so we must fix it. Okay, that's great. But are we gonna fix it where all the fix is required to

come out of reducing the water rights and everything of folks here, versus saying that the Southern California water is inviolate? They get every ounce of whatever it is that they're supposed to get, but it all comes out of the hides of the folks here in the Delta, which means a lack of farming. Another thing I just thought was very interesting - - you know -- and this is just an observation. A lot of these -- these species of animals -- Canadian Geese, Swainson's Hawks, pheasants, Sandhill Cranes, we just love seeing them fly over and they don't read the signs. They stop on our farm. You know -- they just love it. I mean -- huge, huge flocks of these birds, that don't know they're supposed to go over to the Stonelake's Wildlife Preserve. They stop at our farm. We love to see them, and they love it there for some reason. So I think we've got to realize that just what comes up in a text book or a neat study doesn't necessarily mean that that's the way it works.

Chair: Thank you.

(Applause)

Chair: Julia McKiver, D.J. Anderson, and Steve Harringer.

Ms. McKiver: Good evening. My name is Julia McKiver. I'm actually here representing Yolo County. Um -- I wanted to thank you for making

this effort to involve the public in this state and federal planning effort. And I would certainly echo the comments of Supervisor McGowan earlier and add one more point, perhaps. Um -- the county would like it to be very clear to the state and federal agencies and all of the other folks that are involved in creating BDCP that heretofore, local government has been excluded from the process, and that needs to change. You are hearing a lot of -- I think -- very interesting, valid and smart concerns from the folks that are here tonight. Yolo County is involved in the process of a general plan update, and part of that update includes specific proposals to protect the viability of agriculture in this area and enhance the vitality -- the economic vitality of this region. We'll be sending you a letter describing this in a lot more detail for the written record, and we're counting on you to restructure the BDCP development process to make it possible for us to work with you as we move forward.

Thank you.

Chair: Thank you.

(Applause)

Ms. Andreson: Hello. Thank you for listening to me tonight. My name is D.J. Andreson. I've been a resident here for 20 years, and I'm a lucky

survivor of West Nile Virus. Um -- although I still suffer some of the symptoms, I consider myself fortunate because I lived. I understand one in four don't. Uh -- Charles McDowell from Grand Island was not so lucky and he passed away due to a long illness caused by West Nile Virus. It's a devastating disease, and we don't have a handle on it. We still have birds dying out here. We have chickens contracting the disease. And people are getting sick. Building a shallow water refuge here is paramount to creating an incubator for West Nile Virus. And that would infect the entire Sacramento Valley, not just little Clarksburg. Um -- if the proposal is to eradicate the mosquitoes that will come with that water, using the -- uh -- what is it the Evergreen 60-C that we're using now, that will also kill all the other insects, beneficial and otherwise. And the fish that we're trying to save, will die with no food. I urge you to reconsider using our area. Thank you.

Chair: Thank you.

(Applause)

Mr. Harringer: Good evening Committee Members. I'm Steve Harringer, 5th of 6 generations of Harringer family to farm Clarksburg soils. Many families in the Delta have farmed multiple generations. And over

the years have grown a large variety of row and field crops. We have had to evolve and adapt our operations in order to maintain economic viability to ensure the sustainability of the family farm for future generations. During the last four decades the growers have planted over 17,000 acres of our Upper Delta Region in premium wine grapes. Our crops have proliferated in quality and yield, and the Clarksburg Delta has earned the reputation of being the Banana Belt for premium wine grapes among California wineries. We have invested heavily in vineyards which have a life expectancy of 25 to 30 years. And can stay economically viable for up to a century. In 2005, the UC Cooperative Extension published cost to establish and produce wine grapes in our region. The study documents the requirement of in excess of \$16,000 per acre to develop a good vineyard. During the past 3 years of dramatically increasing steel, vine, labor, and fuel costs, that investment will easily be in excess of \$20,000 per acre today. That equates to a total investment in vineyards and infrastructure alone exceeding \$340 million dollars in District 17, the Upper Delta Region. The California Association of Wine Grape Growers completed an economic impact study last year of California wine and grape growers contribution to the state and

U.S. economy. Extrapolating those economic impacts to just our 17,000 acres of wine grapes, we create in excess of 11,000 full time equivalent jobs in California, and an additional 13,500 jobs nationwide. This generates \$357 million dollars in California wages and almost \$900 million dollars in wages throughout the U.S.A. Taxes generated from our wine grape acreage exceed \$107 million dollars to the State of California, and an additional \$64 million dollars nationally. In excess of 700,000 visitors with tourism expenditures exceeding \$71 million dollars are attributable to our 17,000 acres of grapes. Our Yolo County Supervisors have partnered with us to keep our unique Upper Delta area agricultural. We adopted sustainability generations ago to ensure the farming and enjoyment of our Delta region for the benefit of all of the people of our great state. We will not now stand by idly as the objects of an environmental experiment based on presumptions. We will, however, stand with you to fully utilize existing flood control infrastructure such as Yolo Bypass to ensure better flood protection for the Sacramento Area. Thank you.

Chair: Thank you.

(Applause and cheers)

Chair: Let's see, I have Peggy -- I'm sorry, I can't read the last name, Peggy. Boehl? Okay. Great, sorry. Uh -- Bob Webber, and Hal Shiplet -- Shipley, thank you.

Ms. Boehl: Good evening. My name is Peggy Boehl. I am not a farmer -- do I -
- nor do I make any pretenses to know anything about farming.
However, I was quite concerned when I received that email yesterday stating that Clarksburg and our rich farmland was going to be turned into a tidal marsh. It almost drew me to a flashback when I was shopping in Costco a week ago and I saw rice being rationed. Rice being rationed in the United States of America? It was almost inconceivable. But news reports followed where the same might happen with wheat. There is a world crisis before us in agriculture. For example, in Northern China, wheat production has ceased because of a lack of water. Everyone in this room knows about the human suffering that occurs in Darfur and Somalia because of starvation. So what do we have here in Clarksburg? Under state law, Clarksburg is an agriculturally protected area. The Delta Protection Act of 1992 fathers the Agricultural Uses. The farms in Clarksburg grow so many varied crops, grapes, walnuts, pears, that I probably would use up my 3 minutes in talking about them all. The

yields here are incredibly high due to the rich farming and climactic conditions. These conditions are relatively unknown in other parts of the world in agricultural areas. And it's amazing but Clarksburg represents only 5% of the land area in Yolo County and produces 22% of Yolo's rich production. To deny that production would be devastating to not only the county, but to our farmers. And in conclusion, the question that I ask you to answer when you do your EIR, are you planning to do a cost benefit analysis of these 30 to 40,000 acres taken out of food production for world markets and human consumption if a tidal marsh should be implemented here. I really cannot believe that a tidal marsh concept will ever come to fruition here in Clarksburg with its rich agricultural tradition. There is a place for tidal marsh, but not here. To do it here would be shameful. The Yolo Bypass can be expanded. Liberty Island, and other islands to the south of the Delta are perfect candidates. There is a world food crisis. Humans will surely become an endangered species if we continue to violate our agricultural areas and take rich farmland out of production. Thank you very much.

Chair: Thank you.

(Applause)

Mr. Webber: Good evening. I am Bob Webber. I'm the manager of Reclamation District 999.

Chair: Could you move the microphone up? Yeah -- thank you.

Mr. Webber: So welcome to Reclamation District 999. We have a couple of people that -- uh -- with a one day's notice can provide a little entertainment for you. The Clarksburg District 999 was formed in August 10th of 1913. It was formed under the Reclamation Act of 1868. We are very concerned that to convert this area to wetlands would eliminate our district, eliminate flood control as we maintain and operate 33 miles of federal project levees. We maintain and deliver irrigation water to 25,000 acres. And we maintain 260 miles of ditches, which are filled with invasive weeds which just raise heck with us. And if you create any kind of wetlands, and you don't have a solution to the invasive weeds that are coming from Asia and all around the world, you won't get what you think you're going to get. You're going to get a mess. The district is very proactive and environmental friendly. Erosion control projects on our levees. We do brush boxes. We plant tully's along the water's edge. We plant willow trees, and we're really able to let the rivers and byways generate riparian areas along the edge of the water. We've put in a

fish screen this last year that screens for Delta smelt and for salmon. So we divert the water off the Sacramento River, and we are currently screened and we are currently participating in protecting the species that you choose to protect as well. We would ask when you do your EIR process, and your -- as you do your plan, that you carefully consider that you're in compliance with all the federal and state reclamation law. And that you also when you use water for a wetlands, you're gonna be using water, and we ask that you carefully evaluate the current water rights law, and how your plan effects water rights of the people in the Delta. Thank you.

Chair: Thank you.

(Applause)

Mr. Shipley: I'm Hal Shipley I'm a director of the Clarksburg Fire Protection District, and I'm sort of surprised that folks are talking about the lack of time. Our firefighters have a turnaround time of six minutes. So a full day seems very appropriate. I've had an opportunity to review the draft of the Conservation Strategy and the four options that it encompasses. And I have some major concerns. First , I would just like to say that any flooding that would prevent access to our emergency vehicles anywhere in the Clarksburg District would

be very detrimental to the folks who live here. We need access and we can't allow in any way flooding of the farmlands around that area. We have 331 farm units in the Clarksburg District. 243 of those are small farms, 50 acres or less, and quite a few of them are 20 acre farms. We owe these folks -- these farmers a duty of protection, and that's the Fire Protection District's job -- is to provide emergency access to medical care and fire prevention. We have on average 52 medical aid calls a year. About 26 vehicle related calls that's either accidents or fires of vehicles. These numbers seem sort of small, but when you consider that it may be your parents, your sons, daughters, or yourself who has the emergency, then I think you'd consider this probably the most important moment of your life just to have someone respond. And that's what our district is about. Our district has a great need -- a tremendous need for a new firehouse. And we're working on that. But we're looking for a location to build it, and we need funds to build it. Funds have been a major obstacle for our Fire Protection District for many years. We cover an area of approximately 53 miles -- square miles. The Dunn and Bradstreet's Zap Database shows Clarksburg with 70 businesses, 29 of which are agricultural.

These businesses provide employment for 540 employees, which represents about 41% of our population of his district, and about 44% of the income to the Fire Protection District. To provide health, welfare services and the necessary coverages for the district, we cannot allow the district to be flooded. We just can't. Thank you.

Chair: Thank you.

(Applause)

Chair: I'm going to try this one, Don Kenochio? Is that right? Or close? And Topper-van Logansels.

Mr. Fenochio: Good evening. Thank you for being here, even though it was short notice. My name is Don Fenochio. I've lived in Clarksburg for over 55 years. My mother's family came to Clarksburg long before that. She was born in our area over 100 years ago. A little history here. Her family farmed, fished, and hunted in this area. My wife and her family have also an equally long history here. I came back to work in the Clarksburg system -- in the school system because I felt I had a dedication to the Delta. A dedication to the small towns, and to the people who inhabit them. I served as an educator for almost 40 years, right here in the Delta, in this very room, from Clarksburg to Rio Vista. The Delta is more than a water shed. It's more than a

delivery system to areas south of us. It's home to a large number of people who have made their homes here. Have made their living here. Have raised their children here. And who have worked hard to make the Delta a wonderful place to live. A wonderful place to raise their children. Incidentally, as I look at all the posters, I don't see any of the most endangered species to which Mr. Merwyn alluded. And that's people.

(Applause)

Mr. Fenochio: The Delta -- the Delta is a location of a number of small historical towns that have survived the difficulties of being in a flood plain. All of the citizens of the Delta have contributed to the preservation of a way of life that has developed into a strong society. Any plan to change these historic places -- these historic towns just appall me. And when I speak of the towns, I'm also speaking of the surrounding farm areas. Those people who farm out there around the little towns are also members of the town. This kind of plan that I see here actually stops any kind of growth and progress that is necessary to maintain the character of these small towns. The plan that I see being presented will destroy the character of the Delta towns. You should, and you must, study plans to protect these existing

communities. The EIR must study the impacts of a myriad of community issues, including but not limited to such issues as declining population, the effect of such plan on schools. The existing community habitats. Health, the existing environment. Social activities including churches, scouting, fire services, libraries, police protection, as well as regular community social activities. These existing Delta communities cannot be discounted. They are an important part of the State of California. Your EIR must address these and other community concerns. How will you protect the people of our important communities? How do you protect -- plan to protect the way of life that has endured for more than 100 years? Please, in your EIR tell us how you will do that. Thank you.

Chair: Thank you.

(Applause)

Mr. Fenochio: Incidentally -- incidentally, I encourage each member of this panel to read this book, The Great Thirst, written by Norris Dudley, Jr. And it has to do with all the water wars that occurred in Southern California. The main character here is named Molholland. I hope we don't have someone by that name around here.

Chair: Thank you.

Mr. Fenochio: Thank you.

(Applause)

Mr. van Lobensels: Good evening. As Steve Harringer was up in front of you telling you how many generations of his family -- I began counting on my fingers. Steve, you've got me beat by one generation. My name is Topper van Lobensels, Delta landowner and member of the Delta Protection Commission. There are several commissioners here this evening, and we take our job very, very seriously. And we're charged with many, many things, but some of our key responsibilities are number one, preserve and protect ag lands. Number two, preserve and protect those reclamation districts that allow those ag lands to flourish. Number three, protect tax base, tax base for the county, tax base for the schools, tax base for those districts. And number four, to attempt to minimize flooding in any way we can of Delta lands. And when I got here this evening, I walked over and I looked at Station #4, and that would have tremendous draft negative impacts on all four. And so -- it's one of those things that if you're not familiar with this area, and you live someplace else and you get out a map and you start drawing lines on the map and you don't know what's there, it would be easy to make

the mistake that you've -- you've made. Several in the room here were at an all day Delta Vision Meeting. At the end of the meeting I walked up to the moderator and I said, do you know anything about BDCP? What's this all about? And he said, he wanted me to enter into the public testimony that BDCP and Delta Vision are not related. They are two entirely separate processes at this point. But being realistic, here's my fear, if this gets traction, and it gets a name, and it starts moving forward, this may be merged at some point with Delta Vision. So I think we have to be very, very careful as we -- uh -- as we move forward that we don't give something a name that may never, ever have any traction. So what I -- what I would like to do is recommend to you exactly what the Delta as a place is recommending to Phil Isenberg. Is number one, I don't know and you don't know -- the scientists don't know if what you're proposing here is going to work. So number one, it has to be reversible. It has to be an experiment or a test spot that's reversible. When you remove pear trees, you remove wineries, and you remove trees, that's not reversible. So, I'm going to say to you what I said to the Isenberg committee. Number one, has to be reversible. Number two, you're always going to go to publicly owned property first with

an experiment. And that's federal or state owned property. If you can't find federally or state owned property, you go to where property has a cloud on the title. The cloud is already there via some sort of easement or a flood easement is the perfect example. If that map number four, if this project were moved just a few miles to the west, and if it was in the middle of the Yolo Bypass, you'd have a handful of people in this room. So, maybe somebody is not really familiar with the lay of the land. The other issue that I want to point out to you, the State of California bought 12,000 acres a few miles west of us. The Glide Ranch, owned by the Department of Fish and Game. So I would like to direct you to that parcel to do your experimentation and just remember that we're all concerned about flood control. And so you can do your experimentation there, the way the Vic Fazio Refuge -- if you go and look at that refuge, there's water moving through that refuge, but you have to conduct anything in the bypass so that it's flood neutral. So those are recommendations I'd like to leave you with. Thank you.

Chair: Thank you.

(Applause)

Chair: I don't have any other speaker cards. But I just want to see if there

are any other folks that would like to make a comment that didn't provide a speaker card. So -- um -- Paul, if you would give -- make sure that we get a speaker card.

Ms. Klotz: I really didn't come prepared to say anything tonight. I didn't really have enough time because as my friends around Clarksburg all know, I can usually talk to a post. I have only one question --

Chair: Please state your name first.

Ms. Klotz: -- I'm sorry. Jane Klotz.

Chair: Thank you.

Ms. Klotz: K-L-O-T-Z. And I have just one question to ask of the commission. Uh -- we owned a ranch in Sacramento County. And we were the recipients of eminent domain because the state wanted to put a highway through here. Am I not talking through that? So I-5 divided our ranch in Sacramento County, and naturally we thought they didn't pay us enough. But they said, oh, you're going to have a great piece of property there for commercial. And so you're going to have highway commercial, and you can make up the money that way. Well, obviously we didn't fight it. But, the very interesting thing is, that in developing that small piece of commercial property, it cost \$3,000.00 to relocate one burrowing owl. It took a nest of

Swainson's Hawk and they had a perimeter of 10 acres that had to be accounted for in order to protect the Swainson's Hawk. My question is, where are the burrowing owls going to go, and where are the Swainson's Hawk going to go if we flood all the area where we now have relocated the burrowing owl and the Swainson's Hawk? Thank you.

Chair: Thank you.

(Applause)

Chair: Father Madigan.

Father Madigan: My name is Father Van Madigan. I'm the pastor of the church here in the Delta. I -- sitting here tonight reminded me, I come from a generation -- generations and generations of farmers. I'd like to say something to the farmers tonight. Not to the politicians, not to the people sitting up front. But to you farmers. I came from generations and generations of farmers in a beautiful part of island. And I saw a group of people moving in here like tonight and destroying our beautiful countryside. And they did it by holding a little meeting -- in little meetings that they didn't tell anybody about. And before it really caught on there wasn't a doggone thing you could do about it. In fact, you stand upon that beautiful hill and my farmland and our

farmland and you look down, you saw what happened. I would say here tonight, I listened to all of you speaking, and listened to all the farmers, you were crystal clear in what you had to say. You spoke because you have integrity, you have indecency (sic) and you're for real. People up here, good folks, your staff members and all that, you're out here, and you're kind of -- tonight I heard you kind of almost making excuses you -- for yourself in explaining yourself to these people. You have power. Use your power.

(Applause)

Father Madigan: If you can get here tonight on almost a 12-hour notice, could you imagine what we can do down the way. You are not going to let anybody come in and railroad anything here over the community. Hang in there.

Chair: Thank you.

(Applause and cheers)

Chair: Gary Merwyn.

Mr. Merwyn: Hopefully I can read my own chicken scratch here. I'm the newcomer. I'm just a 3rd generation farmer. And I'm a trustee for Reclamation District 999. My understanding the reason we're here, and that these people exist is because the Delta is sick. Our part

where we live right here is beautiful. Especially out where you -- all these plans call for putting my house in a swamp. I love -- I love facts that I read in the paper, and -- uh -- let's look at some facts. Right now we're at 80% snowpack in the Sierras. The dams are only 50 to 60% full. Down south they're cutting back to 35% water. There's more water coming out of the dams right now today than is going in from the snowpack coming off. And we're talking about fixing what broke it. These plans all work on the symptoms like NyQuil. What broke the Delta was trying to just -- is trying to export six and a half million acre feet of water from the Delta that the water shed cannot support. Period. Those are facts.

(Applause)

Chair: Thank you. That looks like we'll wrap things up here in terms of comments with M.P. Albertini.

Ms. Albertini: It's -- people always (inaudible) my first name.

Chair: I'm sorry?

Ms. Albertini: Okay, it's -- it doesn't really matter. Okay, let's see here. I just have a couple of things to say. One is I'm hoping that -- uh -- both the Delta Commission and -- um -- the BDCP or all the other acronyms used for that today. I was waiting for ee-ii-ee-ii-oo.

There were so many of them.

(Laughter and applause)

Ms. Albertini: They don't -- they don't overstep their bounds. We have the Delta Protection Commission who on a whole does a fabulous job. When they were first brought together, one of the things some of the farmers did talking to them when putting the committee together was that they weren't going to stop progress. Weren't going to touch farmland, but they wouldn't stop progress. I know for a fact that they have building housing here in the Delta. So I'm hoping that you two don't overstep your boundaries by saying one thing and doing something else. My family have been -- uh -- farming in the Delta for three years, but I come from a farming family of 10 generations. I'm worried about our livelihood here in the Delta, about our fabulous farmers, about economic growth. Um -- we have -- uh -- Gold Medal wines that they don't even have anywhere else in the country. Those are quality. But I really want to back up again to -- I don't want to see that you overstep your bounds. I don't want to see that there's going to be eminent domain. This is fabulous farmland that if they don't have anywhere else and it needs to be protected. Thank you.

Chair : Hank you.

(Applause)

Chair: That's all I have for speaker -- oh -- we have one more? Okay.

Ms. Beck: Hi -- uh -- my name is Amanda Beck. It used to be Amanda Parr for those who knew me. Um -- I do environmental analysis, so I kind of just came down to see what's going on in my community with -- um -- with this plan. And I guess the first thing that came to mind was really about this conveyance. And about mitigation ratios associated with that conveyance. Um -- other potential alternatives for mitigation ratios. I'd like to see that analyzed. To see -- if you're going to take land, there's going to have to be a Take Permit. Where are you going to get the land? Because that's the big concern that I see -- is -- that land is there, but it's being farmed. So, I guess that's it. That's just a comment.

Chair: Thank you.

(Applause)

Chair: If you have not signed the sign in sheet, please do so, so that the next meeting we can get an email blast to you that gets to you. And I just want to say sincerely thank you all so much for coming. Thank you for taking the time to be here, and to review all the information, and

please, also take a comment card and get your comments -- further
comments in by May 30th. Thank you all very much.

-- MEETING ADJOURNED --

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--ooOoo--

BAY DELTA CONSERVATION PLAN MEETINGS

PUBLIC COMMENTS ONLY

FOR:

FRESNO

Fresno:

Chair: Would you like to just try to do the summary points and make those?
Okay, but you want to go second? Okay. So Mike Henry, if you
can come up please.

Mr. Henry: Mike Henry with the California Farm Water Coalition based in
Sacramento. Our membership is devoted entirely to farm water, so
that's what I'm going to speak about today. The water that flows
through the Delta is the focus of our attention and we believe it's
very important to keep that water flowing. It doesn't matter where
anybody lives in the state or where their place of business is, they're
impacted by the water that flows from the Delta, even if they're in
Northern California. Because the water that flows from the Delta
helps to underpin the economy of California, and we all benefit from
that. When we lose that supply of water that goes out, then our
economy suffers. So it's important that we look through the BDCP
process that to work the water that's going to flow, to be able to
allow it to flow and to continue to flow. We don't need to be
divisive in making decisions on this. We don't need to create
winners and losers. We see that happening even right now with the
court decision from last year. That court decision created winners

and losers. As a result of that action, as of May 1, we're looking at about 800,000 acre feet of water that has not flowed to users that have contracted for that water. Instead that water is going on out through the Bay, to the Pacific Ocean. That's just up to this point. How much more water are we going to lose? We're fearful of that. Already five million people have had their water supply cut. This is not voluntary restrictions, but they've experienced losses, both domestic and on farm, and on farm is my focus. We've seen hundreds of jobs on the farms have already been lost, hundreds of thousands of acres have not been planted, and these job losses are year-round employment. They don't involve the harvest season where we (indiscernible) more workers. When that arrives job losses are going to be even more staggering. We recognize the importance of the Delta and maintaining that environment. We equally recognize the importance of keeping the water flowing through the Delta to those who have contracted for that. When we stop that water flowing, then we start to see winners and losers. We believe that agriculture creates a very important part of our economy. The ripple affect to the transportation, processing, retail industry, people are losing their jobs. More importantly, families are

losing opportunities to live in a lot of these rural communities because of the economic impacts that they've encountered. The current system of moving water through the Delta isn't working. It's resulted in environmental losses, and it's also resulted in interruptible supplies. What the BDCP we encourage that process to resolve that. It's no surprise that we would encourage the BDCP to keep the water flowing, recognizing the value of the role that our farmers play. We also recognize that the Bay Delta environment must be protected. But don't sacrifice one over the other. Not bad, huh?

Chair: Come around this way, and then –

Male: I think it's important – I'm a rancher, okay, and I've been doing it for 40 years, and we grow pistachios.

Chair: (indiscernible)

Male: Okay. And I started in the business in 1968. I think there were 200 acres of pistachios planted in the State of California at that time. Today there's 150,000 acres of pistachios. And we are about to overtake Iran as the leading producer of pistachios in the world. They're falling behind because they have a water problem, which is rather ironic. They've been taking their water from the aquifer.

They have no canals from the mountains to help them out. And so the salt is continuing to rise as the aquifer falls, and the quality of their product is dropping drastically. We have captured the EU market, the European Union market, in the last two years because of Iran's water shortage, by sending top quality product over there. And that's the only way we can maintain our product throughout the world, is to provide our people with top quality product. We're very proud of what we've done., and I speak for the whole industry. And it's been a marvelous journey. Now as far as my ranch is concerned, it's just about 2,000 acres. I'm the manager and administrator. I'm a part owner. And there are six partnerships involved. And we're located right below Kettleman City on I-5. We are bracketed by the California Aqueduct on one border and I-5 on the other border. We watch that water go by every day. And I want to speak particularly to half of the ranch. It's in two parts. We originally bought 933 acres back in 1980, and that's the one I want to talk about. It's totally dependent upon the State Water Project. We have no other source of water. We could've banked some water, but in the last three or four years we haven't been able to bank any water because the shortage has caught up with us year after year. And we can't put

a well down because it's too salty. So we must depend on the SWP for our water. Now the cost of water, as everything else, is going out of sight. And I'll just give you what it costs us. In 2006, our cost of water was \$68.50 an acre foot. For this ranch, \$215,000. Okay. In 2007, with a 60% allocation, last year, the cost for our water was \$156.45. That was more than double the year before, for a total of \$492,000. This year we estimate that, if we can find some more water, it will cost us almost \$1 million, and that's going to be close to \$300 an acre foot. We haven't got that water yet, and every day that goes by the water keeps going up in price. But at any rate, we have to get this water sometime between now and June because we only have 200 acre feet of water to take care of 900 acres, and that just doesn't work. We can probably keep the trees alive, but I hate to think of what the crop's going to look like. So we're in desperate straights right now. By the way, that crop is probably worth, in the marketplace, grower prices, okay, if you will, about \$5 million. And that's about 2.5 million pounds. And the price is up this year because of the worldwide increase in food. So that's about \$2 per pound to us, which is worth \$5 million. So the best scenario is that our cost of water is going to go up again this year at a cost close to

\$1 million, that's the best scenario. The worst scenario is that we lose \$5 million. And if this happens again next year we're going to be out of business. So I want to – I've been researching this thing ever since the Wanger decision back in August. And I've been talking to people that work for the University of California, Davis. There have been over 100 essays done on the Delta smelt. And the most prominent one done took five years, and it was done by William Bennett, not the guy in Washington, D.C., that writes all those books. But he's an ecologist, and he spent five years on this report. And I want to quote you some things from his report, because this did not appear in the Wanger decision at all.

Chair: (indiscernible) comments, your written comments (indiscernible)

Male: Well this is the gist of my whole reason for being here, is to read this to you. It's too short pages, okay.

Chair: I understand, but we've been trying to stay consistent between all of our meetings, and we've asked everyone to stick to three minutes.

Male: Well there's nobody else in back of me. There's not 200 people here or anything.

Chair: (indiscernible)

Male: Okay, I appreciate it very much, okay. The taxpayers of California have spent over the years billions of dollars for a statewide water system, second to none in the world, I might add, that services 25 million of its citizens and millions of acres of rich farmland. More than any other occurrence, this water project has unified the citizens of the State of California. Talk of dividing the state into two entities, north and south, is no longer taken seriously. How is it then that what has been accomplished here is now being curtailed in order to save a little three-inch fish? The ensuing damage to the economy, the environment, and the lives of citizens throughout the state is going to be tragic. No one is arguing with the plight of the Delta smelt, which is native to the Delta estuary. But its demise cannot be laid solely at the feet of the pumps, which take water from the Delta and deposit in the California Aqueduct. A myriad of scientific reports reveal that 185 non-native species now occupy the Delta, several prey upon the Delta smelt itself, and also vie for zoo plankton, it's main source of food. The most destructive predator is the inland silver side – and by the way, I've never that in print anywhere, in any magazine or newspaper article, but this comes from a peer-reviewed report – which entered the estuary in 1975 and

is now found in prolific numbers throughout the Delta. It is slightly larger than the Delta smelt, and is also a plankton eater. Under laboratory conditions, these two species of tiny fish were placed together in the same tank for 60 days. The inland silver side thrived, while 30% of the Delta smelt died, and the remaining appeared to be in starvation mode. The foregoing lab experiment and the three following quotes were taken from the most comprehensive report ever compiled on this little fish. It's called The Critical Assessment of the Delta Smelt by William Bennett. It is peer reviewed. And in talking with Mr. Bennett, he told me it took him five years to do this study. There are 125 references to other, some peer reviewed, some not peer reviewed, but scientific reports. Now his quotes – and I want you to really think about this because when Judge Wanger handed down his decision he was making some rather broad assumptions here. The quote, for Delta smelt – and this is from the scientific report – from the Delta smelt it has never been established that reducing water exports at the critical times has any benefits for the population. Second quote, it is currently unclear if losses to the water projects are a major impact on their abundance. And three, numerous data gaps will need to be filled before we can understand

the impacts of water export operations on the Delta smelt population. By ignoring these truths, a federal judge ordered the pumping of water to be sharply curtailed to millions of our citizens. This order took effect in December of '07, and is in force through June 20th of this year. I'll skip over this part. At risk is drinking water to 25 million people and the bread basket of the world, over 9 million acres of rich farmland, comprising 350 different species of productive plants. The latter, by the way, is nature's greatest gift to clean air – the Clean Air Act, I love it – and the prevention of global warming through the process of photosynthesis, the conversion dioxide to oxygen. There are 28 varieties of trees and vines in that 350 species, and three of them, almonds, walnuts, and pistachios, cover a million acres and comprise 120 million trees. Now that's only on one million acres. The other permanent crops comprise another two million acres. So you're talking about close to 400 million plants, versus that little fish. Now that to me is a little out of proportion. In the first three months of this curtailment, 600,000 acre feet of water have already been diverted to the Pacific Ocean, and now it stands at 800,000. That amount of water would meet all the water requirements for the City of San Jose, with a population of

954,000 people for five years. The hardest hit, however, are those who farm millions of acres in our central valleys. Thousands of acres of row crop land will go fallow this year or nonproductive, and believe me, people are going to pay with their lives for this, because if you recall, there was a horrible accident last year, it was a 151 car pile up in the valley. It was caused by a dust storm. And if you've ever driven into a dust storm, you can't see your hand in front of your face. It appears just immediately, and it's gone just about as fast.

Chair: (indiscernible) are you just about through?

Male: Yeah, just about through. So also there are wells that are being drilled. It's a waiting list to get a well down there. One of my neighbors is putting down four wells. He's got 6,000 acres of pistachios, and the water will be somewhat salty. And also water transfers are taking place all over the place with the Metropolitan Water District being the biggest buyer. This state is being subjected to a giant experiment that flies in the face of peer-reviewed, scientific evidence to the contrary. Likewise, the repercussions to the nation will be huge. On only 4.4% of all the land under cultivation in America, this state provides 50% of the nation's fruits,

nuts, and vegetables. Deny them their water needs, and we all suffer the consequences. One final note to our government leaders and environmental community. Our government is designed to be a republic, where the rights of the individual are sovereign and always protected. The remedies being executed under the Endangered Species Act, in an attempt to save the Delta smelt, are placing millions of people and hundreds of plant species in extreme danger. The utter disregard for their safety is beyond comprehension. The ESA must not be loosely interpreted, but man must never be subservient to lesser creatures, and 350 plant species must never be put at risk for one, or even a few, other species. The laws of nature will endure. The Delta smelt is a victim of the survival of the fittest, which is just one of nature's inconvenient rules. Thank you.

Chair: Thank you. Anyone else? Thank you all very much for coming. And remember that deadline (indiscernible) other comments you'd like to send in, that would be great. Thank you all for coming.

-- MEETING ADJOURNED --

BUREAU OF RECLAMATION

WATER EDUCATION FOUNDATION

**717 H Street, Suite 317
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--ooOoo--

BAY DELTA CONSERVATION PLAN MEETINGS

PUBLIC COMMENTS ONLY

FOR:

LOS ANGELES

Los Angeles:

Chair: Was I even close?

Ms. Gagnon: Good afternoon. My name is Katie Gagnon and I'm the Public Policy and Legislative Coordinator for the San Gabriel Valley Economic Partnership. We're a non-profit corporation representing both public and private sectors within the San Gabriel Valley. Our mission is to sustain and build the regional economy for the mutual benefit of all 31 cities and chambers, businesses and residents of the valley. The San Gabriel Valley partnership has been closely watching the water issues of our state become worse over the years past. The delta being a supplier of the water to Southern California is important to us. Its preservation and well being is of utmost importance to our region. Because of our interest in the delta the partnership commends efforts of the Department of Water Resources in coordinating the Bay Delta Conservation Plan process. A few months past I visited the delta with the NWD and on this trip I realized the extent of damage and a real threat to our state's water supply. As an individual living and working in Los Angeles County, I know the population needs and the importance of a reliable water supply. From what I saw and learned on this delta trip, this is not a

guarantee. There needs to be a reliable water system for our ever increasing California population. We need a restored delta ecosystem and a reliable conveyance system. As an economic development organization in the State of California the partnership supports ideas and projects that enhance and revive an economic viability of our region. The San Gabriel Valley has over 42 thousand businesses. Our members range from cities and universities to companies and organizations. Each of which is impacted by the state water supply. We at the partnership know the indirect repercussions of water supply levels that are not maintained. Economic impacts resulting from our water shortage would be enormous on businesses and residents of the valley. The Bay Delta Conservation Plan is an essential part of the economic health of California. Because of this the partnership supports the BDCP Conservation Plan Environmental Process and is more than happy to be part of the collaborative effort and support of the Bay Delta Plan Process. Thank you for your time.

Chair: Thank you. Our next speaker is Darcy Burk with the Municipal Water District of Orange County. You had an easy name.

Ms. Burk: Good afternoon. The Municipal Water District of Orange County, oh, I'm sorry. I'm supposed to say my name, huh? Darcy Burk, Municipal Water District of Orange County, sorry about that. The Municipal Water District of Orange County or MODOC is the third largest member agency of Metropolitan Water District of Southern California. We have about 29 client agencies making up the family of Orange County water agencies. We have a service area of over 600 square miles. We serve a population of over 2-1/2 million. Half of the water we use in Orange County is imported and that's approximately 350 thousand acre feet a year, and the southern portion of Orange County is 95% dependent on this imported water. MODOC and the family of Orange County water agencies know that reliable and good quality state water project delivery makes both ground water storage and recycling work in Orange County. We store wet year water for use in dry years. Without a reliable delivery system we can't continue to do that. If your deliveries are cut back in normal or wet years we will not be able to refill our local ground water basins to get through the dry years. In Orange County we recycle 36 thousand acre feet, and with the new ground water replenishment system GWRS we will add another 72 thousand acre

feet a year. GWRS is a state of the art project that cost over a half a billion dollars and took over 10 years to develop. There is not enough time or resources immediately available to build additional GWRS systems that would make up what we have lost from the state water project to date, or any additional losses coming in the future. MODOC supports the effort to develop a comprehensive Bay Delta conservation plan. The fragile delta levee (unintelligible) island system is vulnerable to catastrophic failure due to earthquake or flood, or other unknown disaster. This is not new information. We have been told this for several years now. We must act on this information whether than waiting for a Katrina like disaster to strike California and cripple our state, ruin our economy and jeopardize our future. It is in the best interest of California to find a way to deliver water and protect the delta eco-system. This is what the Delta Vision Task Force also concluded. Therefore, we support the efforts to find ways to reconfigure the delta and our water deliver system to promote reliable water delivers and a healthy eco-system. It's important that efforts to address the health of the delta also include measures to deal with invasive and non-native species,

unscreened and delta diversions, waste water discharges and run off from urban and agricultural sources. Thank you.

Chair: Thank you Ms. Burk. Our next speaker is Joyce Dillard.

Ms. Dillard: Yes, Joyce Dillard. I've been to a couple of events, one at UCLA and one at USC on this in the last couple of years. And what was striking was the loss of about, to the economy that region represents 30% and I think that needs to be brought out in this study.

Conservation and contamination need to be brought together at least on the urban city. We don't see what you see up there. We're a little different area and I cover Los Angeles as a citizen. There's salt water invasion that I remember seeing. Land use is king here, but everyone's forgotten that land use is part of the Health and Safety Code. And, with that they've forgotten what Fish and Game do. I look at a lot of EIR's. They'll bypass that category and not mitigate it at all, and that emphasis needs to go from land use into the housing element. There are general plans and housing elements being done right now. You don't see water mentioned other than we'll conserve water, at least in the one year in LA, and you didn't see it in the report that's going out for the last few years that they have to report to the state. It's just an element missing. That's a sustainable

element isn't it? Isn't, and I think that word needs to come to play. I would really like, here we have an emphasis on population so that when we have the demand, we control the water. I sit through meetings where there are fights over this and it's not the fact. There is definite effect here that needs to be brought out because this region just doesn't get what's going on in Northern California at least on the non-professional water people I'm talking about. I'd love to see on a water shed basis, because we're missing that element in these EIR's. But, we'll settle for eco-regions, something the public can identify with. With this climate change going on and it is an eco-region thing, it's an international eco-region, it's from forest to ocean and I think this needs to be brought into that category. There are groups that are conscious of this but on an end for this particular project was just so critical to California they're not. You need to start lumping water and energy together so I think you can get some public support in this. But I think the terminology needs to be changed; I really think it needs to be changed legally. I think it needs to be included in CQUA. So, I think besides the study, there needs to be some changes with the legislation. Thank you.

Chair: Thank you Ms. Dillard. Our next speaker with the LABC is Michelle Garakian.

Ms. Garakian: That was close enough. Good afternoon. I'm Michelle Garakian with the Los Angeles Business Council; I'm the Director of Policy. I want to begin by saying thank you for hosting this today. This is very informative. The LABC is certainly concerned with the decline of health with the delta. We can not afford the decrease and reliability of key water resources for our economy. Of our 350 plus membership a lot of these members are developers, residential housing developers. Considering the current affordability of affordable housing crisis in Los Angeles and the housing market as it stands right now, it's disconcerting to us that a multitude of current housing projects in Los Angeles County have been put on hold because there can not be a guarantee in water resources and water supply. I don't want to get into the specific numbers of this housing crisis but it is grave and coupling and compounding the water crisis on top of that is very disconcerting for us. However, this plan makes a lot of sense and we certainly commend the Bay Delta Conservation Plan and the collaborative efforts between the State and water agencies, and environmental groups brought today. It is key to

finding a solution for the preservation of the delta and for the current species that exist there. And, it is also key to a reliable, what is also key to a reliable water source is the healthy and restorative efforts for the eco-system and a re-built water conveyance system. So, therefore that we support the BDCP, EIR process today because again, we think that this plan is absolutely vital to the health of Southern California's economy as it takes in the consideration the additional, the, pardon me, indigenous multi-species and finding a solution for a sustainable water source. Thank you very much.

Chair: Thank you. Our next speaker from the Metropolitan Water District is Steve Arakawa.

Mr. Arakawa: Good afternoon. My name is Steve Arakawa and I'm the Manager for the Water Resource Management Group for the Metropolitan Water District of Southern California. The Metropolitan is a wholesaler and provides water from the delta through its state water project and from the Colorado River aqueduct to over 18 million Southern California residents in a six county service area. We've been actively involved in the Bay Delta Conservation Plan from the outset. Thank you for coming to Los Angeles and holding this scoping session today. The success of this process is absolutely

essential in order to create a sustainable eco-system in the delta and a reliable water supply system for California. I'm submitting into the record various policy documents reviewed and adopted by our Board of Directors that have guided Metropolitan's thinking in recent months about the comprehensive fix in the delta that's needed. Metropolitan requests that you embark on this analysis phase of BDCP with these various benchmarks in mind. They frame the dimensions of the challenge. The objective of the BDCP is not solely about eco-system restoration or improvements in water quality, or improvements in water supply reliability, or protections against the unique seismic risks in the delta. A successful plan has to address all of these. As for Metropolitan that is the expectations from the delta. It's important for the Federal and State agencies guiding the BDCP to understand how Met's infrastructure is an important piece of the puzzle. Met has built a network of surface storage and banking programs in order to capture water an average in wet years in order to relieve pressure in the eco-system in dry years. The strategy is to take water in nature's terms. Metropolitan needs a more flexible, adaptable water system in the delta in order to do that. New water from growth will come from water use

efficiency such as conservation, voluntary transfers and new local supplies such as recycling. However, the delta will remain a central baseline supply. While Met's storage and delivery systems provide flexibility when we draw in the delta supplies, both the overall quantity and quality of supply are vital. The BDCP has rightly placed as co-equal the objectives of restored eco-systems and a reliable water system. This effort is one of the most complex and most important tests of habitat planning in our nation's history. It must succeed. Metropolitan looks forward to remaining actively engaged in the process and commenting on various alternatives as they are analyzed in the months ahead. A healthy delta eco-system is essential for a reliable delta water system and healthy state economy. Thank you again for this meeting.

Chair: Thank you, sir. Our next speaker this afternoon is from the Building Industry of Southern California, July Center.

Ms. Center: Thank you very much, it's a long walk. I'm July Center; I'm with the Building Industry Association of Southern California. I'm their Public Affairs Director and, on behalf of the BIA of Southern California I want to thank you for the opportunity to participate in this scoping meeting today on the future of the Sacramento, San

Joaquin Delta. Established in 1923, we are a non-profit trade association representing more than 2,400 companies involved in the planning and building of Southern California's neighborhoods and communities. Our members are involved in all aspects of the building industry from architecture and green building to roofing and general contracting. The states future and economic vitality is linked to a reliable high quality water system. That would require a sustainable plan in the delta that restores the eco-system and improves the water system now and into the future. Today the Department of Water Resources Bay Delta Conservation Plan is at a critical and initial scoping stage that shapes the breadth of issues and alternatives that will undergo the exhaustive analysis that is required under the State and Federal environmental laws. With that in mind, the BIA of Southern California and its members wish to reinforce five specific needs and objectives of this process. The BDCP must stick to its stated goal of placing the needs of the future delta eco-system, and that of the water systems on equal footing. A balanced approach is the only reasonable framework for a successful solution. Both quality and quantity are important needs of the future water system. A source that is low in bromides and organic compounds

will remain necessary in order to successfully blend delta water with other supplies. Third, reliability can not be achieved without the BDCP addressing rising sea levels in the delta and the rising risk of catastrophic levee failures due to flooding or seismic events. Fourth, the strategy to restore the delta should study ways to separate the natural tide fluxuations of the eco-system from the movements of the water system. And finally, our state's economy and the delta environment do not share the same clock. A full analysis of conveyance alternatives is absolutely critical to provide a foundation of fact necessary for historic change in the delta. Time is of the essence. The Department of Water Resources Bay Delta Conservation Plan must stick to its schedules so that a comprehensive plan is in place by the end of 2010. Without it we risk the states economy and the welfare of residents throughout California. Thank you again for holding this important meeting today.

Chair: Thank you Ms. Center. Our next speaker representing the CPPR and D, Mr. Chris Campbell.

Mr. Campbell: I was not the one that filled out the speaker card so for the record and for clarification, the organization's initials are CEPRD, and it

stands for the Coalition for Environmental Protection Restoration and Development. I'm here today in my capacity as its Executive Director and I want to thank you for the opportunity to address you at this early phase of your effort. With regard to CEPRD just as a matter of background, the organization through its predecessor entities has been working for over 20 years with environmental regulatory agencies with the State, Federal, regional and local levels to establish partnership approaches in dealing with some of the challenging environmental issues which confront us all. As a matter of membership, we are a small organization comprised of some of the world's largest corporations and utilities. We are a 501 C-3. We do not lobby, we do no advocate. But, to the extent that we can serve as a resource, it is something we have found has been appreciated and has been helpful as we try collectively to ensure and economy which is both strong and environmentally sensitive. With regards to your efforts today, I would offer just a few thoughts at the outset. You've been tasked with a very aggressive schedule, in particularly when it comes to matters concerning environmental document preparation. The integrity of those documents as a matter of their thoroughness and consideration of options and alternatives is

critical if you are to be able to meet those schedules without running into what appears to be the almost inevitable risk of legal challenge. To the extent that you will be developing a document it would be important for you to consider how that document is structured. One of the things that we have found most challenging over the years when it pertains to matters concerning impacts is the science that goes into determining what those potential impacts may be. To the extent that you will be considering a variety of options for obtaining your scientific analysis, we would urge you to spend as much time as possible working with your stakeholder groups and with those who you will be coming in contact with through the course of this scoping process to understand as clearly as possible, what the fundamental issues are and most importantly how those issues can best be articulated through a scientific process. I don't know if in the context of your efforts you have the ability or have made contact with, or given thought to the development of an independent 3rd party agreed upon scientific body that could work with you in the formulation of the criteria that you will be developing here. In one of the areas of our involvement over the years, that pertaining to water quality, we found here locally an organization called the

Southern California Coastal Research Project, and I see Dorothy Green out there who has been a friend for many years, who has known about SLURP and other activities as they relate to bringing in the environmental community, bringing in regulatory agencies, and bringing in impacted parties. If a body --

Chair: And sir, you've reached your three minutes. If you'd like to let the next person come up, we'll probably have time at the end for you to finish your comments if you'd like.

Mr. Campbell: -- I'll end it at that, just to say that we appreciate the opportunity to be with you today. Our address is records on file and if you wish to contact us in the future we're available. Thank you.

Chair: Thank you Mr. Campbell. Our next speaker from the Gateway and Bell Garden's Chamber of Commerce, Mr. Dennis Grizzle.

Mr. Grizzle: Good afternoon. I'm Dennis Grizzle. I'm the past President of the Gate Way Chamber's Alliance, a group of 22 Chambers of Commerce. And I'm the Executive Director of the Bell Garden's Chamber of Commerce. We are a young small city. The Bell Garden's community is a population of 45 thousand people, 40% of our residents are at the age of 19. They are solely dependent on ground and imported supplies. In the last census our average

household income was estimated at thirty thousand five hundred per year. At that time that represented as 2/3 of the state average. Our combined retail, wholesale and service sector sales total two hundred and fifty million dollars a year annually. The Bell Garden's Chamber of Commerce realizes the importance of the bay delta to be continued, to the continued economic vitality of the state and our community, and the preservation of the bay delta is utmost important to our region. The Chamber commends the efforts of the Department of Water sources in coordinating this Bay Delta Conservation Plan Environmental Review Process. We desperately need a dependable water system for our ever increasing California population. The economic future of Bell Garden's business community is heavily dependent on the imported bay delta supplies. Additional water supply shortage as a result of seismic activity, climate change, Court Order restrictions and environment needs would impose economic constraints on the already stressed businesses and residents of Bell Garden's. The Bay Delta Conservation Plan is essential to be continued, to the continued economic prosperity of all of California. With that, Bell Garden

Chamber of Commerce gladly adds its name to the support list of the Bay Delta Conservation Plan and process. Thank you very much.

Chair: Thank you Mr. Grizzle. Our next speaker is from the Valley Industry and Commerce Association, Brendon Huffman.

Mr. Huffman: Good afternoon. I'm Brendon Huffman. I'm CEO of VICA, the Valley Industry and Commerce Association. You might have one of the toughest jobs in the state before you and we applaud you for taking on this important issue. Personally the Sacramento Delta, the San Joaquin Delta is one of my favorite places in California to visit. I spend a lot of time there and I'm very sensitive to the environmental needs of protecting the delta environment. At the same time, water is the most critical need for my business organization in the San Fernando Valley. And, we want to be sure that we work with you on a reasonable solution to our water needs. I just want to make a couple of comments and make sure that, first of all we appreciate you being in Southern California today and hope we see more of you in the next two years. Many of the business groups here today already collaborate on water forums and your agencies have been represented in recent months and we hope we can continue that dialogue. And, any time you're ready to provide

some information to the Southern California business community and other stakeholders, we are a resource to help acquaint you with more folks. We would, VICA would also suggest that you consider economic impacts as we move forward. Realistic growth forecasts for population, not just in Southern California but throughout the state, cost efficiency, you know, the state's facing a twenty billion dollar budget deficit. We have passed infrastructure bonds. Sometimes Wall Street looks kindly on our bond rating, sometimes they do not. And, above all, quality is the most important thing. I think everyone in this room and in Southern California would like to see a balance between what is right for the environment but also to maintain a safe and reliable supply of adequate water. Before I close I want to mention one thing about the San Fernando Valley. Since 1980 we have doubled our population. We are 1.8 million people, 800 thousand jobs. Since 1980 we're using the same amount of water today as we did back then. So, we're doing our part to be more sensitive about conservation issues, a lot of investment in water conservation, but also best practices in the home and the workplace to make sure that we're not wasting any water. And, last

but not least let's make sure we stay on schedules so that we can address these critical needs on time, and I thank you.

Chair: Thank you Mr. Huffman. Our next speaker from the LA Chamber, Alex Pugh.

Mr. Pugh: Good afternoon. My name is Alex Pugh with the Los Angeles Chamber of Commerce and Senior Public Policy Manager. I'll keep my comments fairly brief since most of my colleagues have already said what I planned to say. I want to thank you very much for giving us this opportunity to comment on the Bay Delta Conservation Plan. Obviously, this is a very important process, especially to Southern California because we're so dependent on water from the Sacramento, San Joaquin Delta. The Chamber represents over 16 hundred member businesses and over 700 thousand employees. Our mission is to preserve the economic prosperity, and quality of life in Southern California. And, clearly water is a key to that. Specific comments on the Plan, we want to make sure that quality and quantity of water is on equal footing for exports as well as for the environment. And, make sure that the sustainability of the delta doesn't only incorporate environmental sustainability but also economic sustainability. Water quality obviously is a very important

need for Southern California, so making sure that quality water is flowing through the delta to Southern California and other parts of California is critically important. One of the issues that we want to make sure gets addressed is the issue of seismic stability in the delta, but also rising sea levels as it's related to climate change. And, finally I just want to make sure that this process stays on schedule and on time. This is a very sensitive issue for us and everyday that we wait provides the potential for catastrophic disaster. So, we thank you very much for your time and look forward to participating further.

Chair: Thank you Mr. Pugh. Our next speaker is Dorothy Green with the California Water Impact Network.

Ms. Green: Thank you call for coming and holding this public hearing. My name is Dorothy Green. I am Secretary to the California Impact Network, an environmental group that is working for a sustainable water system for the State of California. Although I have not cleared my comments with the Board, I didn't know I was coming until too late to clear my comments. But, I'd like to start with asking a very basic, simple question. Cal Fed has been working on the same syndrome of issues for at least 10 years if not more. What is the

expectations, or what is the possibility of this group doing anything better, or more, or more effectively, or more efficiently, or coming up with any different answers than what Cal Fed was unable to do?

Chair: Ma'am this is not a question and answer --

Ms. Green: Yeah -- well --

Chair: -- so we can't answer the question.

Ms. Green: -- I understand that.

Chair: But, we will have some time afterwards.

Ms. Green: I understand that but I wanted that question to be out there and for everybody to hear it because I really question the successful outcome of what you're trying to do. What you're trying to do is fabulous if it works. It hasn't worked yet. I think it's also really important that you take a look at much more than the designated legal definition of what the delta is. You've got to look upstream. You've got to look to the water sheds and to local agencies, local governments using water much more efficiently than they are now. That is a major, major part of any kind of an efficient reliable water system for the state. Here in Southern California where we are leaders in water use efficiency, doing much better than you folks up North, we still are wasting about half of our water. Starting with the

kinds of plants that we grow, gardening in California has been, find the most exotic plants and add water, and grow them here in California. We can't afford to do that anymore. We can save an enormous amount of water if we can promote changing our, developing a landscape ethic where we use native plants and other Mediterranean plants. Conservation can still save a third of our indoor water use. Of reuse, we've just really begun to do. There's tremendous potential we should be using between 80 and 90% of all of the waste water, should be reused. We got a long way to go. And, we are beginning to look now at capturing storm water where it falls and getting it into the ground so that we can augment our drinking water supply. This is relatively new. There's no numbers yet, but we are beginning to retrofit neighborhoods to capture all storm water and get it into the ground. My time is up?

Chair: Yes, I'm sorry.

Ms. Green: Those are the main comments I wanted to make, thank you very much for hearing me.

Chair: Thank you Ms. Green. Our next speaker representing the SCWC, Joan Dym.

Ms. Dym: I'm Joan Dym. I'm the Executive Director of the Southern California Water Committee. Sorry for the initials. The Southern California Water Committee is about, is 24 years old. It involves 8 counties from Kern all the way over to Ventura, up to Imperial and the other in-counties in between. Our members include business, agriculture, City and County governments as well as water agencies. We're a non-partisan, non-profit organization. We are here today because we do believe there's an urgent need for action in the delta. And, we think the Bay Delta Conservation Plan process is one, is critical for mapping out a comprehensive plan. In fact, I'm going to use the word comprehensive again because we need a comprehensive solution. It needs to improve the sustainability of the delta by improving environmental integrity in the delta. But, as some of the other speakers have mentioned, we think we need to be able to provide reliable, high quality water for our economy here in Southern California and for the state. Your environmental review process calls for a no action alternative. In our opinion that no action alternative will not even preserve the status quo. That no action alternative will actually result in a continuation of the degradation -- degrade -- oops, will continue to degrade, excuse me,

the delta. What we're looking for instead is for you to identify a flexible alternative that will provide as we have said, the needed environmental protections as well as a reliable high quality water supply. Thank you for being here. We appreciate that, thank you.

Chair: Thank you Ms. Dym. Our next speaker is for the Orange County Taxpayers Association, Bob Mueller.

Mr. Mueller: Hi, I'm Bob Mueller. I'm actually going to read into the record a statement by the Orange County Taxpayer's Association, their President, Reed Royalty. Please add the Orange County Taxpayer's Association's list of supporters of a comprehensive environmental review process for the Bay Delta Conservation Plan. The non process we have now works to everyone's disadvantage. For example, people at both ends of the state are willing to support bond financing for new water projects. But, too often the bond initiatives are larded with expensive and regional earmarks disguised as environmental improvements. This creates a Vote No on everything mentality that threatens our ability to provide water for California's future. OC Tax thinks BDCP can be scoped to identify conservation projects and principles that are good for everyone. This could end earmarks and humanurate (sic) regional jealousies enabling the

Department of Water Resources and the other resource districts, and water districts to do their jobs based on science rather than political misconceptions. OC Tax stands ready and will gladly, will do more than its share to bring about this such a result, thank you.

Chair: Thank you Mr. Mueller. Our final speaker, or at least that has signed up on a card if from the Inland Empire Economic Partnership, Mr. Gregory Wright.

Mr. Wright: Good afternoon. Thank you for your time. I have a formal letter here that I'll present you with, so I'll keep my comments brief. I'd just like to note that the Inland Empire Economic Partnership, we fully support the Bay Delta Conservation Plan. And, applaud your efforts to balance the different competing needs that have been discussed today in terms of water supply, reliability and quality, as well as interests between environmental needs and preserving the delta and the full range of statewide needs, particularly in regards to second (unintelligible) development. When you consider just our region along, the Public Policy Institute of California recently released a study of the (unintelligible) empire looking at where our region will be in the next 7 years. We're anticipating about 25% population growth with a million new residents coming to our

region. And, we will continue to out perform the State economy as a whole, and Southern California's economy as a whole contributing quite a bit to the state in terms of tax revenues and general economic returns. And, water certainly given our climate, is a major concern to us and we look forward to your successes. Thank you.

Chair: Thank you. Okay, we've heard from everyone who has signed up. Is there anyone else who would like to provide a comment or expand on their original comments? Going once, going twice. If you'd like another moment to expand on your comment, you may. We still have a few more minutes before the meeting will be adjourned.

Ms. Green: Yes, thank you for this opportunity for adding to my comments. Again, my name is Dorothy Green with the California Water Impact Network. A major source of water that is not being seriously considered and must be considered during this process is the drainage water that is poisoning the San Francisco Bay Delta now. We can't get serious about enforcing water quality standards in the delta unless we deal with the selenium and other salts, and other Ag chemicals that are coming down the San Joaquin River and poisoning the delta and the ground water on the way. The San Joaquin River hasn't been called the colon of the state for nothing.

There is minimally 2 million acre feet of water that could come from that Ag land which is now being irrigated that should not be, should never have been and it was known before a drop of water was put on that land that it should never have been irrigated. And, we subsidized those farmers long enough. So, that is a major source of water also to help deal with the habitat and eco-system problems in the delta. Water quality must be implemented, seriously implemented. Thank you.

Chair: Thank you Ms. Green. Is there anyone else who has a final comment or a new comment? Okay, if not I'd like to remind you that the comment period ends on May 30th. There are comment forms on the back left of the room, or at least my back left or your back right that Karen's holding up right now. Feel free to take some with you. Take them back to your office, give them to other representatives or agencies who you feel would like to make a comment or your neighbors even. This will adjourn the formal portion.

BUREAU OF RECLAMATION

WATER EDUCATION FOUNDATION

**717 H Street, Suite 317
Sacramento, CA 95814**

--ooOoo--

BAY DELTA CONSERVATION PLAN MEETINGS

PUBLIC COMMENTS ONLY

FOR:

SACRAMENTO

Sacramento:

Chair: Go ahead.

Mr. Peterson: My name is Glen Peterson and I'm the President of the Association of California Water Agencies. I'm also the elected director of Las Virgenes Municipal Water District for 21 years, and a member of the Metropolitan Water District board of directors for 15 years. The Association Aqua represents more than 450 public water agencies up and down the state ranging from the smallest of agricultural users to the largest water companies. We serve about 90 percent of the water that is served for M & I use and agriculture use throughout the state. In 2005, Aqua's membership united behind a water policy document. It was called No Time to Waste, a Blueprint for California Water. The document identified key water challenges facing the state and called for a comprehensive suite of actions to address them. Fixing the delta is a central element of Aqua's policy blueprint. Aqua's members view the BDCP process as a critical step towards this goal and the larger goal of securing a more sustainable water system for California. Our membership will be participating throughout these hearings throughout the state because it's of paramount importance to us. We welcome the start of this

environmental review process because there's not a minute to lose. We need to get moving on a solution because everyday we wait, another day of environmental decline and the loss of water supplies throughout the state. We must address the shortcomings of a system that was built largely in the 1950's when societal values were less focused on the environment. Without a more sustainable delta, important tools such as recycling, local surface and groundwater storage can not work efficiently and effectively in other parts of the state. The significant public investment of local programs will be at risk. My agency for example, we recycle 20 percent of the water we use in our district. However, we're dependent 100 percent on Metropolitan Water District and the delta water, the water that comes through the delta. We have a well in our community, it's called Old Stinky, and it tells you something about our water quality. This environmental review process will study the impacts of four potential actions, including a no action alternative. This is simply unacceptable for the environment and for the water uses throughout the state. In our view, no action alternative carries some significant impacts including serious implications for interests outside the delta. Water pressure on other supply sources such as groundwater will

increase, and we know about the over draft groundwater in the state. These impacts must be assessed as part of the review. Aqua strongly supports the comprehensive solution that improves the sustainability of the delta for the benefit of the entire state. We must improve the delta so our water supply system can be co-equal objectives with protecting the aquatic environment and providing a reliable high quality water for our state. Thank you.

Chair: Thank you.

Mr. Minton: Good morning, I'm Jonas Minton with the Planning Conservation League. We have the interest of others in finding solutions to the delta's many problems as quickly as possible. With that in mind we have six observations for you today. The first is that recovery should be the first objective. We are somewhat disturbed in seeing initial work by BDCP starting off with attempts to in essence maximize how much water can you take from the delta, export from the delta and still have an okay environment. We think that moving to our second point, what you would need to do the same as if you were doing any other HCP, is first determine the environmental requirements of the eco system. Specifically, what flow regimens are needed in terms of water quantity, water quality, temperature,

flow direction, annually, inter-annually, intra-annually to restore those species. The third point is that as part of the NCCP process scientific input is required. And again, we urge the BDCP process, which is the basis for the EIR-EIS, to fully incorporate scientific input, not just scientific review. So, as we understand it the requirement is that scientific independent experts are asked for their views as options are being formulated, not just to review them after they are presented. The fourth point is that upstream actions should be part of the area that you look at. Not only because it's fairly obvious that anadromous fish go upstream, but that several of the potentially regulated entities, DWR and the Bureau of Reclamation have projects upstream that effect the flows going into the river and then, into the delta. Under your list of conservation activities I did not see a reference to water conservation, water recycling, storm water capture, groundwater clean up, in areas served by exports from the delta as well as upstream areas. And, we believe that those will be key to any successful restoration plan. The last plan I have to offer for you is that we again, share your interest in finding these answers as soon as possible. However, it will not serve any of us well if we try to expedite that process beyond what is feasible, by

which I mean specifically the schedules for completion of the BDCP itself and the EIR-EIS, we note coincide with some political milestones that are upcoming, changes in state administration and it would be a terrible waste if we jumped over some steps or we did not do the due diligence required and find that in two and a half years a new administration decides they have to restart. So, we hope that doesn't happen and we hope to succeed. Thank you.

Chair: Thank you.

Ms. Lorentz: Hello, Shawna Lorentz, San Juan Water District and General Manager. And, I'm making my comments in cooperation with Aqua's. Thank you for the opportunity to provide input into the Bay Delta Conservation Plan process. I support the broad goals of the Bay Delta Conservation Plan and would like to add a few comments on additional items to be considered as part of the process. I think you're hearing from all of us urgency is definitely, there's an urgent need for action. The solutions must include actions to insure the environmental sustainability of the delta, that's reached that day where even the water agencies are saying that we have to be environmentally sustained. The solutions need assurances that adequate and reliable water supplies are available for all beneficial

uses up stream and down stream of the delta. The solutions must be based on best science which is becoming rapidly available and changing consistently. Solutions that do not reflect the most recent science will result in money and time spent with ultimate failure. A one size fits all conservation target for urban agencies will not work. There's way too many diverse factors to take into consideration. That said I'm very pro water conservation. I just think a straight across the board uniform conservation reduction quantity isn't going to work. Development and operation of delta conveyance infrastructure must provide environmental protection and water supply reliability in a manner that does not affect upstream water suppliers and the same may not benefit one stakeholder at the expense of another stakeholder. Development of additional surface water storage supplies is a necessary component of any delta solution for both environmental and urban water supply and Ag supply uses. Investment is necessary in conjunctive use programs and coordination among regulatory agencies must be sufficient to allow such programs to be implemented. That said, good luck.

Chair: Thank you. Are you waiting? Go ahead.

Ms. Collins: Jackie Collins, I am a long time delta citizen and resident. My concern, one, is that the vision of circle where you have the two entities of the delta habitat restoration and the water users with an overlap is not a clear vision. It is the same circle. I mean, everything that goes on in the delta is within one sphere, and it's not an overlap that you can deal with a slice in between. My other concern is that during the process of peripheral canal process, the people of the delta fought very hard to have the delta recognized as an actual entity as it was recognized by the original Cal-Fed authorities. Ron Ott and I discuss this a lot. The delta entity as itself still exists, that people raise families, they do business, they live their lives there in the delta yet there's no mention of the impact, and it will be, I know it will be mitigated and it will be mentioned. But, there's no mention of the impact to people's lives that depend upon the delta for their businesses, their recreation, that the delta as the entity pre-described in previous Cal-Fed statements still exists. And yet, it's not part of the steering committee and it hasn't been mentioned in any of the considerations today. And, that's a big mistake. There are many, many people and many, many elements involved that just don't deserve to be ignored. Thank you.

Chair: Thank you.

Ms. Duerig: I'm gonna hold this separately, is it on?

Chair: Yeah, yeah.

Ms. Duerig: I'm Jill Duerig. I'm the General Manager of Zone 7 Water Agency. Zone 7 serves the residents, businesses and agriculture in eastern Alameda County down in the Bay Area. We're sort of a crossroads community if you will; on the eastern end of our service area is agriculture that we serve water from the state water project to. On the western we have some high tech businesses and a lot of residents. In fact, the south bay aqueduct that you see on some of the conveyance concepts drawings is really the aqueduct that takes the water down into the Silicon Valley. It serves almost, well over two million people in the Bay Area. Our population in Zone 7 is actually more closer to 200 thousand residents, but we rely on delta water, water conveyed through the delta to the tune of about 80 percent of our water supply. Our local ground water basin is not large enough to supply the water that we need. However, we do use that ground water basin to store water during wetter years and then during dryer years we can use it as an extra storage when there's reduced pumping. We are really concerned as everybody else in the

room I'm sure is, about the fish population crash. And, we understand that the current operation of the State Water Project by court order rather than using a scientific approach is not appropriate and certainly not the best way to run things. Recent water supply cuts ordered by, or under consideration by the courts impacts Zone 7's ability to provide adequate long term drought protection for its customers. We are now in a second consecutive dry year and are no longer able to make use of the ground water storage that we have to offset future dry years. We are highly supportive of, and as you heard active participants in the bay delta conservation plan because we believe it is the best opportunity to establish a plan that can stabilize both water supplies, and fish species in the delta. Neither can afford to wait. Increasingly efficient use of our water supplies is obviously critical, and we're asking our customers to conserve by 10 percent this year because of the dry conditions and the reduced pumping. In Zone 7 service area, we not only utilize ground water storage to make the most of our supplies, we also have a lot of regional recycling that is also done. However, regardless of our actions we will never be fully independent from delta conveyed water supplies in meeting the health and safety requirements of our

customers. Our participation in the BDCP is about protecting existing water supplies in terms of reliability and quality. And, embracing the most environmentally sustainable ways of doing that, the co-equal objectives of the process, thank you, and we'd like you to continue what you're doing.

Chair: Thank you. I think you can just hand that back, okay.

Ms. King Moon: Laura King Moon with the State Water Contractors. We represent 27 water agencies up and down the state, many urban districts in Southern California, agricultural districts in the valley, and five districts here in the Northern California and the Bay Area. And, you just heard from one of our five Bay Area member agencies. We are facing a crisis. Our system is in crisis today, and we have new species, new fish species crashing just about every month it seems, and our water supplies are fast being eroded by shutting off the pumps to protect the fish species. Some of our most, some of our strongest member agencies with the strongest drought supplies are gonna be out of their drought reserves in a couple of more years if we're not smart about how we're proceeding. And, this is a completely unnecessary situation. We have a comprehensive conservation plan under way. This is what we need to do to fix the

problem. We can't just keep ratcheting down the pumps; we need to find some other knobs. We need to find a comprehensive plan for making the ecosystem and the water supplies that so many people in this state depend on, have co-equal importance. I believe very much in this plan. It is a conservation plan. The benefit of a conservation plan is that there will be a sustaining funding source to carry it out so the species actually can recover. It's the way to go for a smart growth state like California. We need to do this. We need to do it on an expedited time frame, not because of any political agenda but because the state needs us to do this. Thank you very much.

Chair: Thank you.

Mr. Gallagher: Thank you, hello, and my name is Dan Gallagher. I'm the Operations Manager at Dublin-San Ramon Services District. We provide water for the city of Dublin and also portions of unincorporated Contra Costa County. Our area is almost completely reliant on the Bay Delta for our long term water supply. And, we have a very aggressive recycled water program. Last year we provided over 22 hundred acre feet of recycled water for irrigating our parks and schools, and green areas. This year we expect to expand that to about 25 hundred acre feet, so we are using that as a

way to extend our water supply in our area and it will continue to grow each and every year. We support the preparation of the conservation plan and we look forward to a more sustainable water supply for people of the state of California. Thank you.

Chair: Thank you, there you go. Okay, go ahead.

Mr. Broderick: Good morning, Ryan Broderick, Executive Director of the Northern California Water Association and represent about 900 thousand acres of irrigated agriculture in the Sacramento Valley, over 50 agricultural diverters, and I wanted to say congratulations for launching the EIS and the EIR. I look forward to get into the formal evaluation that we think will appropriately identify needs for conservation in the delta water supply for export. However, in saying that I think it's very important that you recognize baseline conditions as it relates to the environment. The Sacramento Valley is distinct from the delta, and yet I think the Sacramento Valley has established over the last 10 years that they will make contributions to the recovery of species. But, there is a concern that recovery of species has an assignment done on effective science as it relates to flows and diversions. Candidly, the delta vision process has raised a specter of beneficial and reasonable use issues that have assigned to

upstream areas without much scientific deliberation as of yet, cause and effect, and we look forward to the BDC process, looking at flows and looking at diversions, I think you should recognize that in the Sacramento Valley the vast majority of water is screened, that there have been commitments to fish passage of very significant proportion. That has been a statewide objective and implemented within the Sacramento Valley probably more aggressively than anywhere else with results that have been good but not to the end result of fixing the issues and schnooks and then in this year finally being the most effective or most recent example. I think it's really important that there be recognition of the area of origin and the water right system, assuming water rights that exist in this state and the fidel (sic) to those assignments will make it easier and actually are fundamental to even having a discussion as to how to provide restoration of delta species. The delta is critical to the Sacramento Valley from the standpoint that any conservation actions we undertake from with the aquatic species, their success is dependent upon a healthy delta. We support the evaluation that's gonna be conducted and I think it's important to recognize the distinction between the delta and the Sac Valley, the map it should be

identified, does that, but we also recognize inter-related and inter-dependent nature of water flows in the Sacramento Valley and those in the delta. However, and the analysis of it could be very important to look at the work that has been done in the conservation that currently occurs on working landscapes in the Sacramento Valley. We look forward to facilitate formal comments about once again issues with respect to the senior water rights or the issues of area erosion need to be considered as a step one in looking at those assignments. And, I think that, in fact I know that the member of my association are prepared to step up and undertake additional conservation actions where the science supports an assignment appropriate to their operations. Jonas Minton mentioned that there are upstream users, or upstream projects related to the state and federal water project, I think its integration of, and recognition that those were junior to the diversions of most of my members, it should be kept in mind and that fidelity to that relationship understood. We're gonna be partners, we're gonna solve the delta. The future in growth of the delta is fundamental to the future grow of the working landscapes in Sacramento Valley. And, I applaud you for getting started in the process.

Chair: Thank you. Is there anyone else who would like to make a comment before we wrap things up? Okay, it's not seeing any other comments; I'd like to thank you very much for coming on behalf of these agencies for taking the time to be here today. I remind you that the comment period ends May 30th. If I didn't say it before, there is an E-mail address to send you comments, BDCP Comments at Water.CA.gov. And, thank you all very much for coming, we're adjourned.

-- MEETING ADJOURNED --

BUREAU OF RECLAMATION

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identified, does that, but we also recognize inter-related and inter-dependent nature of water flows in the Sacramento Valley and those in the delta. However, and the analysis of it could be very important to look at the work that has been done in the conservation that currently occurs on working landscapes in the Sacramento Valley. We look forward to facilitate formal comments about once again issues with respect to the senior water rights or the issues of area erosion need to be considered as a step one in looking at those assignments. And, I think that, in fact I know that the member of my association are prepared to step up and undertake additional conservation actions where the science supports an assignment appropriate to their operations. Jonas Minton mentioned that there are upstream users, or upstream projects related to the state and federal water project, I think its integration of, and recognition that those were junior to the diversions of most of my members, it should be kept in mind and that fidelity to that relationship understood. We're gonna be partners, we're gonna solve the delta. The future in growth of the delta is fundamental to the future grow of the working landscapes in Sacramento Valley. And, I applaud you for getting started in the process.

Chair: Thank you. Is there anyone else who would like to make a comment before we wrap things up? Okay, it's not seeing any other comments; I'd like to thank you very much for coming on behalf of these agencies for taking the time to be here today. I remind you that the comment period ends May 30th. If I didn't say it before, there is an E-mail address to send you comments, BDCP Comments at Water.CA.gov. And, thank you all very much for coming, we're adjourned.

-- MEETING ADJOURNED --

BUREAU OF RECLAMATION

WATER EDUCATION FOUNDATION

**717 H Street, Suite 317
Sacramento, CA 95814**

--ooOoo--

BAY DELTA CONSERVATION PLAN MEETINGS

PUBLIC COMMENTS ONLY

FOR:

SAN DIEGO

San Diego:

Chair: Our first speaker will be Tom Warnum from the San Diego Economic Corporation followed by Mark Weston at Helix's Water District and followed by Tim Quinn from Aqua.

Mr. Warnum: Good evening lady's and gentlemen. My name is Tom Warnum and I'm Chair of the San Diego Economic Corporation. I also have the honor of being a member of, or Director of the San Diego Water Authority, which I have the honor of serving as the Chair of the Administrative and Finance Committee. So, with all of that all of us say hello. Lady's and gentlemen, simply put the bay delta is broken. It's broken as a sustainable habitat for fish and wildlife and it's broken as a water delivery system. The age of its levees and their growing vulnerability to breaches make the entire system a statewide disaster waiting to happen. While that's a simple assessment to make, putting together a plan to address the bay delta's problem is far from simple. I applaud the considerable time and effort you and the other agencies involved are contributing to this plan. And, to its environmental review and process to make sure it gets done right. This plan is not a silver bullet that will address all of the bay delta problems and issues, nor does it intend to be. But, I strongly support

this plan because it is on the right track for addressing the most pressing and critical issues impacting the delta. And, in turn the reasons like San Diego County. Given the fact that 25 million Californians from the bay area to San Diego rely to some degree on water deliveries from the bay delta, addressing water conveyance must be a top priority. This plan realizes the equal importance of rebuilding the water conveyance system as habitats are restored. The stakes for California could not be greater. Reduced bay delta water reliability will take a toll on San Diego's economy and competitiveness. It will also take a toll on the economy and competitiveness of the entire state. If that is allowed to happen, reduced tax revenues will further strain already strapped state and local government resources and services. That could spread the pain to every man, woman and child living in this state. That clearly is not the future that any of us desire. The success of this plan is critical for all of us. Without it our water system and our economy will become increasing subject to the mercy of whether, and to regulatory and judicial restrictions. We need to take action and we need to take action now. I urge you to move this plan forward in a timely manner. Thank you again for the opportunity to speak.

Chair: Nicely done, thank you. You did good.

Mr. Warnum: And again, thank you all.

Mr. Weston: My name is Mark Weston. I'm the General Manager for Helix Water District. Helix's Water District serves 260 thousand people their drinking water everyday. We're located just east of San Diego; headquarters are in the city of La Mesa. I'm speaking today as the General Manager and I want to speak to the reliability of water that we import from the delta. We use about, 85% of our water is imported, the two sources of the Colorado River and the delta. Due to a variety of changes in hydrology, climate change, legal decisions and environmental issues Southern California has lost one million acre feet of reliable water supply. That's out of a total water supply of about three million acre feet. So, I as a General Manager who will be serving people their drinking water every day know that our reliability is greatly decreased. The delta is broken. We have, it is broken biologically and it's broken hydro-logically and, it's broken as a flood control system. We strongly support a solution in which the biology and the hydrology and the hydraulics are balanced. The State of California relies far too greatly on the delta working correctly. We as residents in Southern California rely greatly on the

water supply. The economy of California is dependent on the reliable water supply from Northern California, and we can no longer continue to believe that the delta will work in the future. Anyone who's been in the delta knows that the levees are substandard and will fail. All analysis says that the delta levees will fail in the future. That will be a disaster to us as water suppliers and it's going to be a disaster to the biology of the delta. So, we strongly support a balance approach to solving the problems in the delta. We also strongly support methods that will provide reliable water conveyance around the delta so that we in Southern California and the economy that's based in Southern California will be able to continue and serve the public. We have over 18 million people in the metropolitan service area, and I've heard anywhere from 23 to 25 million people depend on water being conveyed through the delta. We need to solve that problem. Thank you.

Mr. Weston: My name is Mark Weston, General Manager of Helix Water District. I'm speaking for Tim Quinn, Executive Director of Aqua. I'm an Aqua Board Member. I've been asked to provide these comments and an Aqua statement. Aqua is the Association of California Water Agencies. Time is not on our side. The need for a more sustainable

water system has never been more urgent. We have to invest in sustainability. We need a comprehensive solution that improves the sustainability of the system. We have to invest in the environmental integrity of the system so it can meet the co-equal objectives of protecting the aquatic environment and providing the reliable high quality water our economy needs. Comprehensive means comprehensive. We also have to invest in water use efficiency, water recycling and other strategies, and expand our surface and groundwater storage capacity. Impacts already are being felt up and down the State of California. San Diego area is already feeling the effects of reduced water deliveries through the delta. Without a comprehensive delta fix, shortages will continue to ripple through the south lands economy causing water rates to rise, and effecting jobs, agriculture, construction and other economic activity. No action doesn't mean that there will be no impacts. The environmental review process for BDCP will study the impacts of four potential actions including the no action alternative. No action carries its own set of impacts. The environmental review process must assess the ways in which the system will continue to degrade putting both species and our water supplies at risk if we simply

continue the status quo. Alternatives carry high costs and we accept that. San Diego's economy runs on water that is conveyed through the delta as well as pumped hundreds of miles from the Colorado River. Alternatives to these sources such as stepped up recycling and desalination require energy and also carry environmental impacts. We strongly urge the activities of the study to occur as quickly as possible and we need to impress upon the people performing the study that this is absolutely urgent, and we have no time to waste. We all believe we will be in some sort of mandatory water reduction as early as next year. Thank you.

Chair: Thank you. The next three speakers are, Dennis Majors from the Metropolitan Water District, followed by Fern Steiner from the San Diego County Water Authority, followed by Ruben Barrales from the San Diego Regional Chamber of Commerce.

Mr. Majors: Thank you. I am Dennis Majors. I am the Program Manager with the Metropolitan Water District of Southern California. The Metropolitan provides water from the delta through its state water contract and the Colorado River through its Colorado River aqueduct to 18 million people in Southern California in six areas. We've been actively involved in the BDC program the very beginning and I

just wanted to thank all of you for coming here today. It's a long trip down here and I appreciate it. The success of this process though, the BDCP is essential in order to create a sustainable eco-system in the delta and a reliable water system in California. Now, the objective of the BDCP is not solely about eco-system restoration or improvements to water quality, or improvement to water reliability or, protections against unique seismic risks in the delta. A successful plan has to address all of these collectively. Metropolitan has built a network of surface reservoirs and ground water banking programs in order to capture water an average in wet years to relieve the pressure on the eco-system in dry years. The strategy is to take water on natures terms, and Metropolitan needs a more flexible and adaptable water supply system in the delta to do that. Without having that flexibility we can not move water in the storage when we need it, we have real problems in a multi-year drought for example, and part of that was talked about here. The new water for growth will come from water use efficiency efforts such as conservation, voluntary water transfers and new local supplies such as recycling. However, the delta will remain a baseline source of supply. While Metropolitan's storage and delivery systems provide flexibility of

when we draw the delta supplies, both quantity and quality are vital. The BDCP has rightly placed as co-equal the objectives of a restored eco-system in a reliable water supply co-equal objectives. We think that's great. This effort is one of the most complex and most important tasks of habitat planning in the nation. It must succeed. Metropolitan looks forward to remaining actively engaged in the process and on commenting on the various alternatives that come forth. A healthy delta eco-system is essential for water supply reliability and for the state economy, and I want to thank you for the opportunity to speak.

Chair: Thank you.

Ms. Steiner: Good evening. I'm Fern Steiner and I'm the Chair of the San Diego County Water Authority. The Water Authority serves San Diego region as a wholesale supplier of water from the Colorado River and Northern California. The Water Authority works through its 24 member agencies to provide a safe reliable water supply to support the regions \$157 billion dollar economy and quality of life for three million residents. We all know the ecological, structural and water supply challenges that are faced in the bay delta. Developing and implementing a plan that restores habitat's and provides for the

protection and restoration of water supplies is imperative. It's imperative not only for the health of the delta which is critical, but for the well being of our entire state. When you look at the map, as you know we're way down here, the furthest end away from that water supply, actually from both water supplies and yet approximately 34% of our water is used, that's used in our area that comes from the bay delta. So, it's a critical part of our supply portfolio. The Water Authority's been very aggressive in trying to diversify its water supply here in San Diego, and we've developed a long term plan that we hope will meet our future water demands and maximize our protection from drought and other supply restrictions. We're working with our member retail agencies to develop new local water supplies and to expand conservation and recycling. We have water transfer agreements in place that will significantly increase our water deliveries from the Imperial Valley in 2021 and for generations to follow. We also have implemented a capital improvement plan to increase our emergency storage, our carryover storage and our overall water supply deliver capacity. And, while these are prudent and responsible investments by our agencies and by our Water Authority, we still are dependent on getting that water

from the bay delta. And, we still need to have that work in order for us to be able to supply water to our member agencies and to our customers. Therefore, it's critically important for the BDCP to keep water system reliability an equal priority with restoring the ecosystems as it moves forward. It's also vital that the plan moves forward expeditiously. We're already having ripple effects here in San Diego County from the pumping restrictions, and we truly believe that a potentially severe water supply shortages loom on our states horizon. So, there's no time to waste. I urge the agencies involved in this that you all, to meet that goal to have that plan approved by 2010. And, I thank you for the opportunity to speak and we look forward to working with you on this project. And, at any time that we can help you the San Diego Water Authority will do so. Thank you.

Chair: Thank you.

Mr. Barrales: Good evening. My name is Ruben Barrales. I'm the President of the San Diego Regional Chamber of Commerce. Thank you for coming to San Diego. Feel free to stay and shop, and take advantage of our many amenities here. But, we're actually very glad to have you in San Diego. I wish more San Diegan's were aware that you

were here. So, on behalf of the business community I wanted to let you know that obviously water reliability is very important to us. We also understand though that the sustainability of the bay delta is vital as well. And, we have sent our policy committees up to the bay delta to see for themselves, and want to impress upon you that we understand that balance is important that we hope that as you move forward that that balance is maintained. Obviously we need to sustain our environment. We know it's critical to addressing environmental issues, but at the same time please don't lose fact that water reliability is critical for San Diego. Not just our economy but for the people that live here. And, also reiterating what was just said, keeping on the time line if at all possible is important as well because reliability and sustainability are important. But, we need a certainty in the sense of understanding what we're facing so that we can move forward together and address the issues related to water for San Diego and the rest of the state. Thank you very much.

Chair: Thank you. Okay, the next three speakers are Eric Larson from the San Diego Farm Bureau, Faith Picking from BIOCOM, and Sue Varty the President from the Olievenhain Municipal Water District.

Mr. Larson: Hello, I'm Eric Larson, Executive Director of the San Diego County Farm Bureau and, thank you for taking the time to come here and listen to what we have to say. Outside of our community it's little known that San Diego County probably boasts the 12 largest farm economies amongst all counties in the United States. This has been accomplished by becoming a leading region in the cultivation of high valued crops. This happened through steady growth and investments since the arrival of imported water to our county. With the arrival of that imported water, farmers were able to move beyond the confines of ground water basins and local surface water to such exceptional production areas as Valley Center in Fallbrook. Today, farms are an important part of San Diego County's fabric providing 5.4 billion in economic strength, fresh local farm products, a hedge against continued urban expansion and the environmental values of open space, habitat, and tens of thousands of acres of trees and shrubs. For our farmers to continue to be a part of San Diego County, we require the continuance of a dependable source of imported water. The health of the Sacramento, San Joaquin delta will directly affect the future farming in this community. Protecting the eco-system and avoiding collapse will also protect the farmers of

San Diego County. Somewhere today in San Diego County avocado trees were stumped. In some places citrus trees were cut down and some place else nurseries cut back production in order to comply with the current mandatory 30% reduction in irrigation water use by farmers. Those will serve as short term methods for meeting the reduction in water supplies. But, if long term solutions are not found, the farmers will not be able to sustain their livelihoods. When that happens San Diego County just might lose part of its heritage and charm. We need to harvest the wet years of California and store that water above and below ground. We need to remove impediments, both natural and regulatory to moving water through the delta. We need a delta eco-system that works. We need a comprehensive environmental plan for the delta that the bay delta conservation plan can provide, thank you.

Chair: Thank you.

Ms. Picking: Good evening. My name is Faith Picking and I'm the Public Policy Manager of BIOCOM, which is the largest trade organization for Southern California Life Science Industry. BIOCOM has more than 550 member companies in Southern California. The Life Science Industry in San Diego County alone contributes 8.5 billion dollars to

the economy. Thank you for coming to San Diego tonight and giving me the time to speak to you on behalf of my organization, and on the development of the Bay Delta Conservation Plan. BIOCOM was born in the early 1990's in the midst of the devastating drought. It was born because the Live Science Industry recognized an urgent need to come together and push for actions that would enhance our regions water reliability. Today we once again see need for urgent action. But, this time it's not only for San Diego Counties' water reliability but its California's water system. The issues facing the bay delta are tough and complex, but they need to be addressed and addressed quickly. California's water system can not work without a plan that creates more stable and sustainable delta. And, if California's water systems break down, industries such as ours are at risk of breaking down as well. We support the Bay Delta Conservation Plan because it maps out a comprehensive approach for solving the deltas most critical issues. It does so in a way that puts restoring water supply reliability on equal footing with restoring habitats for fish and wildlife. It is a foundation of a long term solution for meeting the states future water needs. We recommend the Bay Delta Conservation Plan collaborate effort to date among

water agencies and environmental organizations, and State and Federal agencies, and urge your steering committee to make every effort to keep the plan on track for approval by 2010. Over the years BIOCOM has strongly advocated for sound water policies and programs. These include programs, enhanced regional water conservation efforts and expand the use of reclaimed water. Many of our member water companies have embraced conservation and use, and the use of reclaimed water for years. And, many more are taking similar steps to do so now. The Life Science community knows that finding more efficient ways to those who use of the previous resources is the right thing to do for your community and our future. In an ultra competitive industry and one of the few true growth industries in our state, and with many other states funding millions to attract our companies and research institutes, water reliability in California is essential to the survival of the Life Science community. We need your help and leadership to push forward a comprehensive bay delta plan that meets the critical water needs of our industry and our state. Thank you so much for your time.

Chair: Thank you. And, unless we don't have anybody else to sign up to speak, our last speaker for the night is Judy Roland with the Wilderness Society.

Female: She can go ahead.

Chair: Okay. Oh, Sue Varty, yes.

Ms. Varty: Yes, I'm Sue Varty; I'm with the Olievenhain Municipal Water District. We are a retail agency. I am actually an elected official. I represent the rate payers who will bear the costs of all of the things that we're talking about today. We don't, rate payers now, don't object to everything that you're doing. But, we would like to be involved in the planning. We would like to be involved in the public discourse on how much is this gonna cost. We need to know every step of the way what you're gonna expect from us. The Met service area actually has 54% of the states population. 54% of the states rate payers are going to pay for what it is that you come up with. We need to be part of this process. Thank you.

Chair: Thank you. And now Judy Roland, Wilderness Society.

Ms. Roland: I recognize that last name. I have to say that I originally was conscripted to come because my sister is speaking. But, you know, should I be a plant, what should I say, but after listening to everyone

I have several comments. I am a life long resident of San Diego. I was born and raised here actually 64 years ago today I was born here. And, while I've been away this has always been my home. And, I'm speaking not just to you, well, I'm speaking to you but I'm speaking to everyone here. Since I'm the only one that doesn't represent, they asked for some organization, I belong to all of those and what I see is, I'm real impressed that you all came. All of the people that I've been reading about in the newspaper, in the Union for what, the last 3 or 4 years a lot, and before that a good deal. There's no question, we have always had this problem. This is a desert type region and there is no question we need the water. But, I don't see anybody; I had to speak on behalf of and, the eco-system, and the preservation of the fish and the wildlife. Now, you may not, I'm not as eloquent, but, I am going to chastise everyone because I can that there are a lot of you who are around when Jerry Brown was the Governor. And, I don't know if you remember that he had either a referendum or a proposition on the ballot, something would be, you remember this? And, this was about 25 years ago, I can't remember my month. My mind is not as good at these things as it used to be. But, I remember, I hadn't thought about it until I started

getting all of the information about it, and I voted for it. It was soundly defeated. People simply weren't interested in what was going to happen now. And, for those of you who were around that had been interested in this, and I think some of you are equally equal to my age or almost, that now it's happened. And now everyone is crying emergency, and I have to say we could have avoided this and I'm sorry that we didn't. But, I am very pleased to see that you've had these hearings, you're having these hearings and that the people whose names I've heard are here. I'm not sure whose missing. The only thing I haven't heard is Sandag practically, so I guess all of you represent those parts of the cities that are involved. So, I do follow it but I truly believe that we also need to preserve the fish that use these waters and the animals who live on the land and need it to. So, I'm glad you've all voiced this. But, it will impact what we have to do here in San Diego and all of Southern California. So, that's it.

Chair: Thank you. Well, that concludes the public comment portion of the meeting. The team will continue to be here for a few more minutes to answer any questions that you have that came out of the presentation itself. So, if you want to just spend some more time in speaking with the project team you're welcome to. Otherwise, thank

you so much for coming and don't forget, the deadline for comments
is May 30th.

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BAY DELTA CONSERVATION PLAN MEETINGS

PUBLIC COMMENTS ONLY

FOR:

SAN JOSE

San Jose:

Chair: Thank you. Okay, again, I only have these four speaker cards. So I'll start with Walt Wadlow.

Mr. Wadlow: Sounds like I'm live, thank you. Good evening, I'm Walt Wadlow. I'm the Operations Manager for the Alameda County Water District. ACWD appreciates the opportunity this evening to offer comments at this EIR/EIS scoping meeting for the Bay Delta Conservation Plan effort currently underway. The reliability of water supplies conveyed through the Delta, and the health of the Delta ecosystem, are crucially important to the over 320,000 that we serve in the cities of Fremont, Newark, and Union City. Our customers depend on water from Sierra watershed, delivered through the State Water Project and the San Francisco Regional Water System for over half of our distribution system demands. We depend, as much as the Bay Area does, on water conveyed through the Delta and from tributaries to the Delta. And although the BDCP effort is focused on the statutory Delta, it's hard to believe that it will not eventually impact streams tributary to the Delta as well. ACWD believes that developing and implementing the Bay Delta Conservation Plan is a significant and important next step to improving our water supply

reliability and the health of the Delta ecosystem. The district's ratepayers have generously supported development of a diverse water supply portfolio, which includes local service water, desalinization of brackish groundwater, and banked water in semi-tropic water storage district, in addition to Sierra supplies. Ratepayers have also supported extensive water conservation efforts. Nevertheless, the district relies upon water conveyed through the Delta and from our Delta tributaries to supply our drinking water treatment facilities and to recharge our groundwater basin. As documented by numerous studies, the work presented tonight, and including the PPIC report on the Delta, the Delta is indeed broken. It can no longer support its water supply function, nor function as a healthy ecosystem for numerous wildlife species that depend on it. For these reasons, ACWD supports the Bay Delta Conservation Plan effort, and urges DWR and all the participants to dedicate the necessary resources to complete this important effort in a timely manner. As identified in the Delta Vision process, ACWD urges the BDCP effort to consider new Delta conveyance as part of the reasonable range of alternatives for the Delta. In addressing the ecosystem needs, ACWD urges that the effort look beyond the

existing pumps to evaluate the full range of impacts from other stressers affecting the Delta ecosystem. And further, that the effort consider the full range of potential mitigation strategies to address impacts associated with the covered activities. Finally, ACWD appreciates the continuing open public process being used for the BDCP and encourages the resources agency and DWR to continue what appears to be an effective approach for developing a realistic set of solutions for the problems in the Delta. Finally, on a personal note, I'm nearing the 20th year of my own involvement in Bay Delta issues, and I am optimistic for the BDCP effort in a way that I have not been for awhile, primarily for the process reasons that Carl Wilcox outlined, the fact that it is grounded in the HCP and NCC processes which provide, although complex, guidance both statutorily and from an administrative standpoint, so there's a roadmap for the participants this time. Whether you're a water agency, a resource agency, a wildlife agency, an NGO, or a private party, we have a set of guidelines and a set of rules this time to work by. So thank you.

Chair: Thank you. Scott Miller?

Mr. Miller: Good evening. My name's Scott Miller. I'm a member of the Northern California Chapter of the Federation of Fly Fishers. And I kind of represent them. I've represented them in the controversy of the San Luis Low Point Project, which has put us in conflict with the Santa Clara Valley Water District, and kind of leads to the one point I'd like to make tonight without having to get too deep into things. And that is, the problem is is that, as interested public, we don't trust you. And the reason we don't trust you is because we've been through the Cal Fed process and other plans and processes that have gone on before. The Delta didn't get broken in the last couple of years. The Delta got broken a long time ago, and people have been screaming and yelling about it for years. At the same time, the State Water Project people, the California Department of Water Resources, have been babying, kowtowing, to the large water users that I believe are the reason we're having this problem. The problem as far as I'm concerned is Westlands Irrigation District and other large irrigation districts that want water, and they want lots of water, and they want it cheap, and you guys want to give it to them. You want to stand behind the contracts that make no sense economically or morally for the people of California, but they do make sense for a

couple of thousand rich farmers. We're not happy with that. San Luis Reservoir was supposed to have a component for taking care of water usage by the public, recreation, etc., and now Westlands and some of these big districts, the State Water Project set, wants to take the last few drops out of that so that the system can be broken. That's the way the Delta feels. I mean as the Delta was being broken, you people were trying to take more than 6,500 cubic feet per second out of the Delta and raise it to 10,000. Now how can we trust this steering committee. I've got one minute left. The steering committee. Let me read who's on this steering committee. I have a real fear for this. Now I can't read it, my glasses aren't strong enough. Department of Water Resources, Bureau of Reclamation, Santa Clara Valley Water District, Kern County Water Agency, Metropolitan Water District, San Luis Delta-Mendota Water Authority, Westlands Water District, etc., etc., We don't trust these people. They're on the steering committee? They're the strongest voice on the steering committee. They've got the politics. They've got the money. They've got the greed. And we're tired of it. This had better not be Cal Fed all over again or it's a waste of time and it's a waste of money.

Chair: Thank you. Andrew Gear?

Mr. Gear: Good evening. My name is Andrew Gear, and I'm the Chief of Operations for San Jose Water Company, and I'm also the Chair of the Treated Water Subcommittee for the Santa Clara Valley Water District Retailers Association. And I'm here tonight speaking on behalf of both San Jose Water Company and the other retailers served by the district. San Jose Water Company's an (indiscernible) water utility and we're the largest retailer in Santa Clara County. We serve water to over a million people in the communities of San Jose, Los Gatos, Cupertino, Montesserinino, Saratoga, and Campbell. Our mission is to provide a reliable supply of drinking water to our customers that meets the highest quality standard as well. And to that end, we're regulated by the California Public Utilities Commission, as well as the California Department of Public Health. About half the water that we supply to our customers in any given year arrives to us through the Delta, and we're keenly aware of the issues facing the Delta and the water supply reliability there, particularly as they're associated with the court rulings that are potentially restricting pumping for the protection of fish. This year, and going back to last year, the district has asked for a voluntary

10% conservation from our customers and all of the customers in the county, in part due to dry conditions, but more so because of uncertainties in the total annual allocations from the state and federal water projects, and possible supply interrupts due to Delta pumping restrictions. Under these challenging conditions, we have to rely more heavily on groundwater reserves that are maintained for drought purposes. In the absence of dependable, imported water supplies, overuse of the basins will ultimately result in basin overdraft, land subsidence, and water shortages, and some of these effects, we think, could be seen after just a few years of over pumping. Although our distribution system is built with considerable flexibility relative to source of supply, San Jose Water Company and several of our fellow retailers here in the Valley, have portions of our service areas that are directly reliant on Delta water supply provided by the district through their three treatment plants. And there's really no alternative supply for these parts of our systems if there were long-term Delta interruptions. So it's just critical that this problem is resolved for the day-to-day service of our customers. We support the water district's efforts to help find a comprehensive, cost-effective solution to Delta problems. We know

that doing nothing is not an option and that time is running out. The Delta needs a long-term, durable fix and it needs one immediately. We highly support the Bay Delta Conservation Plan because we believe it is the best opportunity to establish a plan that can stabilize both water supplies and fisheries in the Delta. Neither can afford to wait. Because the Bay Delta Conservation Plan provides benefits for all of California, it is our hope that the cost to implement the plan will be equitably shared among all the stakeholders. And thanks for the opportunity to comment tonight.

Chair: Thank you. Dale Meyers?

Mr. Meyers: Good evening. Dale Meyers, Livermore, California. In the interest of full disclosure for those of you who don't know me, I was the General Manager of Zone 7 Water Agency, which serves the cities of Pleasanton, Livermore, and Dublin from 1997 to 2007, and have sat in the past at the BDCP table. As a consequence, I'm very much aware that BDCP is not intended to solve all the problems of the Delta. There's not enough money for water agencies to do that, among other things. However, as we also know, there are a number of factors in the Delta, including among other things, wastewater disposal and agricultural drainage, that have impacts on Delta water

quality and on the Delta ecology in varying degrees these impacts, with or without their project's presence or operations. It is critical that this EIR/EIS process identify all of these other factors and assess to the greatest degree possible their individual and collective impacts in the Delta in order to be certain that an accurate assessment of the proportional impacts of the proposed alternative water conveyance and conservation actions that are being proposed will have. Thank you.

Chair: Thank you. William Garbet, did I pronounce that right?

Mr. Garbet: I'm William Garbet, speaking on behalf of the Public. We're an environmental organization. And one of the things that you're doing is, the Delta is a vast project, and you have many good ideas, and I hope that you can implement a good fair share of them. However, the biggest problem that you're going to run into is what we call exigent circumstances, not just political, but weather induced by global warming. You're going to have huge variations where you're going to have torrential droughts and, you know, a few feet away total arid areas. And these are going to change just periodically without any rhyme, reason, or pattern. And a lot of this extends from back in 1958 Project Argos, which kind of destroyed the

ionosphere on to weather modifications, such as the cloud seeding that was done in the Santa Clara Valley Water District up until the floods of 1995, in which case I think they decided the liabilities are not worth it. You have to also look at what the Santa Clara Valley Water District has done. They've been playing the peas under a pod and the shell game, just moving things around on water rights and water transfers, rather than building reservoirs or collection from time to time. And since some large reservoirs are impractical, they haven't even built small ones. You look at recharging of the aquifers. For Freeway 85, is rather than, for instance, recharging into the upper brackish water table, they actually went down in the drinking water levels and then they had to go and disinfect periodically such as they've done over at their San Tomas pumping facility. And therefore, recharging to the deep aquifers is not practical, but in the brackish areas it will filter on down and it will be clean water by the time it gets there. Also the brackish water goes and disinfects any bacteriological agents in the water. We look at what they're doing in the Coyote Valley or attempting to do here in Santa Clara Valley. What they're doing is they're roping off and making a big pond out there for "recreation" for real estate

developers with no outlet, and they're taking the brackish water that is coming from energy power plants and dumping it all in one plant. It's no wonder the Coyote Plant has not flown. And you have to look this water coming down through the Delta and adjust what is going on on the level of salinity as your progress, whether you call it a peripheral canal, or whatever, you will have stages or steps in flood control and tide basins that you're going to have to look at. But I wish you luck on your project, because it's a rather volatile political process, particularly after the legacy of the peripheral canal that's still with us. And I'm sure some of the lessons with Cal Fed you are not going to repeat. And I wish you luck. Thank you.

Chair: Thank you. Bruce Lechevski?

Mr. Lechevski: Close enough, thank you very much. Hi, I'm Bruce Lechevski. Welcome to our valley. I teach environmental studies at San Jose State. Years ago, in the 1980's, I helped set up the first citywide water conservation program for the City of San Jose. So I have some experience with urban water conservation. But urban water conservation in the big picture is really a pretty futile thing to do, because 85% of the water in the state, as I'm sure you know, is agriculture. And so I have to sympathize with the California Fly

Fishermen, even though I don't like to go fly fishing because my daughter embarrasses me because she catches the fish and I don't. And so my issue here is that, one of the problems that we have is that water quality, first of all, is so poor that we have an issue with trihelamethanes, as I'm sure you know, and so we still have to improve the quality of water so that we can reduce trihelamethanes, which are a carcinogen and may become a legal issue certainly in this area. Secondly, we have more water being consumed for alfalfa than all of Los Angeles, all of San Diego, all of San Diego County, all of San Francisco, times two, and that's just fundamentally wrong. And so the four major water using crops, alfalfa, irrigated pasture, rice, cotton, if you look at those things, if those farmers would like to use those crops I think they ought to pay for it. When you look at that agriculture consuming 85% of the water produces about 3% of the state GDP, when you're looking at this valley here that is driving the economy of the state that is the sixth largest economy in the world, there's just something wrong. And when we have this process 100 years? We're going to have an earthquake in the next, what, 30 years, 100% chance that I read in the paper? We can't wait this long. We need to move quicker. We need to get water quality.

We need to deal with these issues much quicker. And if the water districts down there want that water, then let them pay for it. Thank you.

Chair: Thank you. I don't have any other speaker cards. Is there anyone else who would like to make a comment? Oh, here we go. Thank you. Go ahead.

Mr. Long: Thank you. My name's Chuck Long. I represent myself, but I'm a property owner up in Contra Costa County. And I followed the water diversions from a few of the pumping plants and I water ski past them frequently. Carl mentioned something about preferred water conveyance approach. Are you referring to another resurgence of the peripheral canal, and could you explain how some of the newer convergence approaches are going to affect us?

Chair: I'm sorry if I didn't make it clear before. We're not really going to do Q and A here. But if this sort of wraps things up, we're going to stay and we'll be happy to answer a lot more questions. Would you have any more comments that you'd like to make?

Mr. Long: Probably (indiscernible)

Chair: Okay, okay. Okay, are there any other comments for tonight?

Okay, with that we will adjourn the comment session. I want to

thank you all very much for coming and for participating and for taking the time to become familiar with the BDCP and we hope you continue to participate. Thank you very much.

-- MEETING ADJOURNED --

BUREAU OF RECLAMATION

WATER EDUCATION FOUNDATION

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BAY DELTA CONSERVATION PLAN MEETINGS

PUBLIC COMMENTS ONLY

FOR:

STOCKTON

Stockton:

Chair: I'm sorry if I mispronounce anyone's name. Just correct me and tell me what it actually is. Mel Lidel, San Joaquin County, Donte Nomalini, Jr., and Mike Robinson. So if you three would come up first. And the microphone is right there.

Mr. Lidel: Okay, is that better? My name is Mel Lidel. I'm the Water Resource Coordinator for San Joaquin County. And I'd like to just start out by tonight thanking you for the opportunity to give a few comments. San Joaquin County I think is very much interested in this process and we'll be supplying written comments as well as my oral comments as well. Just to remind this group that the San Joaquin Board of Supervisors over the last number of years has been very much interested in the issues of a Peripheral Canal being installed and constructed in San Joaquin County. And by the process of the BDCP it looks like this alternative is one that's going to be looked at in great detail, and so we want to make sure that our position on this issue is taken in consideration as well as the alternatives that we address. Just for your review, in 1982 the Board of Supervisors passed a resolution opposing the Peripheral Canal as it was first developed. Also again during the Cal Fed Process, the

canal was again opposed in 1992, and again in 1998. Part of the resolution that was recently passed in 2007 brought forth the issue that the state water project has failed to develop the \$5 million acre feet necessary that was promised during the state water project as it was developed from north coast to watersheds. And we feel that that is a very key issue regarding the issues in the Delta primarily due to lack of supply. Conveyance of a new Peripheral Canal does nothing to provide additional supply for the State of California. We feel that that's a very strong thing that we need to look at. Peripheral Canal in San Joaquin County as the supervisors recently developed an additional resolution in 2007 where they again opposed the idea of a peripheral canal being constructed, as well as any isolated conveyance facility -- or dual conveyance facility in the Delta. The construction and operation of a peripheral canal are similar. A facility would require the taking of primary agricultural land and possibly urban areas for the construction of a itself based on its current alignments and the loss of additional acreage from seepage from the canal could cause some severage damage to additional prime agricultural land and sever the impaired utilities, local road systems, and would create significant flood dangers to agricultural

lands in urban areas within the City of Stockton and San Joaquin County, and various other communities. It would adversely affect water rights from water users in San Joaquin County and would circumvent the Delta common pool, and will seriously impair Delta water quality and adequate supply for all beneficial uses here in San Joaquin County. I've got 10 seconds left. Have I gone over 10? Oh, sorry about that.

Chair: That's all right.

Mr. Lidel: Other than that, we think there's some more viable alternatives that would allow for this sort of thing to happen. We'll supply those comments as part of our written comments to you due on May 30th.

Chair: Thank you very much. You don't have to go in order if you don't want.

Mr. Nomalini: Yeah -- Donte Nomalini, Jr., on behalf of the Central Delta Water Agency. And I'll be helping to provide a lot more detailed comments. But just at this juncture one thing that struck me is I don't know how you folks are going to come out with a preferred alternative. I know you will, and I know what it will include, but this is from the Delta Vision Report. I would caution you not to come out with a preferred alternative. Cal Fed I think came out and

just had a bunch of alternatives, then they went back and picked one, but from the Delta Vision -- you know -- it sounds like your preferred alternative is going to be a dual facility. They acknowledge -- this is on November 2007 -- perhaps an isolated facility would enhance the reliability of exports. Perhaps it would create fewer problems for selected species. Perhaps it would be less exposed to seismic risk. And perhaps it would result in higher water quality. But at this point, there's not sufficient specific information to guarantee these outcomes. Same with the dual conveyance, it might increase reliability, and it might capture more high water flows, but again, not enough information is available at this point to ensure this. So -- I mean -- I think it's -- you know -- borderline bad faith to be coming out saying we prefer -- this is our preferred approach to handle this when the information clearly doesn't appear to be there to back it up. So I would say keep your options open. And you're going to hear a lot more of that the Central Delta Water Agency absolutely 100% against any canal and we'll fight it to the end. Just another comment on the objectives, the Cal Fed EIR, there's a huge battle over what were and were not the objectives. So this go around, I would beg and ask that you folks try and be clear

on what are your projects basic objectives, so we don't have to fight over it. And of course, your objectives define what your alternatives are, so it's important that they are clear and that they are not unfairly or narrowly construed when it comes time to reject in alternative approaches. Because you're going to probably get several hundred alternative approaches and Cal Fed, we felt they narrowly interpreted their objectives and rejected alternatives which were on their face clearly consistent with the broad based objectives. Um -- just running out of time here. I would just like to say the common pool, whoever thought of that was a genius to have the projects depend on the same water quality as the Delta fisheries, the Delta farmers, the Delta commercial folks -- to have everybody draw out of the same pool was genius. You folks out there who care about the fish, us who care about the fish, as well as farming, you get that canal built and those projects no longer are going to care. That's the state and federal government with all their power and resources now do not care about the water quality. And the fishery folks, as well as us in the Delta, we're doomed. That's a bad, bad alternative. Thank you.

Chair: Thank you. On deck we have Vince Wong, Steve Moore, and Donte John Nomalini. Go ahead.

Mr. Robinson: Uh -- Mike Robinson, the organization is Restore the Delta. We understand that there are many factors that may be contributing to the declines in the Delta. But we are concerned about the quantity of exports, and to a lesser degree about the timing of those exports. No one has determined the water needs of the Delta, and already we are 5 million acre feet short of promised water from North Coast rivers that was eliminated from the supply equation. Exports in the same time frame exports have continued to increase. Supply has not. Exports were supposed to be surplus water, those waters not needed to maintain the Delta. In the big picture we feel that all diversions need to be evaluated. All diversions that -- diversions that used to flow into the Delta, back to the original. How can you improve the system of the Delta by taking fresh water -- more fresh water -- Sacramento River water away from the Delta. The Delta needs more water, not less water in the system flowing through it. We're opposed to any type of isolated facility, and there are other alternatives in our opinion that would work better. We ask that you read and understand the original contracts of water exports. They

are very specific about what water was to be used for export. Thank you.

Chair: Thank you.

Mr. Wong: My name is Vincent Wong. I'm with Zone 7 of Alameda County Flood Control and Water Conservation district. Sometimes known as the Zone 7 Water Agency. Zone 7 provides wholesale water and we manage local and ground water for 2,000 residents in Livermore, Pleasanton, and Dublin in Eastern Alameda County. We have been receiving deliveries from the State Water Project since 1962 and about 80% of our water supply now comes from the State Water Project. We depend on the State Water Project to provide a reliable high quality supply. But we recognize that in taking deliveries that that delivery must be done in a responsible manner. That is in a manner that protects and maintains the quality and habitat values of the Delta, as well as being able to convey a water supply reliably. Zone 7 has been a major player in conjunctive use and ground water banking. We know the value of stretching our water supply sources. We continue to emphasize and implement increased water use efficiency within our area. However, we know that we will never be fully independent from the Delta in meeting our water supplies. We

are highly supportive and have been participants in the Bay Delta Conservation Plan, because we believe that is our best and maybe last opportunity that we'll have for a long term solution to a sustainable Delta. The BDCP approach to environmental management is much more comprehensive than the piecemeal approach that's been used in the past with regard to Delta habitat protection, and it can stabilize both the water supply and the fish species in the Delta. In evaluating the BDCP, I want to make sure that I've recognized that the BDCP will not address all the stressors of the ecosystem in the Delta, but I think it's important to recognize that there are many stressors and that the impacts of those stressors can be significant. The BDCP will not answer all of those. The overall benefits of the BDCP for water supply reliability, water management, flexibility, Delta water quality, and Delta fishes warrant the development and implementation of the BDCP. Thank you for the opportunity to speak.

Chair: Thank you. Yeah -- uh -- right up there. Go ahead.

Mr. Moore: Good afternoon. My name is Steve Moore. I'm currently serving as the Sheriff of San Joaquin County. In looking at this presentation, one of the things that seems to be missing from our end is how this

will affect our ability to enforce the laws, not only on the waterways, which there are quite a bit here in San Joaquin County, continue to make sure that the resort type recreational things are continued in the Delta, but on top of that, we also responsible when there is levee failures. So with the projects that are looked out on this presentation, I would like to see an evaluation of possibly how law enforcement is going to be able to continue its original mission. But if you are going to add additional responsibilities to this, how are we going to be able to meet those needs. Currently funding will not be available to do that in some steads. The other would be that -- uh -- possibly a study to decide whether or not it would be better to spend the money to develop and maintain the levees as they currently are instead of putting additional monies into an alternative. Thank you.

Chair: Thank you. On deck we have John Banks, Jay Sorenson, and Dave Hurley. Go ahead.

Mr. Nomalini: Donte John Nomalini, another one. Uh -- you heard kind of a technical presentation on the SEQA and NEPA analysis. My concern is with regard to your duty as public officials to protect the public interest and the public trust which you've put up for us is an equivalent of water supply with protection and conservation of the

environmental values of the Delta. That in my opinion constitutes a violation of your public trust responsibility. The export of water from the Delta was supposed to be surplus. You've heard speakers talk about in particular the 5 million acre feet that was supposed to be brought in by the State Water Project to not only provide additional water to meet shortages within the watershed, but to make available the water for the 4-1/4 million acre feet of export. It is not clear under any of the scenarios that we've experienced so far that it's possible to protect the Delta, the fish and wildlife environment, and the uses with the prospect of level of exports. We have been strongly advocating for years that people who evaluate the environmental impact of facilities on the Delta must look at the level of exports. We may very well have to reduce exports to zero except in surplus water years. And of course, if you're not paying attention to the courts that have chastised your fish and wildlife protective responsibilities as being inadequate, then you're not really paying attention to your job. This looks to me like an organized effort to try and circumvent the SEQA and NEPA process for a peripheral canal by setting a narrow focus on your Bay Conservation Plan which equates exports to protection. And I think that's in error, and of

course you will find this challenging that all the way through the process. So I would ask that you broaden that to make it a more comprehensive review of what is needed to protect the Delta and it would appear that it may very well be zero exports if the 5 million acre feet was supposed to come in by the year 2000. It hasn't come in. Logic would tell you State Water Project you can't take 4-1/4 million acre feet. You didn't carry out the plan. Those people that made the plan were maybe not as sensitive as we are today for environmental values but they did attempt to do their responsibility as public officials and of course, we've seen the crash of the pelagic fisheries as an indication that the management that has been shepherded by you and your predecessors has been inadequate. So thank you very much. We'll provide further written comment.

Chair: Great, thank you.

Mr. Banks: My name is John Banks. I'm a member of the California Striped Bass Association. I'd like to speak a little bit historically here, first. Water was originally diverted to support farms and communities basically in Southern California that didn't have enough water for their activities. Now so much water is being diverted that it has become another cash crop for the farmers at the south of our normal

watersheds. And this is at our expense. The only conclusion I can draw from this that if these farmers have water to sell as a cash crop, then they've got too damn much water. Okay. A couple of the reasons -- other reasons that I am against either a single isolated or dual conveyance -- whatever nomenclature you want to put on it, I am afraid that it will increase salinity in our area of the Delta, and we are continually fighting salinity right now, and we don't need more water diversions or water re-routing to lessen the flow and the flushing actions of our natural tides. There will be increased pollution because of the same reasons. There won't be enough water coming down from either direction, north or south, to wash the pollutants out to sea. Or to dilute them. And it will badly impact our natural tidal actions, which traditionally in a watershed have a cleansing and diluting action twice a day. I am therefore, my organization is therefore, solidly against any water conveyance such as the proposed peripheral canals. And we are steadfastly against any other system that will allow more water to be diverted from our Delta. Thank you.

Chair: Thank you.

Mr. Sorenson: My name is Jay Sorenson, one of the founding fathers of the California Striped Bass Association. We're approximately a 35 year old organization. And this organization was primarily formed because of things that we noticed that were taking place out on the Delta. And through the years we have seen problems arise with our fisheries, natural resources, wildlife. The beauty and splendor of the Delta has slowly eroded. What I used to call the Sistine Chapel, it was my personal Sistine Chapel because I spent two or three hundred days a year out on our Delta as a fishing guide. I have noticed a drastic decline in all of our endogenous sport fish. One that hasn't been mentioned is the American Chad on the San Joaquin River side of the Delta. Nobody talks about that species. Most of us used to go out and what we called bump Chad out here in the South Delta. That doesn't take place anymore. We've seen salinity levels in the Delta rise. In 1986 it got up to 3200 parts per million out here on the Delta. The No Zone into the Delta was primarily in the Bay. It moved up to Chain Island, and heavens knows where that No Zone now from the lack of downstream flows that need to flush this system out. And most of you are aware of what's happened to our salmon fishery off the Coast of California and Oregon. Talk about a

loss in the economy. Over 3,000 jobs lost. 300 million dollars taken out of the economy. And a good portion of those salmon ply the Sacramento River, and that's the species that we're talking about now that's having the problems. So whatever you decide to do, I want you to make sure that there's a high priority on our fisheries and natural resources out here in the Delta. Because I'm really -- pardon the expression -- damn sick and tired of seeing what I've seen out here take place over the last 40 years. My first experience out on the Delta was in the 19 -- early 1940's. And if you'd seen the Delta then and compare it now, the thing is almost dead. So please, in your considerations and deliberations, I want you to take a high priority on what has been a great part of my life. And not only mine, but a lot of other people that live around the Delta, take care of it. It is only one Delta and we've got to take care of it. Thank you very much.

Chair: Thank you. And just on deck Alex Hildebrand, Randy Fiereni, and Bill Jennings.

Mr. Hurley: Good evening. My name is Dave Hurley. I'm Secretary of the California Striped Bass Association, Stockton Chapter. I also write for two Internet based fishing on a weekly basis as well as a Fresno

Bee fishing report, so I have a good handle on what's going on, what our state water levels are, and trends throughout the year. And throughout the years. This is a hard choice. No one is going to deny that our Delta is in tremendous trouble. In three generations, and I am very astutely aware of this because my great grandfather was a commercial fisherman on the Delta. My grandfather had the opportunity to work as a commercial fisherman on the Delta until 1958, and then there's me. But we've in three generations we transformed the Delta from the largest estuary on the West Coast, to our current crisis where salmon season has been closed for the first time since 1848 in history, and we have a pelagic fish decline. But this isn't -- what you are proposing is not a hard choice. It's really an easy choice. There are some hard choices that have to be looked at and I would really encourage -- I'm encouraged that you're -- all the agencies are working together. At least there is the veneer of you guys working together. But what underneath it may be the story that you can't tell tonight. But there are some very hard choices that I would encourage you to look at. And I -- we've been transferring water south for over 100 years with disastrous results. And we're requesting to be transferring water south again just a different

method. We all know something has to be done, but there are too many issues. But I kind of compare what you're proposing to placing a bandage on an infected cut. Except this cut is down to the bone. Without addressing these hard choices of what's gone against what I consider to be the American Way, and what I mean by that is we the general public subsidized large businesses to great profits and the sad part is most of us don't even know it. But subsidized water going to agribusiness in the south area is an issue that has to be addressed. I think it has to be looked at how important that water is, what the use is, where it's going, what it's being used for, what good that water is doing for society, and then the other issue that really needs to be addressed, is in terms of municipal use. Conservation. I don't hear any part of this particular plan -- of course it was a short overview -- but without addressing those two issues, all you're doing is this same story just a different way of getting the water down to where it is. So I would encourage you as an agency, you do have our public trust. Unfortunately some of the actions that have been taking place recently haven't provided much trust for the public. We are in a situation of crisis, and it would be my hope that the next couple of generations are going to be able to enjoy the Delta as my

predecessors have. So thank -- please take a look at those hard choices.

Chair: Thank you.

Mr. Hildebrand: My name is Alex Hildebrand. I'm a farmer on the South Delta. I am very active on the San Joaquin Farm Bureau, and then on the South Delta Water Agency. Let me begin by endorsing but not taking the time to repeat much of what you've heard from those organizations and others who oppose the canal. And it takes a few minutes to explain it, but a dual facility is just a fraud. It would not work. Let me go back to March 21st when DWR held a meeting to kick off this EIR scoping process. The material handed out at that time, and the remarks of Deputy Director Jerry Johns, made it very clear that this is not really a democratic process that's intended here. They prejudged that the preferred alternative would be whatever comes out of the BDCP. Now that body is an unelected body, unaccountable, and it's steering committee includes nobody from the Delta. It -- and it was all -- and it goes through some motions of any indicating -- it will indicate -- look at something else but it was clear that there was no intention in any alternative to what comes out of the BDCP would be given any serious consideration at all. And I

have an example of that. It said people from within the Delta led by Tom Zuckerman, and by the South and Central Delta Water agencies have proposed specific alternatives which would solve any problems without the canal and all of the havoc that a canal would cost including increased longer stages during floods. The -- also are plunging ahead with this prematurely. The -- it is clear that the -- there has been no analysis -- independent analysis obtained and made public of the increase in salinity in the Delta that would necessarily happen if you build a canal in the Delta. Consequently there is no understanding of the fact that the increase in salinity that the canal would cost would clearly put most of agriculture in the Delta out of business. If the Delta -- if Delta agriculture goes out of business, and the primary maintainers of Delta levees, and that would have to cease then and the levees would become abandoned. In fact, some of the people that are very vocal in this activity, actually proposed that we should abandon the levees and convert the Delta from a channel system to a - an open bay. And I'm not a fishing expert, but I notice that there are no endangered fish that are in the San Francisco Bay. And if you turn the Delta into equivalent

kind of a thing, the same thing would happen to the fish here. Thank you.

Chair: Thank you.

Mr. Theorini: Good evening. I'm Randy Theorini, a peach grower from Turlock, a member of the Turlock Irrigation District Board of Directors, and I'm the immediate, past president of the Association of California Water Agencies. ACWA is very supportive of the Bay Delta Conservation Plan process. ACWA has been a leader promoting a comprehensive solution to California's water supply reliability and ecosystem health challenges. Improving the sustainability of the Delta is the key policy priority for ACWA's 448 member throughout the State. We recognize that California cannot hope to achieve a comprehensive water solution without a plan to reverse the Delta's ecosystem decline. Although emphasis is often placed on what we don't know about the Delta, there is a wealth of knowledge already evident from 50 years of experience, and that knowledge is compelling. We know that the 18 Delta levees are becoming increasingly vulnerable to the catastrophic failure due to flood or a moderate earthquake. We know that we are expecting the Delta to meet the needs of the aquatic environment and provide water for the

economy, but it was never designed to do both. We know the key native fish species are in decline. We know that communities are losing jobs and income because their water system is in crisis. We know that the Delta is unsustainable in its current configuration. And we know that the Delta's deteriorating condition imperils species and waster deliveries to 25 million Californians and 2-1/2 million acres of farmland. Given these facts, we must conclude that the Delta is in ecological crisis that threatens people as well as the environment. If the State doesn't take action to restore and protect the Delta, the repercussions on the environment and the economy will be disastrous. ACWA represents public water agencies in the Delta and above and below the Delta. Solutions must work for local Delta users, and the entire state. As Delta's solutions take shape, we have to make sure that we protect the interest of those who currently use water in the Delta. That means impacts stemming from solutions -- and there will be impacts -- must be addressed and mitigated. We must also ensure that we do not solve problems at the expense of upstream regions. Local economic interests must be respected along with water rights and area of origin interests. It is imperative that the BDCP process address the key issues concerning

the Delta in an expedited manner. Time is not on our side. Thank you.

Chair: Thank you.

Mr. Jennings: Good evening. Bill Jennings representing California Sport Fishing. For text and that we will be submitting written comments, but I'll excerpt a few of them generally speaking. The proposed HCP is the most ambitious and far reaching HCP ever envisioned, coupled with the massive scheme to change the hydrology of the Central Valley. Proposed time schedule is absurdly truncated. CSPA believes the schedule was not only internally inconsistent, but also fundamentally inconsistent which the governor's Delta Vision and the basic Federal and Clean Water Endangered Species laws. The fundamental inconsistency between and HCP with the goal of protecting and restoring listed species and a conveyance plan involving a massive public works project that will change the hydrology of the estuary and its tributary waterways is indeed the plan. It is little more than a Bay Delta Conveyance Plan masquerading as an HCP. As a general principal we do not believe that any HCP should include guaranteed water delivery, and/or changes in infrastructure solutions. HCP should be focused on needed habitat improvements sufficient to

enhance the listed species to the point til they could be Group D listed. We note that consideration of increased guaranteed water delivery or new water diversion to fresh water from the Delta, that would result in increased degradation of water quality are impermissible under the Federal Clean Water Act, and that economic considerations have been found by the courts to be illegal pursuant to Section 10 of the Federal Endangered Species Act. Long term assurances and guarantees are fundamentally inconsistent with any defensible or adaptive management program. One of the reasons the recent Federal by opts were overruled was that scientific staff decisions and recommendations were routinely ignored or overwritten by the Water Operations Management Team. Specifically at a minimum the ERA, EIS must incorporate a comprehensive ecological analysis. No HCP planning should have goals beyond protecting and enhancing targeted species. Must protect tributary -- Delta and tributary waters no matter what. Regardless of cost or consequences. Must identify the areas and species that it is attempting to cover. Evaluate the impacts of meeting the existing proposed water demand to each species covered by the HCP. Identify and evaluate alternative water systems and

delivery systems and prioritize those evaluations on ecosystem water needs. B -- urban water needs and agricultural water needs. Clearly and HCP's first priority must be on ecosystem, followed by urban and agricultural needs. Analyze and quantify the Delta needs. For over a decade DWR and the Bureau have refused to undertake a quantification of how much water this ecosystem actually needs. Sufficient reductions are essential. It must discuss how much water is required for a healthy Delta and how various scenarios on export levels and patterns and timing of upstream diversions will affect targeted species are reiterated. A reduced export alternative must be included and evaluated. Explain how levee improvements, flood plain management, and changes in water circulation and quality will affect each of the targeted species of proposed structural modifications. Provide a detailed analysis of how expansion of wetland habitat and changes in hydrology will affect mercury methylization, and the bio availability and/or bio concentration of mercury, selenium, and other toxic pollutants on the food chain. And I've got one more and I'll finish. All right, so -- describe in detail how the reductions of Delta exports identified in Delta Vision will be accomplished within the California Water Rights Process and

the affects upon senior water rights or holders, junior water rights holders, repairing diverters, and the trust. And I'll just say that the elimination of a similar capacity and the increase in residence time in the Eastern Delta will have enormous and serious water quality implications and they've been pushed under the rug too long.

You're going to have to bite the bullet and examine them.

Chair: Thank you. I have one more speaker card and if anyone else would like to make a comment who hasn't filled out a speaker card yet, let one of the folks know up here at the door. But this last one is Woody Alspa.

Mr. Alspa: Hello, my name is Woody Alspa. I'm not a -- uh -- diploma expert, however, when I was a kid we had a -- our first well we dug was about five feet deep. We had a hand pump, and of course things have changed. I won't go into detail on that. But the reason I'm here is I had a vision -- an idea about a day before this was published in the paper about this meeting. And it's so simple it can be complicated, but not in reality. To raise up the land in the Delta, that would benefit everything. It's got to benefit everything. The levees and so forth and so on. So, in line with this thought, I visited the scavenger recycle place in Stockton and found out what they did

with their so called recycled garbage waste or what have you.

Anything that's worth anything is barreled and shipped off to China and then a mixture of waste and biomass is barreled and then dumped out there. And I say dump -- let me emphasize that -- on -- off of Austin Road. And if you've ever seen it, it's like a war zone out there now. It used to be a beautiful place. There's a lot of pure biomass garbage such as waste from vegetables and such, and over production of certain crops that is wasted. Not to mention, and I forgot to ask about the green bins. That's the lawn clippings and such. They're all dumped out there in the same hole. Now this could be -- you could take one section or an island or whatever terminology you want to use, pump the water out if there's water. You could either mix this biomass in the soil or you could separate a certain amount of the soil, put it in the biomass and then recover it with the existing peat dirt -- peat soil or what have you. And this could be done in stages. And then there could -- that could be flooded so that everything settled down and drained just before the bad winter so we could use as possible a flood control. And have a dam so that at high tide the salt water doesn't come back in. So it would be natural flushing out of the salt water. And this would take

a lot of thought, a lot of product, probably a lot of money, and a lot of people working together. But I think it's a start. You know -- and I think it's so simple that nobody ever thought about it. All that wasted biomass is just going to waste. And we are a biomass -- soil is a biomass that's chemistry, it's carbon, hydrocarbon, very simple. Nothing complicated about it. And just perfect. My time is up.

Chair: Thank you. And John Herrick.

Mr. Herrick: Thank you. My name is John Herrick. I represent the South Delta Water Agency. I'd just like to join in the comments of both Bill Jennings and the two Donte John Nomalini's. Just to make a few brief points, it doesn't seem appropriate to have a co-equal goal and a habitat conservation plan that includes exports. The protection of any level of exports cannot be determined until you determine what it takes to protect the habitat about which the conservation plan is developed. So as soon as you put that in there you've got conflicting goals and that's what Cal Fed did, and that's what ruined fisheries. I'd also like to encourage the process to divulge its preliminary modeling results with regards to the effects of an isolated facility or a dual facility on water quality in the Delta. And to that end, I'm not trying to blind side you, but either December or January I sent the

BDCP a letter asking for the modeling they had done so far on water quality effects, and asked them a number of questions about the assumptions in that modeling. The URS representative contacted me and said, I will answer that if the steering committee directs me to. And I haven't heard anything. So again, I'm not trying to blind side the people here, but this is being sold as a public process, with public involvement and stakeholder involvement. And yet, I can't get the steering committee to answer basic questions about what modeling they've done and what the assumptions are. I hope maybe you can correct that. Anyway, that's all I have. Thank you.

Chair: Thank you. Okay, are there any other folks who would like to make comments? Okay, if not then we will go ahead and adjourn this part of the meeting but feel free to stay and talk to folks. We'll hang around for a bit and answer anymore questions you have. Thank you very much for coming.

1 **APPENDIX J: COPIES OF TRANSCRIPTS OF 2009 BDCP**
2 **INFORMATIONAL MEETINGS**

1 BAY DELTA CONSERVATION PLAN
2 ENVIRONMENTAL IMPACT REPORT (EIR)
3 AND ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS
4

5
6 MONDAY, MARCH 9, 2009

7 PUBLIC COMMENTS

8 6:00 P.M.
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11 CHICO MASONIC FAMILY CENTER

12 1110 WEST EAST AVENUE

13 CHICO, CA 95926
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24 REPORTED BY: LISA L. JONES, CSR 12982
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<p style="text-align: right;">Page 2</p> <p>1 Bob Vanella, V-a-n-e-l-l-a. Private citizen, local 2 farmer. One comment, the publication of this meeting was 3 next to none. I don't know how far north it is, but 4 there was only the Enterprise Record one time, buried. 5 We have several other counties around here that use 6 District water, I'm going to call it, out of the river. 7 They knew nothing about it at all. 8 Then my comments would be, along with this, I think 9 some of it was answered in the meeting next door, that 10 there is some desalination plants being proposed. I 11 haven't heard anything about them, but it's probably been 12 down south, so again the people of the State should know 13 this stuff, and we're not told, at least it's not in our 14 local paper. Things like this, because water is so 15 important, everybody in the State should know. 16 Reservoirs, I believe we need more reservoirs. And 17 we've got, I understand -- I don't know eight million 18 more people, or something like that, I've heard in the 19 State since the last reservoir has been done, and there 20 have been no more. And everybody wants more water all 21 the time. So I think in this whole proposal, they're 22 dividing the State by little pieces and they're trying to 23 put a peripheral canal type, that's what I would call it, 24 a new canal system through the State, and so because they 25 couldn't get it before, the whole piece, they're putting</p>	<p style="text-align: right;">Page 4</p> <p>1 get the water? Well, through the river systems from up 2 north. Well, if we have zero water today, I can almost 3 guarantee you, if we have zero water, and we have water 4 next year, at let's say 20 or 30 or 40 percent, but they 5 need this water for this 30 to 45 days, they will say oh, 6 well, we can just make the farmer be, instead of at 30 or 7 40 percent, we'll make him take another five percent of 8 his water to save these fish. 9 So now, the farmer is down again. So in this whole 10 project, everything I see in here, when you talk to these 11 people, is coming from the farmers, all the water. It's 12 not coming from the people any place. It's all coming 13 from the farmers. And I think this whole project needs 14 to be looked at in more detail, not just this little plot 15 here, that's what I mean when I say, "divide and 16 conquer." You need to start up north and go to the 17 center and then go down south. What is the whole plan? 18 I think I'll stop there for this time, but I'm hoping 19 we'll have more input. 20 That's all I have for now. Thank you. 21 Ed Coffin, C-o-f-f-i-n. Just the pitiful manner 22 with which this meeting was broadcast, letting us know it 23 was going to happen in the first place. So hardly 24 anybody really knew this was going on tonight. Just 25 really too bad. They need to let people know in a lot</p>
<p style="text-align: right;">Page 3</p> <p>1 little pieces together, called -- I would call it divide 2 and conquer, so you don't do the whole thing. You just 3 do a little piece here and a little piece there. 4 I am a user of the canal system, for my water for my 5 orchards. We are at zero today, water. And I asked the 6 question: Well, if I'm at zero, and I am a tax payer, 7 and a water user, why aren't maybe some of the cities put 8 on zero water, such as the Capitol, so maybe they can 9 wake up to the fact, that we do have a water problem. 10 And maybe we ought to do this in Los Angeles, San Diego, 11 some areas of the State buildings, put them all on no 12 water. So that they can see what's it like to have no 13 water, not the People, but all the government facilities. 14 You know, the Capitol and courthouses, places like this 15 that people will say hey, there's no water, and we're not 16 doing anything about it. 17 In the meeting next door I went to, they were 18 talking about the fish and stuff that they want to 19 preserve and at what cost do we want to preserve these 20 fish versus the people of the State, and they had said 21 that in the Yolo Bypass they have little dark areas on 22 this map. They have that they want to increase the flow 23 into those areas for the saving of the fish another 30 to 24 45 days. 25 My question was to them: Where are they going to</p>	<p style="text-align: right;">Page 5</p> <p>1 better fashion than they did when they're going to have 2 something like this. 3 (Whereupon the meeting was adjourned at 8:40 p.m.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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BAY DELTA CONSERVATION PLAN)
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PUBLIC COMMENT MEETING
HDR ENGINEERING INCORPORATED
THURSDAY, MARCH 26, 2009

Taken at:
52910 Netherlands Avenue
Clarksburg, California 95612

ANGELICA R. GUTIERREZ, CSR NO. 13292
JOB NO. 114785

<p style="text-align: right;">Page 2</p> <p>1 MS. PAM JONES: My name Pam Jones. And I'm the 2 moderator for this evening. I am not an employee of any of 3 the agencies who are here this evening. Some of you may 4 actually know that I have spent 25 years working with the 5 agricultural community. That's said, I would like to not 6 only say welcome -- we've said welcome to other communities. 7 But this is the 12th -- of 12 communities and certainly the 8 community that actually gives evidence that it does care, so 9 compliments to the community that cares. The purpose of 10 tonight is two-fold. 11 Number one, to give you an update about the status of 12 the Bay Delta Conservation Plan. The second one, is to give 13 you the opportunity to have input into the environmental 14 review process that once that plan is completed -- or at 15 least the first draft -- will be handed off to the 16 environmental team, which is staff and consultants of the 17 agencies for them to review in the context of what does the 18 proposed plan do to the ecosystem, to the communities, to 19 the agriculture, to the economy, and to the entire system, 20 not only in the Delta but throughout the water delivery 21 system that the Delta depends on. 22 Many of your comments tonight will be best utilized if 23 you can remember when you leave here -- and there will be 24 time at the end -- to speak to the folks out in the hallway 25 who will take your comments in writing -- and we will also</p>	<p style="text-align: right;">Page 4</p> <p>1 express them here. And third, is kind of rules of the 2 ground rules here. We would like your comments to be 3 constructive. And we would like your behavior to be 4 constructive and not abusive and not illegal. The illegal 5 we kind of have the guidelines. Abusive is a matter of 6 judgment. It's kind of like pornography you know when you 7 see it. With that, I would like to introduce our team up 8 here, our speakers. 9 Starting with Lester Snow, Director of the California 10 Department of Water Resources. John Engbring U.S. Fish and 11 Wildlife Service that's one of the federal partners here. 12 Karla Nemeth, she's with California Natural Resources 13 Agency. She's the BDCP, the conservation plan liaison. 14 Paul Cylinder, is with SAIC, technical consultant. Chuck 15 Hanson, is with Hanson Environmental another environmental 16 consultant. Jerry Johns Deputy Director Department of Water 17 Resources. Who else is going to speak? Keith Coolidge 18 Natural Resources. And we also have some other folks here 19 that will be resources. 20 If you don't get all of your questions answered, these 21 people will be around, they will take your questions as will 22 the staff in the hallway there the technical staff. The 23 staff out there is there to listen not so much to answer the 24 questions because as the official part of the environmental 25 review process, they're trying to get your questions and</p>
<p style="text-align: right;">Page 3</p> <p>1 have a court report -- or you can fill out a comment card 2 because it's the comments in writing about your concerns and 3 what you would like this environmental team to consider when 4 they're doing the environmental review that will actually 5 constructively guide that environmental team. So that's the 6 official, legal purpose of this meeting is to generate those 7 comments. And I think you will probably have some because 8 of the unique character of Clarksburg and the surrounding 9 area. 10 The format that we'll follow tonight is we're going to 11 go about half an hour with some presentations, with the 12 update to the plan. And then we're going to turn it over to 13 you for your questions and your comments. Right now I have 14 almost 30 comments. And my goal is to make sure that each 15 of these 30 people who want to speak get the opportunity to 16 do so, that's my primary goal. And in order to do that, 17 we're going to need some -- to follow some ground rules. So 18 as you're thinking about your comments -- and I have, you 19 know, 30 people here who want to make comments -- the ground 20 rules that we will follow is that you may ask a question and 21 a follow-up question. You may make a comment. We'd like 22 those to be limited to three minutes so that the last person 23 gets the same opportunity as the first person. Again, if 24 you can write your comments about the actual environmental 25 review, write them down, we'd appreciate that. Even if you</p>	<p style="text-align: right;">Page 5</p> <p>1 concerns. These people will answer your questions. Okay. 2 With that I'd like to turn it over to Lester Snow. 3 MR. LESTER SNOW: Thank you, Pam. There's a couple of 4 things I noticed about Pam's comments. One the first 5 sentence was to identify herself as not part of the rest of 6 us, which is probably a good move. And then I also noticed 7 that her last sentence had before introducing me had 8 pornography in the sentence. I'll try not to let that 9 affect me. First, I want to reiterate what Pam said how 10 impressive the turn out this is. It speaks well of the 11 community, and it speaks well of your interest in your 12 community and wanting to understand on what's going on and 13 the issues that it may effect -- and also, the T-shirts I 14 don't know -- the person that designed them here this 15 evening. I mean, they're a wonderful T-shirt. And it shows 16 the kind of solidarity that's intended. There's a lot of 17 people standing. And it looks like there's still people in 18 the hallway. And we have looks like maybe even ten seats 19 still available. Yeah, four there. There's three over 20 here. Another one there. So maybe some of you in the back 21 want to move up here and more people in the hallway can come 22 in. 23 As Pam has already indicated, you know, we have a 24 number of people that can respond in detail to the issues 25 that are before us right now, in terms of the Bay Delta</p>

<p style="text-align: right;">Page 6</p> <p>1 Conservation Plan on water conveyance, on habitat. What I 2 wanted to do is try to provide a little more broader context 3 of what's going on in water resources in California, not 4 take much time to do that. Water resources -- as many 5 people in this room -- I recognize a lot of colleagues and 6 friends that have worked on water resources issues for a 7 long time. And water resource issues have become more 8 complex. The ecosystem, despite investments that have been 9 made, we have fish species that have continued to decline 10 and have not gotten materially better. At the same time, we 11 have seen a a pretty steady erosion of water supply 12 reliability in the state. And I'm not just talking about 13 the Bay Delta system but on a broader basis and so that's a 14 problem that affects ecosystem and it affects the economy of 15 the state. So this issue that's here tonight isn't the only 16 thing that's going on.</p> <p>17 And so I want to hit very quickly kind of the 18 four-point program that's underway to try to deal in the 19 long term basis with water resources in California. And the 20 first issue is conservation. Thank you. I'll put it on as 21 soon as I'm done. And I owe you 20 bucks -- or was that 50. 22 Anyway, the four-point program conservation, that comes up a 23 lot in these meetings. It's an essential part of how the 24 state is going to move forward and in fact it called for a 25 20% reduction in urban per capita use by 2020. We're</p>	<p style="text-align: right;">Page 8</p> <p>1 alone." Now, that I have your vote, I'm running for 2 assembly seat.</p> <p>3 And then what tends to happen in the next level is, "If 4 you have to do something, we're not convinced you've thought 5 it through very well. In terms of where you're going to put 6 habitat or exactly where you're going to -- how you're going 7 to change conveyance." And in the third level it's kind of 8 a refinement of that, "If you're going to have to build a 9 canal, why are you doing it there?" "That's stupid." "You 10 need to do it in this fashion." And then at that third 11 level of concern -- and we'll hear that tonight. "If you 12 have to do this, you need to think about the impacts you're 13 going to have on communities." "You need to think about 14 what you're going to do to preserve the lifestyle in the 15 Delta." And we know we're going to hear all of those 16 levels. "Don't do it." "You're doing it wrong." And, "If 17 you are doing it, you need to take care of the impacts that 18 you're going to have." So we look forward to hearing that 19 from you tonight after the presentations.</p> <p>20 So I'll come back right before the presentations and 21 try to summarize some of the more specific issues that we've 22 seen or heard from people. So at this point let me turn it 23 over to John Engbring, U.S. Fish and Wildlife Service.</p> <p>24 MR. JOHN ENGBRING: Thank you, Lester. Yeah, this 25 indeed is an impressive turnout. I think I was at the</p>
<p style="text-align: right;">Page 7</p> <p>1 seeking legislation to codify that so when we get to the 2 future our urban areas are using less water than they are 3 today on a per person basis.</p> <p>4 The second piece of the strategy for the state's future 5 water apply is what we call integrated regional water 6 management. And what's that? It means that each region of 7 the state needs to become more self-sufficient through local 8 conservation through waste water recycling through ocean 9 desal through local ground water storage projects and ground 10 water development -- and we have to invest heavily in that. 11 The third element is storage -- statewide storage. You 12 probably heard the governor and members of legislation and 13 Senator Feinstein talk about needing more storage north of 14 the Delta and more storage south of the Delta to capture the 15 peak flows that we have and use then in drier years.</p> <p>16 And then the fourth element, of course, is fix the 17 Delta and that means a lot of different things to a lot of 18 different people. But fixing the Delta means fixing 19 ecosystem issue in the Delta and fixing water conveyance in 20 the Delta. So those are the basic elements that are cued up 21 to deal with California's future. Now, very briefly. Some 22 are at a high level the kinds of issues that we're running 23 into. I think the first uniting theme that we hear from 24 people is, "You shouldn't be doing this at all." "You 25 haven't thought about it." "Stop doing that." "Leave us</p>	<p style="text-align: right;">Page 9</p> <p>1 earlier pre-scoping -- early meeting that we had. And 2 there's a lot more people here tonight than there were then. 3 And I also heard there's another meeting going on up 4 Sacramento. So a lot of interest aren't even represented 5 here tonight. So this does represent a huge display of 6 the -- this does represent a huge display of the interest in 7 the Bay Delta Conservation Plan. Again, my name is John 8 Engbring. I am with U.S Fish and Wildlife Service. I do -- 9 I spent most of my younger life baleing hay and hoeing 10 soybeans, so I know what it's like to make a living off the 11 land. I am now the Assistant Regional Director for Water 12 and Fisheries with the U.S. Fish and Wildlife Service here 13 in Sacramento. I'm going to try to explain as simply as 14 possible why the U.S. Fish and Wildlife Service is here, 15 which isn't an easy thing to do because the Endangered 16 Species Act and these environmental review processes are 17 very complex. But I think everybody knows that water is 18 moved from the north of the Delta to south of the Delta 19 through two very large water projects, the federal and state 20 projects. As that water is moved through and pumped out, 21 there are endangered species -- endangered fish in 22 particular winter-run chinook and Delta smelt that are 23 actually killed when these pumps are operating. Now, that's 24 not legal under the Federal Endangered Species Act. But we 25 do have way to permit that kind of take -- that kind of</p>

<p style="text-align: right;">Page 10</p> <p>1 killing of endangered species. What we do is we ask an 2 applicant. In this case it's DWR Department of Water 3 Resources. And then I think I was described as a partner. 4 But I'm a partner but I'm also here -- and I'm going to be 5 asked to issue a permit to the state for taking these listed 6 species. I'm in a regulatory role here. This permit that 7 we issue -- this incidental take permit -- can be obtained 8 but the applicant has to prepare a Habitat Conservation Plan 9 that describes what DWR -- what the applicant is going to 10 do. How that action is going to affect listed species, in 11 this case Delta smelt, salmon and other covered species. 12 They are supposed to describe various alternatives that were 13 considered and ways that they are going to minimize the 14 impacts to those species, the conservation measure so to 15 speak. When we get that Habitat Conservation Plan, which in 16 this case is the Bay Delta Conservation Plan that's what is 17 being prepared. We have to look at that and make a decision 18 about whether or not the actions, the activities in there 19 actually will threaten or jeopardize the continued existence 20 of those listed species. If we feel that it does jeopardize 21 them, we can't issue the permit. And if there are enough 22 conservation actions and recovery-type actions in that plan 23 that will put those species on an upward trend instead of 24 continuing toward extinction, we can issue the permit. So 25 the end result here is, we will get this Habitat</p>	<p style="text-align: right;">Page 12</p> <p>1 my name is Karla Nemeth. I'm with the California Natural 2 Resources Agency. The Natural Resource Agency -- I'm going 3 to scoot right here so I can operate this machine. 4 The California Natural Resources Agency is convening a 5 steering committee that's helping to shape the Bay Delta 6 Conservation Plan. And that committee is made up of water 7 agencies that provide water supplies from the bay area, all 8 the way down to San Diego, farms throughout the central 9 valley, as well as environmental groups, the California Farm 10 Bureau and other folks who are interested in developing a 11 habitat conservation plan for the Delta. All folks 12 recognize that it's a major challenge to restore an 13 ecosystem in an environment such as the Delta. It's home to 14 half a million folks. Many folks who have been here for 15 generations. It supports a vibrant agricultural economy, a 16 recreational economy. And all of these needs need to be 17 balanced against water supply reliability in the ecosystem 18 restoration goals of this particular plan. 19 The secretary of resources is very interested in 20 engaging the Delta counties in this effort. He's meeting 21 with elected officials from the Delta counties to help lay 22 out a plan for them to be formally engaged in the 23 conservation plan for the purposes of keeping these counties 24 whole as we continue to move through the planning process. 25 As folks indicated, the purpose of this presentation tonight</p>
<p style="text-align: right;">Page 11</p> <p>1 Conservation Plan -- this Bay Delta Conservation Plan. We 2 will have to review it and make a decision about whether or 3 not we issue a permit. In that process, we have to complete 4 an environmental review. Now, we're here completing -- 5 beginning the process of this environmental review. Part of 6 the environmental review process is listening to the public 7 to see what you have to say about how this project -- as 8 much as we know about it now and later when we get actually 9 to the draft environmental impact statement, we'll know 10 more. How that project will affect you, ideas you might 11 have about issues, ideas you might have about different 12 alternatives -- "why don't you do this instead of that." 13 Those are all the kinds of comments that we like to hear 14 from you tonight. So I think with that, welcome here again. 15 The tables are out there. They are staffed with 16 individuals that can answer specific questions. So if you 17 do have specific questions, go check out those different 18 tables and stations. There's one on biology. There's one 19 on culture resources. There's one on engineering. There's 20 one on process. So all of the different areas are covered 21 out there. And that's where you should go to provide 22 comments. So with that, again, thank you very much for 23 coming. I'll turn this over to Karla. And she'll give you 24 more information on the Bay Delta Conservation Plan itself. 25 MS. KARLA NEMETH: Thank you, John. As John indicated</p>	<p style="text-align: right;">Page 13</p> <p>1 is to really provide you an update with our current thinking 2 on the plan in the context of this environmental review 3 process. So that we can support with the most up-to-date 4 information as possible, support this scoping session. I'm 5 not going to have all the details for your tonight. But 6 I've got some great folks here. 7 Chuck Hanson, he's a fisheries biologist, who's been 8 working very closely on the plan. And Paul Cylinder over 9 there he's got a lot experience putting these conservation 10 plans. And I really want folks to take advantage of them 11 and ask questions when I finish this presentation. 12 So why are we here? What is the problem that this 13 conservation plan is attempting to solve? As Director Snow 14 mentioned, many folks are very aware that several native 15 species in the Delta have experienced record low population 16 numbers and that is threatening the water supply reliability 17 for about 25 million Californians. 18 Essentially, what the courts have said is that how we 19 convey water through the Delta that is through the 20 Sacramento River down through the heart of the Delta to the 21 state and federal pumps here creates a reverse flow 22 situation that pulls fish into the pumps and under the 23 Endangered Species Law, you cannot operate those pumps to 24 provide the reliable water supplies because of the presence 25 of those fish. So the courts have said you need to reduce</p>

<p style="text-align: right;">Page 14</p> <p>1 your pumping when fish such as smelt are in this part of the 2 Delta. So what typically happens when we have these kinds 3 of conflicts between water supply, or water for human use, 4 and water for environmental needs an entity can go ahead and 5 propose a water supply project and decide to try and offset 6 the damage to individual species one by one by one. 7 But what the Endangered Species Act in the California 8 Natural Communities Conservation planning Act allow for is a 9 different approach to endangered species regulatory 10 compliance. And that is, to put together a conservation 11 plan. And what a conservation plan does is it addresses 12 multiple species. It actually asks folk who are putting 13 them together to contribute to the recovery of species over 14 time, not just to offset damages to one species at a time 15 but to actually come up with a strategy that contributes to 16 their recovery over the long term. 17 And at the heart of conservation planning, is 18 developing a conservation strategy and that is the suite of 19 actions that you need to do the suite of measures that you 20 need that you need to take over time that will contribute to 21 the species recovery. There's a lot of other elements that 22 are critical to the success of conservation planning that 23 are included in a plan. That includes who's going to fund 24 it? And how do we make sure we have adequate funding to 25 implement the whole thing? And that is who governs? That's</p>	<p style="text-align: right;">Page 16</p> <p>1 holistic comprehensive strategy around nine fish species. 2 That includes Delta smelt, longfin smelt, Sacramento 3 splittail, chinook salmon, green and white sturgeon, Central 4 Valley steelhead. And our approach has been to use the 5 decades of science that came out of the CALFED process to 6 start identifying how we might measure the recovery of fish 7 species what are the biological goals and objective of the 8 plan? How do we know they're actually recovering? 9 There are a couple of ways that we're taking a look at 10 this. That is the distribution of these fish throughout the 11 Delta, their mortality rate, their fitness as a fish 12 species. We're also identifying all the things that stress 13 these fish species. I already showed a slide that showed 14 how the operations of the state and federal water project 15 stress fish species with those flows moving through the 16 southern part of the Delta. That's a key issue we need to 17 address in this plan. There are other things that are also 18 stressing the fish species. And that's a lack of adequate 19 habitat for spawning and rearing. It's a lack of food 20 supply for food species. 21 As I also mentioned water quality methylmercury 22 production. The presence of invasive species that compete 23 with native species. It's all of these things that we are 24 working to address collectively with the notion that any one 25 of these things addressed individually would not be as</p>
<p style="text-align: right;">Page 15</p> <p>1 a real critical question. And I know a lot of folks have a 2 lot of concerns about some of the ideas that are being 3 generated -- and that I'll explain in more detail later. 4 It's a critical issue. It has not been resolved. The 5 California legislature is working on it. A lot of folks are 6 working on that. 7 Another critical aspect of conservation planning is 8 this concept of adaptive management and how do we -- 9 specially, in a system like the Delta -- how do we monitor 10 our effectiveness in incorporating new scientific 11 information as we implement the plan through time? So at 12 the end of the day this conservation plan will be a plan 13 that lays out specific actions, habitat restoration, water 14 conveyance and water flows in the , ways to manage water 15 quality and invasive species in the Delta in exchange for 16 endangered species act permits to allow the operation of the 17 state and federal water projects. 18 And in this planning process, we really have two goals 19 and that water supply reliability and a stable and healthy 20 fish population in the Delta. So what I'm going describe 21 for you tonight is really just one piece of an overall plan 22 and that is this conservation strategy. In your packets you 23 have a summary update. It's about 20 pages that will go 24 over a lot of the information in this presentation. 25 So we're building this conservation strategy, this</p>	<p style="text-align: right;">Page 17</p> <p>1 effective as if we're able to address them all together all 2 at once because our goal is to contribute to the recovery of 3 the fish species over time. 4 So I want to say a little bit more about flows and 5 water conveyance in a conceptual way before I get into some 6 of the details of things that we're considering. And that 7 is -- as I mentioned earlier -- water supplies as they're 8 conveyed through Delta now come in through the Sacramento 9 River through the Delta to the state and federal pumps. The 10 San Joaquin River also feeds the system and water is pulled 11 from the San Joaquin River into the pumps there. There are 12 a couple of areas in which we have these reverse flows that 13 affect fish as I mentioned already in this area there are 14 reverse flows. But also water that comes down the 15 Sacramento River and that would otherwise go out to the Bay 16 is also subject to the pull of pumps and comes back into the 17 system here. Also subject to the pull of these pumps are 18 fish species moving down the San Joaquin River. They get 19 pulled into the pumps through these channels here. 20 So what we're looking at to help this flow situaton 21 with the fish is a few things -- and as Director Snow 22 mentioned, we are looking at a canal as part of this 23 conservation plan and in terms of the flows and what we 24 think it will do to change the flows for the fish in this 25 system is that essentially by diverting water north -- at a</p>

<p style="text-align: right;">Page 18</p> <p>1 northern point in the Sacramento River down to the pumps, it 2 relieves the reverse flow pressure in this part of the 3 Delta. It also allows for greater outflows to the Bay 4 because the pumps aren't working so hard and allows some of 5 that water to go out into the San Francisco Bay. It also 6 allows the San Joaquin River to come in through the Delta as 7 well without the pressure of those pumps. There's a lot of 8 important details about how this kind of system would be 9 operated, some of which we have, some of which we have not 10 developed. They're absolutely essential, critical issues. 11 Everyone's concerned about that.</p> <p>12 So some of the ideas that we are thinking about that 13 make up the conservation strategy -- remember I was 14 mentioning the specific actions that we're considering -- in 15 the area of conveyance and flow, in the next five to 15 16 years we're looking at installing gates in the southern part 17 of the Delta to help manage that flow issue that I was 18 describing earlier. Gates that could be opened and closed 19 seasonally depending on the presence of fish in that area. 20 In the long term that is 15 years and out, we are looking at 21 northern diversion points off the Sacramento River and the 22 canal that connects to the pumps here. They're critical 23 aspects to how we determine how water is diverted out of 24 this diversion point or the pumps here, and there are couple 25 of things.</p>	<p style="text-align: right;">Page 20</p> <p>1 restoration could occur in a bigger area but of much smaller 2 target, which would determine how much we need to make the 3 plan successful. And that essentially gives the plan some 4 flexibility in working with public lands and working with 5 willing buyers and willing sellers to implement the habitat 6 restoration piece.</p> <p>7 But I want to point out a couple of specific areas that 8 we are considering for habitat restoration in this five to 9 15 year time frame. And that is in the Yolo bypass area. 10 Essentially, putting an operable gate on the Fremont Weir 11 and allowing Sacramento River water when available to come 12 in and flood a little bit more of the bypass every couple of 13 years for the purposes of creating spawning and rearing 14 habitat for fish. We are also taking a look at tidal marsh 15 restoration in the Cache Slough area and then Suisun marsh 16 and then portions of the West Delta. Also in the near term, 17 that is, the next five to 15 years we're looking at some 18 canal restoration in Steamboat and Sutter Slough area. 19 We're looking at about potentially ten miles of restoration 20 in that area. Potentially deepening the channels and making 21 it safer for fish to migrate through. And Chuck can answer 22 questions about design and how we might be approaching that.</p> <p>23 In the longer term, we're looking at restoring habitat 24 in this eastern part of the Delta here down in the southern 25 Delta and then along the San Joaquin River here. As I</p>
<p style="text-align: right;">Page 19</p> <p>1 One, it's limited by how wet a year it is. Is it dry, 2 critically dry, average or wet. But also key indicators for 3 fish species needs. How much water needs to be flowing by 4 this kind of a diversion point so that fish have enough 5 water in the system to migrate so that there's enough force 6 for food to be transported into the Delta. They're all very 7 important pieces of information that we need to pull 8 together about how we might operate this kind of a 9 dual-conveyance system. The other important measure is how 10 we operate a northern diversion point or a southern 11 diversion point to manage salinity in the Delta for 12 agriculture uses here in the Delta.</p> <p>13 As I mentioned, we also have a need to address the lack 14 of habitat for fish species in the Delta. And we're looking 15 at three different kinds of habitat restoration. One is 16 floodplain restoration. The other is tidal marsh 17 restoration that's growing cattails and tules to create 18 spawning and rearing habitats in food production for fish. 19 The other is restoring the banks of channels to make them 20 safer for migration for fish less subject to predators. And 21 we're looking at doing that in a variety of areas. I know 22 some folks have kind of been around this block before, they 23 seen these green blogs, they're a little frustrated they 24 want us to get more specific about habitat restoration. And 25 what we're really looking at is identifying areas where</p>	<p style="text-align: right;">Page 21</p> <p>1 mention before, the purpose of this plan is to do a whole 2 suite of actions that we think will contribute to the 3 recovery. What we don't want to do is change the flows and 4 develop habitat that -- but do it in a place where the water 5 quality isn't so good. Or where we know there's invasive 6 species. So we're looking at strategically throughout the 7 Delta, supporting programs that can remove invasive species 8 such as Quagga mussel or water-hyacinth, Egeria those sorts 9 of things -- also addressing water toxics in the Delta.</p> <p>10 Where we are in the development is we've put together 11 about 50 conservation measures -- ideas that we're 12 considering. It's all available on our website, which is 13 www.resources.ca.gov/bdcp. But I would, again, point you to 14 that summary document that's in your packet. There's a lot 15 of good information in there that really represents some of 16 our latest thinking and why we're approaching it this way.</p> <p>17 In terms of where we are, we're here on the left with a 18 lot of different potential conservation measures that we 19 need to evaluate. We need to evaluate them for their 20 biological effectiveness. We need to evaluate them for 21 their practicability. How feasible is it? You know, once 22 we're out in the ground to actually do them, how cost 23 effective they would be? A lot of other measures that we 24 need to think about know that we're getting a sense of 25 scientifically what we think would be the best approach to</p>

<p style="text-align: right;">Page 22</p> <p>1 help fish species recover. We expect to have a draft plan 2 available by the end of 2009 in a public draft form. But 3 we're going have a draft of the plan -- a preliminary draft 4 of the plan available this summer. Where we've got all 5 those pieces, not just the conservation strategy but all 6 those other elements that I mentioned in terms of the 7 adaptive management, of governance, of funding all these 8 kinds of elements of the plan will be available in a 9 preliminary plan this summer and expect to bring it out and 10 talk to communities about it, get their input on it in 11 advance of the public draft, send it out for public review 12 and comments, respond to those comments.</p> <p>13 Our expectation is that we'll do that by the end of 14 2009. And then we would have a final conservation plan by 15 mid 2010. And then as Mr. Engbring mentioned, the outcome 16 of the plan is the state and federal fish agencies decide 17 whether or not it passes muster. And they can issue a 18 permit for taking endangered species act, pending the 19 implementation of the conservation plan. It's moving 20 concurrently with EIR and EIS schedule. And the 21 environmental review process will actually issue a Record of 22 Decision on the conservation plan. So I will now open it 23 for questions and comments. I think Director Snow is going 24 to make some summary comments as well. Thank you.</p> <p>25 MR. LESTER SNOW: Pam suggested that I very quickly</p>	<p style="text-align: right;">Page 24</p> <p>1 put barriers gates in whatever they are, how does that 2 change recreation patterns in the Delta. Issue of striped 3 bass has come up in a number of fashions. It's a predator 4 to the endangered species, but it's also an important game 5 fish in the Delta.</p> <p>6 Alternatives -- and I kind of hit that in very broad 7 way in my initial comments -- "Can't you do more 8 conservation -- and I don't have to worry about this stuff." 9 Project cost. "Who's going to pay for this?" "Big price 10 tag." "Are the water users genuinely going to pay for this 11 fix as has been committed to?" "And how do we assure that 12 they do?" Concerns that a canal will lead to abandonment of 13 Delta issues and Delta priorities. One broad one, of 14 course, is a lack of trust and confidence in government to 15 make commitments and follow through with you. Let the 16 record show, I made a lot of applause tonight. You know, I 17 mean, that issue of confidence and trust -- I mean, that's 18 not a Clarksburg issue or a California issue. It turns out 19 to be a kind of a national issue right now with the economy 20 and the condition that it's in.</p> <p>21 That leads to this issue of governance. I don't know 22 if you've been hearing that term. But there's an assumption 23 that if you do something like this the existing institutions 24 can't govern this. There has to be some other kind of 25 structure that will govern facilities and how this gets</p>
<p style="text-align: right;">Page 23</p> <p>1 summarize -- since this is the 12th of 12. We've heard a 2 lot of comments. I'll take less than 60 seconds and go 3 through some of the issues that have come up at the other 4 meetings. And certainly one has been -- one theme has been 5 the whole issue of access per surveys and getting on 6 property -- temporary entry permits and what happens in that 7 process. A longer term issue of land purchases -- land 8 acquisition what happens if you're going to acquire land, 9 whether it's for canal or for habitat.</p> <p>10 Certainly a theme of opportunities for input and 11 dialogue -- and not just waiting for government to make a 12 decision, but what are the opportunities. And I think 13 Karla -- go on the website and you can see when the meetings 14 are taking place and there are forms that provide more 15 information on that. Certainly a theme in the Delta region 16 in the concern that this is all predecisional, decisions 17 have all been made and kind of going through the motions on 18 this and that's been a theme that's come up in a number of 19 places.</p> <p>20 Concern that the steering committee, the group that's 21 guiding the conservation plan, does not adequately include 22 Delta interest and specific Delta agriculture salinity you 23 change the flow patterns in the Delta you have to ask the 24 immediate question what's going on with salinity? And how's 25 that going to be dealt with? Impacts on recreation -- you</p>	<p style="text-align: right;">Page 25</p> <p>1 done. Mitigation for land impacts, mitigation for economic 2 impacts in the region. And one issue that's a theme for -- 3 and it's maybe more so central and south Delta.</p> <p>4 You probably have seen some of the studies that have 5 been done on earthquake risk and the high risk that there is 6 for some of the subsided islands and there's a response that 7 people don't believe that. That that's just not true, that 8 the risk is not that high. So those are the kinds of themes 9 that we've seen from people. And it sounds like we'll hear 10 some of those themes here this evening. So with that, let 11 me turn it over to Pam.</p> <p>12 MS. PAM JONES: Right now we have 35 people who have 13 indicated that they want to speak. That's about 105 14 minutes. So I would like to ask the speakers if you will 15 stay until 9 o'clock up here officially answering the 16 questions. And then we'll return to a more informal 17 discussion. They'll stay, you can speak to them. And you 18 can also speak to the folks, specifically, about your 19 questions and concerns out there. To get through 35 to 40 20 is going to take your cooperation. There's no way we can do 21 this, if we have people running on over three minutes. And 22 it means that the people at the end of the line will not get 23 the attention they deserve. So I'm asking you to, please, 24 when you make your comments or questions -- out of 25 consideration for the people at the end of the line be as</p>

<p style="text-align: right;">Page 26</p> <p>1 concise as you can. And then the other ground rule is not 2 to be abusive or threatening.</p> <p>3 Okay. So when you get close to your three minutes, 4 I'll kind of wave to give you an idea to wrap up. If you're 5 past three minutes, I will ask you to give the microphone up 6 to the next person. In order to get through this fast, I'm 7 going to call three names at a time to give you time to kind 8 of get your thoughts together and get up to the microphone 9 right here. So there will be people going in and out, if 10 you could just help them get through the system. Before we 11 start, we do have some representatives from elected 12 officials here. Can you identify yourself, if you are here 13 for an elected representative? Back in the back -- and you 14 know what, on the left-hand side over here, if you could 15 just move forward. There are a few people back there. Keep 16 moving forward. Okay. I think it is a representative from 17 Mike McGowan; is that correct?</p> <p>18 MS. JULIA McKEEVER: Correct.</p> <p>19 MS. PAM JONES: Okay. And your name is?</p> <p>20 MS. JULIA McKEEVER: Julia.</p> <p>21 MS. PAM JONES: Okay. Julia is here from Supervisor 22 Mike McGowan. Also, I would like to -- oh, yes.</p> <p>23 REPRESENTATIVE OF MARIKO YAMADA: From Assembly Member 24 Mariko Yamada's office.</p> <p>25 MS. PAM JONES: Assembly Member Mariko Yamada's office.</p>	<p style="text-align: right;">Page 28</p> <p>1 into the record as our comments on the EIR/EIS process. 2 This is a letter that actually that we've already sent to 3 Secretary Chrisman and to Secretary Scarborough and members 4 of the BDCP Steering Committee. And it has attached to it a 5 Board Action by the Board of Supervisors of Yolo County 6 regarding Delta related policies, which I won't go through 7 in great detail. But I wanted to highlight some of the 8 concerns that the board has. We feel like Yolo County is in 9 the crosshairs of BDCP's current conservation strategies. 10 The January 12, 2009 draft of the BDCP contains some core 11 elements that -- for example, proposed to inundate -- to 12 modify the Fremont Weir it would inundate the Yolo bypass to 13 the point where we're concerned that we're going to lose 14 agriculture in the bypass entirely. Some of the proposals 15 also would obviously stand to cause significant changes in 16 the Clarksburg area. We feel this deserves direct written 17 assurance from the BDCP Steering Committee that the full 18 impacts of these actions will be completely addressed.</p> <p>19 Wanted you to know that the board has appointed 20 Supervisor McGowan as it's lead on Delta issues. He's also 21 the board appointed representative to the five Delta County 22 Coalition. And though the board and our constituents, feel 23 like returning to work with the Bay Delta Conservation 24 process, I will say that lately hope is fading that our 25 efforts to are generating the respect for the important</p>
<p style="text-align: right;">Page 27</p> <p>1 Anyone else? Okay. I'll call on you in just a minute. 2 What I wanted to ask is there anyone here who has to leave 3 early due to taking care of children or parents or whatever 4 and that would like to speak up front? Is there anyone with 5 a real time constraint? Okay. Then I'll go ahead with the 6 list as we have it. Julia, did you want to start out? 7 Anyone here from the press? Don, and you're representing 8 who?</p> <p>9 DON: With the Madera Tribune.</p> <p>10 MS. PAM JONES: Don is with the Madera Tribune. Anyone 11 else from the press?</p> <p>12 MS. PAM JONES: Okay. Julia?</p> <p>13 MS. JULIA McKEEVER: Good evening, Julia 14 McKeever(Phonetic). I work for Yolo County. I'm here 15 representing Supervisor Mike McGowan, who's the chair of the 16 Yolo County Board of Supervisors and also represents the 1st 17 district, in which we're all standing -- or sitting as the 18 case may be. He's very sorry he couldn't be here tonight. 19 He's at a meeting at the Delta Protection Commission so he 20 asked me to speak on his behalf. I apologize for not 21 bringing enough copies to have one for everyone. So maybe 22 you can share with your neighbors. But I'm distributing a 23 couple of things.</p> <p>24 One is a letter that I would like to submit -- I gave 25 the copy to somebody back here -- I would like to submit</p>	<p style="text-align: right;">Page 29</p> <p>1 issues that have to be addressed, if the proposals are going 2 to move forward.</p> <p>3 We would like to respectfully request that everyone 4 remember that the Delta is more than an ecosystem problem. 5 People live here and the proposals for fixing the Delta are 6 going to have huge impacts on their lives. We believe that 7 there should be a third co-equal goal to the Delta vision, 8 which is sustaining the intrinsic values of the the Delta as 9 a place. The scope of change being proposed is far 10 reaching, but nobody is going to be as affected by the 11 results as those who live here. Thank you.</p> <p>12 MS. PAM JONES: And you're welcome to clap in between. 13 It does take up a little more time so however you want to 14 use your time. Steve Heringer, Brett Baker, and DJ 15 Andriessen.</p> <p>16 MR. STEVE HERINGER: Thank you for the opportunity to 17 address questions to the BDC plan this evening. We request 18 herewith, that you make all of our comments and questions 19 tonight part of the record. And address all of them in the 20 final EIR/EIS. I'm Steven F. Heringer, fifth of six 21 generations of the Heringer family to farm Clarksburg soils. 22 At the Clarksburg meeting one year ago I requested economic 23 analysis intended environmental mitigation cross projections 24 and intended economic mitigation on the following issues of 25 immediate concern to residents in the north Delta. To</p>

<p style="text-align: right;">Page 30</p> <p>1 summarize, we have 17,000 acres of premium wine grapes in 2 the Clarksburg appellation. Vineyard establishment costs 3 are in the range of 16 to \$20,000 per acre. Vineyard 4 infrastructure costs alone exceed \$340 million in just our 5 appellation. There are 11,000 local and 13,500 nationwide 6 jobs created by these wine grape acres. There is 357 7 million in statewide taxes and 900 -- I'm sorry -- in wages. 8 And 900 million in annual wages are paid by these acres. 9 Taxes generated statewide are 107 million. 64 million 10 additional nationwide. 17,000 agri-tourism visitors spend 11 \$70 million annually in the Delta. Please complete the 12 requested analysis for the EIR/EIS. As north Delta water 13 agency constituents we have paid contractual fees for almost 14 three decades to the State of California for specific water 15 quality and water quantity parameters. Outlined in the 16 EIR/EIS how these quality and quantity parameters will 17 continue to be met under your various BDC plan options. As 18 our north Delta contract has no sunset date and we will 19 fight for proper performance of its provisions. Since the 20 native soil material along the western route has been deemed 21 unsuitable for levee construction purposes where will the 22 estimated 10 million yards of levee material come from? And 23 how will it be economically moved and placed on the western 24 conveyance project? We have implored all of you involved in 25 the BDCP deliberations to consider the Delta as a place in</p>	<p style="text-align: right;">Page 32</p> <p>1 MR. BRETT BAKER: Hello. And thank you for coming to 2 Clarksburg. I'd like to thank you in advance for taking the 3 time to hear my comments, questions and suggestions. My 4 name is Brett Baker. I'm a graduate of Delta High School 5 and UC Davis where I received my degree in Wildlife Fish and 6 Conservation Biology under the guidance of Doctors Peter 7 Moyle and Jeffery Mount, two gentleman who helped craft the 8 Delta Vision Report. In addition, I'm a lifelong Delta 9 residence. The sixth generation in my family to live and 10 thrive on Sutter Island. I would also like to thank my 11 fellow community members who stood and will stand to make 12 our voices heard. I like to open my comments with an 13 excerpt from Cadillac Desert. Every knows there's a desert 14 somewhere in California, but many people believe it is off 15 in some remote corner of the state, the Mojave Desert, Palm 16 Springs, the eastern side of Sierra Nevada, but inhabited 17 California, most of it, is by strict definition a 18 semi-desert. Los Angeles is drier than Beirut. Sacramento 19 is as dry as the Sahara. San Francisco is just slightly 20 rainier than Chihuahua. And about 65 percent of the state 21 receives under 20 inches of precipitation a year. 22 California, which fools visitors into believing it is 23 "lush," is a beautiful fraud much like this conservation 24 planning effort we're here this evening to discuss. That 25 last bit was me.</p>
<p style="text-align: right;">Page 31</p> <p>1 your planning processes. Outlined in your EIR/EIS report 2 the measures that you have taken to consider the communities 3 and peoples of the Delta. What considerations of the social 4 and economic fabric of the area you have considered in your 5 options, what consideration of the businesses that support 6 our family farms and ranches. And finally, the 7 considerations of the schools that educate our children. 8 Letters may save our towns but will not save the Delta 9 communities. Yolo County supervisors are partnered with us 10 to keep our unique upper Delta agricultural. We adapted 11 sustainability generations ago to assure the farming and 12 enjoyment of our Delta region for the benefit of all people 13 of our great state. Following the authorizations of the 14 State Water Project 50 plus years ago the State of 15 California reneged on its promise to bring 10 million 16 additional acre feet of water to table through additional 17 storage capacity and importation of north coast water. We 18 will not now willingly sacrifice our heritage, our homes, 19 communities and farms to satisfy the state's thirst at our 20 sole expense. Outlined in the EIR/EIS how local voices will 21 be made a significant part of the governance body that will 22 control the future of our Delta. Thank you for the 23 attention to these questions. 24 MS. PAM JONES: Brett Baker, DJ Andriessen and Andy 25 Wallace.</p>	<p style="text-align: right;">Page 33</p> <p>1 Speaking with Karla, she hoped I could provide you 2 folks with a bit of insight as to why us Deltans are so 3 upset and disturbed with this BDCP process. My life 4 experience thus far has given me the opportunity to gain a 5 bit of insight and understanding of your mindset and the way 6 you work. Having been an employee of the resources agency 7 with the Department of Fish and Game and having spent the 8 last year as the Water and Agricultural Policy Analyst for 9 the Lieutenant Governor, I have listened to and observed 10 considerable amount of discussions with agency staff, the 11 likes of Lester Snow, a man whom I respect and admire, 12 please do not take this personally, but to us it is 13 personal. 14 And the undersecretary of the resources agency Karen 15 Scarborough. I -- and I typically refrain from using first 16 person examples but this one too good to make an 17 exception -- I shall never forget the first time I met with 18 Mrs. Scarborough regarding Bay Delta Conservation Plan. As 19 I entered her office, I was greeted with and I quote, "You 20 must be here about us flooding Clarksburg." To which I 21 respond, "I don't find that amusing. I went to Delta High 22 in Clarksburg." She then apologizes her comment may have 23 come off a bit catty. To which I respond, "Amongst other 24 things." The rest of the conversation went -- well, it 25 went. I was greatly troubled by a staffer's response to my</p>

<p style="text-align: right;">Page 34</p> <p>1 inquisition regarding the incorporation of south Delta water 2 agency funded independently engineered alternative, noting 3 it was mentioned but not in great detail. To which she 4 responded. And again, I quote, "We have to at least make 5 them think we're listening," followed by a thud, which I'm 6 pretty sure was Karen kicking her under the table. I just 7 want to make sure that made it's way into the public record. 8 We've seen this before. You are striving for a 9 transparent public process. And I commend you on 10 accomplishing this goal, if only one. It is transparent, 11 all right. We see right through it. We didn't fall off the 12 sugar beet truck yesterday. We see this for what it is, a 13 blatant water grab, and attempt to trump centuries old 14 senior water rights with junior water rights because of a 15 temporary appointment to a position of power of a man who is 16 married into the Kennedy's. Take this message back to him, 17 I don't care how much lipstick you put on this pig or how 18 you dress this mutton up as lamb, we're not buying it. All 19 these pretty colored handouts, maps and dog and pony shows, 20 for what? To grow lawns in southern California. David 21 Nahai, Executive Director of Los Angeles Department of Water 22 and Power, the man in charge of asking Los Angelinos to 23 ration their water usage last summer was found to be one the 24 biggest violators of his proposed policy with a daily 25 household water use of up to 2,900 gallons.</p>	<p style="text-align: right;">Page 36</p> <p>1 we're look at taking a new direction. Basically, we're 2 starting again from a ground up, not much process for nine 3 years work. And you're telling us we're supposed to trust 4 our future to a regulatory agency that can't get shit 5 together -- literally. I apologize to the children in the 6 audience and my mother. 7 I would hope that you folks stop and take time to ask 8 yourselves one crucial question. Is this project beneficial 9 in the long term for California's economy and ecosystem? Or 10 is this just the cheapest quick fix to continue the status 11 quo, poorly planned development of the state south of Tracy 12 being pushed by water peddlers whose primary concern is to 13 provide their users with water at the cheapest rates 14 possible? No wonder they had so graciously offered to pay 15 for this project. Need I remind you of your duties to do 16 what is best for the overall long term health of the state. 17 Whether you realize it or not, you're shaping the 18 implementation and development of the Federal and State 19 Endangered Species Acts and CEQA and NEPA. I implore you to 20 uphold the spirit of these laws to accomplish the intentions 21 of their authors. 22 MS. PAM JONES: Do we have someone else willing to give 23 up their time for Brett? 24 UNIDENTIFIED GENTLEMAN: I will. 25 MS. PAM JONES: And your name is?</p>
<p style="text-align: right;">Page 35</p> <p>1 MS. PAM JONES: Brett, could you wrap up, please? 2 MR. BRETT BAKER: Yes. Here he was asking regular 3 citizens to reduce their consumption and he hadn't even 4 bothered to check the timer on his sprinklers in his 5 backyard -- or drain his pool. I google earthed it. He's 6 got a pool along with everyone else on his block. As for 7 State Water Resource Control Board, I've been told they will 8 be the regulatory agency in charge of canal operations. 9 Don't worry Jerry, I'm not bringing up the February 10 scenario. I think Mr. Nomellini did enough the other night 11 in Stockton. I'm just going to give you this one example -- 12 MS. PAM JONES: Brett, I'm going to ask you to give up 13 the mic to DJ. Or if someone else -- if they would give 14 their time? Could we have someone who is willing to give up 15 their time? 16 UNIDENTIFIED PERSON: I will. 17 MR. BRETT BAKER: Just one example State Water Resource 18 Control Board incompetence though there are many. Assembly 19 Bill 885 was passed in 2000 requiring the State Water 20 Resource Control Board to develop and implement a statewide 21 standard for onsite waste water management systems, septic 22 tanks. This year they finally got their draft EIR 23 recommendations out, which were met with great public 24 disapproval. They have opted to go for a new rewrite. The 25 project manager at State Water Resource Control Board says</p>	<p style="text-align: right;">Page 37</p> <p>1 UNIDENTIFIED GENTLEMAN: Bob. 2 MR. BRETT BAKER: Not to simply go through a long, 3 expensive drawn out process simply to check the boxes on a 4 laundry list of requirements. It pains me to see the way 5 you have twisted the work of honest scientists to fit your 6 plans. In regards to all of your phony science, I have only 7 these two quotes for you, "Essentially, all models are wrong 8 but some are useful." This is George Box, one of the 20th 9 century's most influential statisticians in regard to his 10 father of modern day modeling. The other is, if I knew what 11 I was doing, people wouldn't call it research," by Albert 12 Einstein. 13 Historically speaking massive water diversions have 14 been the downfall of many empires and this project stands to 15 destroy the World's 6th or 7th largest economy. Mesopotamia 16 spent a great deal too many resources attempting to irrigate 17 salty ag land, and The Roman Empire was plagued with disease 18 for failing to deal with their wastewater issues. There has 19 never been enough upstream diversion in the history of this 20 state that did not result in a major ecological and 21 ecomonical disaster for the people and fish that rely on 22 those systems for their livelihoods. I'm sure all of you 23 are now quite familiar with the parallels between your 24 proposed project and the fate of Owens Valley and Mono Lake. 25 There are real solutions to fixing California's ailing water</p>

<p style="text-align: right;">Page 38</p> <p>1 systems. Storage, you haven't build any substantial storage 2 in the state since the last time you tried to pass this 3 vote. You folks are going to have to bite the bullet and 4 build storage somewhere. The truth is this project adds no 5 new water to the system. A system now over allocated nearly 6 four fold, which was originally design to have 5.5 million 7 acre -- a million acre feet of additional storage than what 8 we have today. And you squabble over three dams sites, 9 Sites reservoir, Los Vaqueros and an addition to the 10 Millerton reservoir complex.</p> <p>11 What about building Shasta dam to their original design 12 capacity? And rest-in-peace Auburn dam. Why don't you 13 finish the project you started over 50 years ago? It was 14 Arnold's uncle-in-law John F. Kennedy who said in 1962, "If 15 we could ever competitively at a cheap rate get fresh water 16 from salt water than it would be a long range interest of 17 humanity, which would really dwarf any other scientific 18 accomplishments." Try not to think of the progress that 19 could have been made in the past 30 years were the attention 20 focused on this ditch put to work developing sensible 21 desalination practices or how much purple pipe could have 22 been laid during the last population development explosion 23 in southern California. How much water could have been 24 recycled with the dollars spent on the sham of a process. 25 The public will soon have to get over their problem with</p>	<p style="text-align: right;">Page 40</p> <p>1 getting ahead of yourselves in this planning process. I am 2 curious if you already have names picked out for your 3 facilities? May I make this suggestion? As I'm sure this 4 propaganda in our local paper crossed his desk more than 5 once -- if it did not get its beginnings there, Arnold's 6 partner in crime, who held Jeffery Knightlinger's job prior 7 to him and holds Don Zea's leash. As he is the Harvey Banks 8 of his day. I suggest you name it the Timothy Quinn Pumping 9 Plan for your Schwarzenegger Canal. I will be back.</p> <p>10 MS. PAM JONES: Okay. DJ Andriessen, Andy Wallace and 11 Steve Hiromoto. And who was it over here that gave up their 12 time? And what is your name?</p> <p>13 UNIDENTIFIED PERSON: Nikki.</p> <p>14 MS. PAM JONES: And we need one other person.</p> <p>15 MR. MARK MOORE: I'm Mark Moore, and I volunteer to 16 give up my time.</p> <p>17 MS. PAM JONES: Thank you, Mark. Okay.</p> <p>18 MS. DJ ANDRIESSEN: Good evening. I appreciate the 19 opportunity to speak again on this issue. I'm a little 20 nervous so bear with me. My name is DJ Andriessen. And 21 I've only lived here 21 years. I plan to spend the rest of 22 my long life in Clarksburg. I'm a survivor of West Nile 23 Virus. Although I suffer from some of the effects of it, I 24 feel fortunate because I did survive. They're many who did 25 not. Since I was diagnosed, over 9,000 people have been</p>
<p style="text-align: right;">Page 39</p> <p>1 recycled water.</p> <p>2 Honestly, how much kidneys do you think the water has 3 gone through from the time it leaves Redding until it 4 arrives in Tracy? Our focus should be constructing 5 facilities like the wastewater treatment plant in Orange 6 County that received the Stockholm Industry water award this 7 past year, the equivalent of the Noble Peace prize in the 8 world of water. The reverse osmosis used at this plant is 9 the same process that can be utilized to desalinate brackish 10 ground water, which causes no conflict with marine mammals 11 and has been shown to be less energy intensive than 12 conveying water through the State Water Project over the 13 Grapevine. Don't take my word for it. Ask Dr. Robert 14 Wilkinson of UC Santa Barbara. These are imbedded costs 15 that will continually burden the tax payers and water users 16 of our great state. These are things that should be taken 17 into consideration throughout this decision process.</p> <p>18 In closing, I would like to support the concept of 19 regional self-sufficiency and would like to request an 20 extension of the 90 day public comment period upon the 21 completion of this EIR/EIS. My final suggestion -- and I 22 would like to preface this by saying that I respect this man 23 in the upmost. However, I will not give him the advantage 24 of misunderestimating his abilities, craftiness or his 25 political clout. I realize you folks have a propensity for</p>	<p style="text-align: right;">Page 41</p> <p>1 diagnosed in the United States with West Nile Virus. Of 2 that 344 were fatalities. Since 2006 West Nile Virus has 3 increased in California by 25 percent, creating any sort of 4 a water refuge in our area would not only affect us but the 5 Sacramento Valley entirely by creating a West Nile Virus 6 incubator.</p> <p>7 I don't believe this project is to protect the smelt 8 unless we're talking about the smelt that live in southern 9 California. But even if it were -- and we use the processes 10 that we're using now to eradicate the mosquitos that process 11 also kills the phantom midge, which is the main food source 12 of the smelt. So we'd be basically breeding fish to watch 13 them starve to death. The last time we met here, I asked 14 you to take these plans to the drawing board and come up 15 with a better solution to your problem. Tonight I'm here 16 just to say shame on you. Shame on you. In what ethical 17 society -- what democracy is it okay to take any number of 18 homes and any number of livelihoods from people for an 19 experiment about fish. My only consolation is that you 20 weren't around when the dinosaurs were dying out because I 21 know you would need a lot more land to keep them alive. 22 It's evolution get with it.</p> <p>23 MS. PAM JONES: Andy and -- please do repeat your 24 names. Andy, Steve Hiromoto and then Steve Heringer.</p> <p>25 MR. ANDY WALLACE: My name is Andy Wallace. And I live</p>

<p style="text-align: right;">Page 42</p> <p>1 here in Clarksburg with my wife and two sons. Both of my 2 sons attend school in Clarksburg, as did I. And I graduated 3 from Delta High School. My parents live here in Clarksburg 4 and have been part of this community for 45 years, which by 5 Clarksburg standards makes us new comers. A few procedural 6 comments.</p> <p>7 Number one, it is important to the people of the 8 Clarksburg area and the people who are interested in the 9 project from around the state to keep all of our comments in 10 the project, keep all of our comments in the record in their 11 entirety and not reduce our individual comments into general 12 or combined comments. Number two, the document and 13 undocumented impacts of this plan will directly and 14 indirectly affect the people of Clarksburg yet the people of 15 Clarksburg who will carry the burdens of this project will 16 see none of the benefits. Number three, the admirable of 17 fixing the Delta is meaningless if at the end of the day it 18 ends up creating just enough smelt to keep transferring more 19 water to southern California. There is nothing co-equal in 20 California water politics. The Delta and its people are 21 always going to come last.</p> <p>22 Water transfer should be delinked from this process and 23 the health of the watershed should be the primary focus of 24 these efforts. Let's prove that the species that use the 25 Delta can be managed sustainably over drought, before we</p>	<p style="text-align: right;">Page 44</p> <p>1 Invasive species are likely to require tens of millions of 2 dollars in management and direct control and require these 3 efforts in perpetuity. Where is the endowment for these 4 activities. Number six, if West Nile Virus increases in the 5 Delta, it is expected to have significant impacts on native 6 birds such as the Yellow-billed Magpie. How are these 7 impacts analyzed and mitigated for? Number seven, 8 converting fresh water habitat to brackish water habitat 9 will have negative influences on the ecosystems of the upper 10 Delta, leaving this area as one of the last reservoirs of 11 species such as listed turtles and birds. Now, the state 12 wants to reduce their habitat for fish. It is largely 13 eliminated by southern California's water intakes. The sole 14 purpose of this document is an attempt to commingle the 15 issues of habitat restoration and water supply.</p> <p>16 Some engineering issues, number one, what is the 17 technical basis for proposing the flood bypass downstream 18 below the city of Sacramento and how is this not 19 accomplished more efficiently by using the existing deep 20 water ship channel? What is the one difference -- I'm 21 sorry -- what is the difference in cost between using the 22 ship channel and creating new bypass? Number two, creating 23 a new bypass in flood areas -- flooding areas within the 24 existing reclamation districts will constrain or eliminate 25 existing water management through water elevation changes</p>
<p style="text-align: right;">Page 43</p> <p>1 begin discussing water transfer. Number four, the nature 2 and character of the Delta today is recognized as valuable 3 in this document. Yet, our redevelopment interest are 4 specifically rejected by this document, replaced with the 5 unbridled growth of southern California. This is an 6 arbitrary and capricious attempt to shift the burden of 7 development on the very people who themselves not able to 8 development.</p> <p>9 Now, I have some specific questions. Number one, with 10 regard to the comment made by the independent science 11 advisors and the BDCP independent science advisors report, 12 where are their comments addressed? Number two, what are 13 the impacts on rare terrestrial plants such as San Joaquin 14 Shats scale(Phonetic). And how will this project not lead 15 to fragmentation or possible extirpation of these species? 16 Number three, how many acres of rare wetland habitat are 17 jeopardized by the proposed canal construction? And how 18 many acres of this land have been surveyed. Number four, we 19 are concern on several levels that this project would lead 20 to significantly worsening water quality negating any 21 positive ecological values. Number five, anyone who has 22 work in the Delta realizes that invasive species are one of 23 the greatest ecological problems.</p> <p>24 Yet, the likely impacts of invasive species on this 25 plan are just identified or dismissed in a cursory fashion.</p>	<p style="text-align: right;">Page 45</p> <p>1 and underseepage. This will require redesign and operation 2 changes throughout the region causing tens of millions of 3 dollars of infrastructure modifications and loss of 4 agricultural use.</p> <p>5 Number three, the project minimizes the engineering 6 requirements to achieve and maintain water quality in the 7 Delta and ignore the considerable engineering required to 8 establish new flood routing and manage tidal influence 9 wetlands. To realistically achieve what is being described, 10 would require an engineering feet equivalent of the entire 11 country of the Netherlands efforts of reclamation and a 12 management system beyond the capabilities of the Bureau of 13 Reclamation and the Department of Water Resources.</p> <p>14 MS. PAM JONES: Andy, could you wrap up? 15 MR. ANDY WALLACE: I'll wrap up. Instead the 16 engineering and water management is being treated simply as 17 a conveyance problem needed to maximize water transfer -- 18 some social issues. Number one, by improving habitat for 19 Delta smelt other listed species could be using the area and 20 potentially be creating new legal issues for the community 21 further reducing our ability to exercise our property 22 rights. How will the community be protected from the 23 consequences of this likely impact? Number two, loss of 24 farmland in the Delta will have ripple effects with Ag 25 equipment, suppliers, truck dealers and etc., where good</p>

<p style="text-align: right;">Page 46</p> <p>1 paying, stable jobs will be directly impacted and lost. How 2 will this plan mitigate for the loss of those jobs? And 3 finally, who is running the economic analysis? On what 4 basis will the analysis be completed? Which models will be 5 used and why? Thank you.</p> <p>6 THE COURT: Steve Heringer, I'm sorry, I reshuffled you 7 back into the deck. But after Steve Hiromoto is Peter Hunt.</p> <p>8 MR. STEVE HIROMOTO: Thank you for the opportunity to 9 speak this evening. My name is Steven Hiromoto fourth 10 generation farmer and resident of the Clarksburg community. 11 My family had witness the building of these levees and were 12 instrumental in the reclamation of many of these acres. My 13 great-grandfather's diligence and hard work paved the way 14 for the following generations to reap a livelihood from 15 these soils. Each generation took pride in providing food 16 for our country's tables. And a prosperity ensued for us. 17 We generously gave back to our community. Only during the 18 years following the outbreak of World War II and of course 19 the evacuation of Japanese American citizens was our family 20 away from Clarksburg.</p> <p>21 As you work at your jobs or careers, you choose to put 22 your money into a bank. You assume that you will retain the 23 right to do what you want with that money -- when you want 24 it. My family chose to reinvest it in Clarksburg farmland. 25 We assumed that taking care of this land would take care of</p>	<p style="text-align: right;">Page 48</p> <p>1 conditions in the Clarksburg area enabled growers to produce 2 high quality Dichondra seed on a consistent basis. 3 Safflower seed is another important crop in the Clarksburg 4 area. Most of today 's commercially grown Safflower seed 5 were first developed and reproduced in the Clarksburg area. 6 Because of the unique soil and high water table, Clarksburg 7 area farmers are successful and prosperous today because 8 they have learned how to adapt and to stay on the cutting 9 edge. Cal/West and its growers fear that the plans may 10 develop by the BDCP and the Delta Vision Committees will 11 destroy this region of the Delta and its growers way of 12 life.</p> <p>13 Question number one, have you considered or studied the 14 changes to the Clarksburg region hydrology that would result 15 from the proposed conveyance or habitat restoration 16 projects? Question number two, what will be the effects to 17 water quality in the Delta or the north Delta on a 18 year-round basis from the proposed conveyance or habitat 19 restoration projects? Will the salt water intrusion 20 ultimately make the north Delta a region where agriculture 21 will no longer survive? And then I'd like to concluded by 22 reading two quotes. And I apologized to Steve before this. 23 The first quote, "I can run wild for six months, after that, 24 I have no expectation of success." The second quote, "I 25 fear all we have done is awakened a sleeping giant and</p>
<p style="text-align: right;">Page 47</p> <p>1 us later. My folks are aging now. And the time is now when 2 that land needs to be liquid. Simply put it out for sale 3 and cash out? Well, when this fiasco about flooding our 4 homes and farmland began, all hopes of simply selling came 5 to a dead halt. Realtors were suddenly saying to me, "Hey, 6 who wants to buy land that's going to be under water?" For 7 whatever reason you give, for this to take place, it's just 8 not the right thing to do. You're just telling me that my 9 family just wasted 100 years for nothing? In closing, 10 Arnold, before you swipe that card in your wallet issued by 11 L.A. Metro Water, think about the families like mine and 12 what you'll be doing to them.</p> <p>13 MS. PAM JONES: So Peter Hunn, Dave Stirling and Martin 14 Hill.</p> <p>15 MR. PETER HUNN: Good evening. I'm Peter Hunn. I'm a 16 third generation farmer from Clarksburg. I'm here tonight 17 to speak as an elected board member of a Woodland based 18 company Cal/West Seeds the oldest seed co-op in California. 19 I would like to make a short comment and end with two 20 questions. For more than 70 years Cal/West has been a 21 producing and supplying seed grown in the north Delta to 22 customers across the country and in more than 30 foreign 23 countries, most recently China. For the past 45 years 100% 24 of the world's supply of Dichondra seed has been produced in 25 the Clarksburg region. The unique soil and climate</p>	<p style="text-align: right;">Page 49</p> <p>1 filled him with a terrible resolve." Both these quotes are 2 by -- were made by Emperor Yamomoto. The first quote was 3 made a year before the attack on Pearl Harbor. The second 4 quote was made immediately after the attack on Pearl Harbor. 5 I would wish you would heed those fears and resolves from 6 us. Thank you very much. And I wish you would direct these 7 questions and answers to the EIR/EIS. Thank you.</p> <p>8 MS. PAM JONES: Dave VanMartin and Dave Kopp.</p> <p>9 MR. DAVE STIRLING: Good evening members of the Bay 10 Delta Conservation Panel. I'm Dave Stirling, a 23 year 11 residence with my family in Walnut Grove. I'm proud to wear 12 this Delta Care shirt tonight. I'm actually representing an 13 organization called Save Our Delta's Future. And it's an 14 organization of homeowners and property owners and business 15 people, many of whom have lived and worked in the Delta for 16 several generations and many of them are here this evening. 17 Yolo County Board of Supervisors Chair, Mike McGowan, 18 speaking for the board of supervisors of the five Delta 19 counties recently wrote in a Sacramento Bee commentary -- 20 and I quote, attempts to address Delta issues will be 21 unsuccessful without local involvement and ultimately without 22 relying those at the local level to help make it happen. We 23 want the entire state to understand that the Delta is not a 24 blank slate. People live here. People work here. We are 25 those people. While we recognize that the Delta and Delta</p>

<p style="text-align: right;">Page 50</p> <p>1 waters can be improved and we support that, we're not 2 prepared to see the Delta completely rearranged so as to 3 return it to the its natural state. As some hardcore 4 environmentalist groups clamor for. The time is long ago 5 passed for the restoring the Delta to what it was before the 6 hundreds of invasive species made the Delta their home. 7 We're not prepared to see the public trust doctrine expand 8 it so as to alter or abolish presently held water rights. 9 We're not prepared to see a government stucture imposed on 10 our Delta region that's made up of appointed and 11 unaccountable political appointees, similar to the coastal 12 commission with no effective locally elected representatives 13 with equal voice in Delta affairs. We support that third 14 tri-equal goal to protect and enhance the social, economic 15 and physical viability of the Delta as home for the sake of 16 maintaining good relation of all regions and people of the 17 State of California. Please, don't throw those of us who 18 call the Delta home under the bus. If you do, as a member 19 of -- many members that are attending these meetings in the 20 Delta demonstrate, your mission may become so embroiled in 21 regional, political and legal ill will that nothing positive 22 comes out of this effort and that would be a shame. Thank 23 you all for being here. 24 MS. PAM JONES: Martin, Dave and then Bob Kirtlan. 25 MR. MARTIN HILL: Good evening. My name is Martin</p>	<p style="text-align: right;">Page 52</p> <p>1 bring this project into our community and not only taking 2 our land and our businesses away there are a lot of things 3 that I don't think have been addressed. So I think it would 4 be wise that you move this. I'm a dad. I'm a husband. I'm 5 a firefighter, and a good neighbor in this community. And I 6 urge you to take a second look in moving this south and 7 pulling this from our community. Thank you. 8 MS. PAM JONES: Bob and then Michael Morris. 9 MR. MICHAEL MORRIS: I gave up mine. 10 MS. PAM JONES: Okay. Bob. Okay. 11 MR. BOB KIRTLAN: Good evening. My name is Bob 12 Kirtlan, fifth generation Delta farmer, landowner. I'm 13 proud to say 7th generation of my family is walking the land 14 for ancestors. Life, liberty and pursuit of happiness. Is 15 hollow, is without meaning and is subject to interpretation 16 of a few now. 159 years ago many of the ancestors of people 17 in this meeting tonight voted on a State Constitution that 18 granted us inalienable right to acquire, enjoy and protect 19 property. 159 years ago, when we became a state, all our 20 public lands were granted to the federal government as a 21 condition of acceptance. 22 In 1856, the Arkansas Swamp and Overflow Act was 23 enacted, giving all the swamp and overflow lands back to the 24 state under the condition that these lands will be reclaimed 25 for productive agricultural purposes and become economic</p>
<p style="text-align: right;">Page 51</p> <p>1 Hill. First of all, I'd like to thank you for taking the 2 evening in our beautiful town that we would like to keep 3 this way. I was thinking about this country that we fought 4 for over 200 years and the blood that's been shed for the 5 right to speak as we're doing tonight. It also came to mind 6 that we're able build this country with our labor and our 7 own businesses and pay taxes and profit from the fruits of 8 our labors. What I do not understand is that we have let 9 the government get so powerful that they can come to our 10 land and tell us that they're going to start surveying and 11 possibly take our land from us. What has this country 12 become? I would like to think that our friends and family 13 members that are overseas fighting and giving up their lives 14 are not giving up their lives for a false sense of security. 15 That we're seeing right here and right now. And nothing is 16 yours, if the government decides they want it. 17 I know that it would be a better idea for this 18 community, if this whole project were moved further south 19 into the deep water channel. For us, these are our homes 20 and businesses that are being affected. And the projects 21 being affected are not an issue of not being addressed. 22 Some of the problems here are that the local fire 23 department, which I'm a part of is losing a portion of their 24 operating expenses. They keep this community safe. And 25 also keeping our insurance down on a personal level. By</p>	<p style="text-align: right;">Page 53</p> <p>1 viability for the counties and the state they were within. 2 These lands then came told the state and under our own 3 government resource code, had a way of selling them to us. 4 Under conditions and under a contract that we would reclaim 5 these lands and make them productive and agricultural lands. 6 It is in the resource code that the common law of public 7 trust was passed to us without it -- without reservation in 8 commence navigation and fisheries. I was told that the 9 California Coastal Commission has determined that you cannot 10 give away the public trust on tidelands. Tidelands are very 11 different. It's in the resource code. But I would like to 12 say too that in the resource code -- let me go back a little 13 bit. I was told I couldn't give it away. 14 Arkansas Act was signed by the President of the United 15 States, passed by congress. Our resouces code was passed by 16 the state legislature. Everyone of our patents, which is 17 the foundation for ownership of the land was signed by the 18 governor. Now, I do realize that we are one nation under 19 God. But if the president, the legislature, congress and 20 the governor cannot grant these away, I have not seen an 21 11th commandment saying, "Though shall not give away the 22 public trust." I am saying to you folks, if you go ahead 23 with this project, you're not only in violation of federal 24 law, state law -- but you are in breach of contract with all 25 of us in this room. It's a mass breach. I would like to</p>

<p style="text-align: right;">Page 54</p> <p>1 give you another piece of history to wrap up my 2 presentation. And it goes back World War II. 3 The allies thought they had World War II licked. It 4 was a matter of wiping -- cleaning up going to Germany. The 5 Germans launched a major offensive. It was called the 6 Battle of the Bulge, where they overtook the town of 7 Bastogne. We had American troops at Bastogne. The soldiers 8 fought brave and hard for what they believed in. When the 9 German high command demanded them to surrender, the 10 American general responded with "Nuts." This threw the 11 German high command in such a disarray, "Nuts." What does, 12 "Nuts" mean? We don't know. It delayed what they were 13 going to do. When General Patton heard, "Nuts," he said, 14 "By God anybody that has such an elegant command of the 15 English language has to be saved." 16 An eye witness -- one of our neighbors that have been 17 passed on that served under Patton told me point-blank 18 Patton lead charter himself to save those American soldiers. 19 And the soldiers and the patriots before them knew the true 20 meaning of life, liberty and the pursuit of happiness. We 21 say to this project and to our governor, "Nuts." Thank you. 22 MS. PAM JONES: Okay. Did we already have Dave Kopp. 23 Okay. Dave, Ken Wilson, Bill Wells. 24 MR. DAVE KOPP: First off I'm going to apologize for my 25 voice. But when we started off this meeting tonight, I got</p>	<p style="text-align: right;">Page 56</p> <p>1 much -- we have some modeling so we can give you. 2 MR. DAVE KOPP: Okay. If the canal was done today, in 3 the 2008, how many gallon of water would have gone down this 4 canal that you people want to build? 5 MR. PAUL CYLINDER: 2008 or 2009? 6 MR. DAVE KOPP: Well, 2008 or 2009 whatever you want to 7 use. 8 MR. PAUL CYLINDER: Don't have any rough time. We can 9 give you a comparable dry year in our modeling that we've 10 done. I can point you to a website afterwards. 11 MR. DAVE KOPP: Now, wouldn't you believe that it would 12 be smarter to go up north and build storage instead of 13 hoping that we get enough rain where we can fill your pretty 14 canal? 15 MR. PAUL CYLINDER: Like Lester said, storage is 16 something we need to be considering as a state. 17 MR. DAVE KOPP: But before you spend our taxpayers 18 money, why don't you build the dams, the storage. That's 19 putting the horse before cart. 20 MR. PAUL CYLINDER: What we found is that if we build 21 storage north of the Delta and did not fix the Delta as a 22 conveyance system, we couldn't make use of that storage much 23 of the time. 24 MR. DAVE KOPP: Sure you could. We had a few years 25 that we haven't had that much rain. They're going to raise</p>
<p style="text-align: right;">Page 55</p> <p>1 out of especially from that one lady that we're worried 2 about stressing out the smelt and the salmon. Well, I want 3 you people to know tonight I've come to the conclusion the 4 reason why my voice is this way is because you guys are 5 stressing me out. 6 Now, I am going to get to a question. And the question 7 is. Throughout the year when this canal -- if you guys get 8 it -- how many months out of the year is this canal going to 9 have water flowing through it? That's my question. So if 10 you want to answer it now that would be fine. But don't 11 take too much of my time. 12 MR. PAUL CYLINDER: Can't answer that directly, I mean, 13 in terms of how many months. But when you look at overall 14 currently we take all of our water out of the south Delta of 15 the canals. But when we finish, if we are able to do this 16 canal business, about two thirds of the water that we export 17 would come from the north part of the Delta and about a 18 third out of the south part of the Delta. But we do have 19 bypass requirements in our proposal that would prevent us 20 from diverting water unless certain flows are in the Delta. 21 Either 5,000 or 11,000 CFS. Right now it's about 14,000 22 CFS, maybe 12. So if it flow below during months we 23 wouldn't be able to put water in that the part of the canal. 24 We'd be forced to use our diversion works in the south 25 Delta. So -- but we can give you the date on exactly how</p>	<p style="text-align: right;">Page 57</p> <p>1 Folsom Dam -- the projection is to raise it 4 feet. Why are 2 they spending all that money to raise the dam, if you guys 3 plan putting in this canal? Us taxpayers, we get screwed 4 all the way around. So I'm finished. 5 MS. PAM JONES: Okay. Ken, Bill and Rick Hennes. 6 MR. KEN WILSON: My name is Ken Wilson, third 7 generation farmer in the Clarksburg area. And I'm no where 8 near as eloquent a speaker as all these other folks we've 9 had. I think they've done a great job. But what I'd like 10 to do I was going to make another comment or two but after 11 listening here this evening at the beginning we've heard all 12 them concern about all these species and how concerned you 13 are about them. How does taking water from the Delta help 14 with recovery of all these species that your so concerned 15 about? We're in a drought right now. And before that canal 16 and those pumps were put in down south, we were still in 17 pretty good shape. But now it's -- the burden is on us to 18 provide water for southern California. And my belief is 19 that the species are very low on the totem pole and the main 20 thing is the transfer of water from our backyard to someone 21 else's so they can fill their swimming pools. Thank you. 22 MR. BILL WELLS : Good evening. My name is Bill Wells. 23 I'm the Executive Director of the California Delta Chambers 24 and Visitors Bureau. I would just like to say a few things. 25 That Delta agriculture in 2001 was about a \$2 billion</p>

<p style="text-align: right;">Page 58</p> <p>1 business. California's sport fishing is about a \$2 billion 2 per year industry. As Karla mentioned, the Delta is home to 3 about 500,000 people. The Delta also attracts about 12 4 million visitors per year. And the Delta there's 5 approximately 95 marinas and about 11,600 permanent boats, 6 which is a huge industry too. So these are all going to be 7 impacted by these plans, specifically, the canal. You hear 8 all the time that the California Delta is the largest on the 9 west/coast. It's 750,000 acres. That's true.</p> <p>10 The Colorado River Delta was once 1.9 million acres 11 until water was diverted and was destroyed and turned into a 12 desert in the early part of the 20th century. Some of that 13 water taken by Metropolitan Water District who was a 14 recipient of some of the Delta water. So nobody can predict 15 what the outcome of a canal will be. But you have to look 16 at examples. They mentioned here tonight Mono Lake and some 17 others. I'd just like to mention the current National 18 Geographic April issue has got a big article about the 19 Australian drought and they talk about OGA. And the water 20 was diverted from there for agriculture thousands of fish 21 killed and quote, unquote, the economy was left high and 22 dry.</p> <p>23 The Aral Sea in Eastern Europe shrunk 10% of it's size 24 over the last 50 years. Now, it's quote, unquote it's too 25 salty to support fish and vegetation. The water is diverted</p>	<p style="text-align: right;">Page 60</p> <p>1 desalination plan to fix their own water down there. 2 Anyway, I would just like to leave you with another quote 3 from Albert Einstein. "I don't know how big the universe is 4 but human stupidity seems infinite." 5 MS. PAM JONES: Okay. Rick Hennes, Glen Berry, and 6 Jayne Alchorn. 7 MR. RICK HENNES: Good evening. I'm Rick Hennes. I'm 8 the Superintendent of the River Delta Unified School 9 District. Our district covers from the Clarksburg area 10 south to the Rio Vista area. We have ten schools. We have 11 2200 students, and we have 300 employees that I represent 12 tonight. And due to the fiscal irresponsibility of the 13 government we're already in a fiscal crisis with our school 14 district, which is making our board and myself makes some 15 very difficult decisions regarding employment and possible 16 school closures. And I urge you and I want to be very proud 17 of our schools. And we have students anywhere from five 18 years old to 18 years old that aren't here tonight that 19 can't speak for themselves. But they want to go to the same 20 schools as their parents and their grandparents and four or 21 fifth generation. And you'd be doing a great disservice to 22 then if we wouldn't be able to keep our schools. Thank you. 23 MS. PAM JONES: Glen, Jayne Alchorn and then Dominic 24 Dimare. 25 MS. JAYNE ALCHORN: Good evening. You already heard</p>
<p style="text-align: right;">Page 59</p> <p>1 to grow cotton. In -- just a few weeks ago Jean Fuller 2 Assemblywoman in Bakersfield introduced Bill AB1253 and 3 that's game restrictions on stiped bass because they prey on 4 the endangered smelt and salmon. So that's great they're 5 trying save the smelt and the salmon. That's wonderful.</p> <p>6 Okay. The striped bass has co-existed since 1879 with 7 the smelt and the salmon. The only thing that's changed 8 since then is more water has been diverted from the Delta 9 and just coincidentally the U.S. Court had thrown out a 10 lawsuit earlier by the Modesto Irrigation District to 11 eliminate federal protection of steelhead. And 12 coincidentally, the bill that Jean Fuller introduced is 13 actually sponsored by the Modesto Irrigation District and 14 supported by the Kern County Water Agency.</p> <p>15 I left the Westlands Water District which was another 16 huge recipient of Delta water if you look on their own web 17 page you hear these water folks saying they're going to pay 18 for the canal, whatever it takes to provide the solutions. 19 Okay. On their website they say the absence of drainage 20 resulted in harm to district lands. Westlands more than 21 200,000 acres of saline ground water within ten feet of the 22 surface. Many farmers have drainage impacted lands have 23 been able to keep their land in production by improving 24 irrigation efficiency. Okay. If they're willing to pay for 25 a solution, they should be willing to pay right now for</p>	<p style="text-align: right;">Page 61</p> <p>1 about West Nile Virus this evening. I think each and every 2 one of us here is part of an endangered species. I will 3 never walk again, without aid. I now wear a brace from my 4 toes up to my hip. Because of one mosquito bite. Tell me 5 that we should really flood areas. The first meetings, 6 there was absolutely no discussion of public health issues 7 until I opened my big mouth. And it really irritated me 8 because for two years I was a spokesperson for Vector 9 Control. And they have been absolutely wonderful. But 10 their resources are stretched to the limit. They simply do 11 not have the trained personnel to take on anything like 12 these areas that we're discussing having flooded. Come on. 13 Is that what we want? Yes, we turn it to its natural state. 14 Think about it. We are being taught or told that it will be 15 all right. It will be just fine. However, it's going to 16 change our lives. We are going to be part of the endangered 17 species. So think about it carefully. I don't want anybody 18 else that I know or any of these river towns to end up the 19 way I am. To go to bed one night in extreme pain and to 20 find when you get out of bed -- or try to get out of bed the 21 next morning to go to the doctor that you can't stand up. 22 You fall to the floor. And that's what it has been for the 23 last -- almost four years and that is what it will be for 24 the rest of my life. It changed overnight because of one 25 mosquito bite. So what are we going flood people? Don't</p>

<p style="text-align: right;">Page 62</p> <p>1 you want to return it to the natural state? Don't you want 2 to have marsh land? I don't think so. Thank you very much 3 for your time.</p> <p>4 MS. PAM JONES: Did we miss Glen? Glen, are you here? 5 Okay. Dominic. And then Sally Christie.</p> <p>6 MR. DOMINIC DIMARE: Hi, good evening. Thank you folks 7 for coming down here. I'm Dominic Dimare a resident here in 8 Clarksburg. I live about 120 yards down a little further. 9 These are my neighbors. I've been here about five minutes 10 compared to many of the people in this town. So I've been 11 here about three years. I have three sort of general 12 themes. Theme number one, no good deed goes unpunished. 13 Yolo County has a very open space in agricultural 14 preservation component to this general plan process.</p> <p>15 I'm on the -- I'm the President of the Advisory 16 Committee for the general plan advisory to our supervisor 17 Mike McGowan. I've been reading through the updated general 18 plan that we are on the verge of approving after 100 years. 19 And so for about 100 years -- but a long time. And this 20 county has made a commitment to its detriment in many 21 instances, particularly, when it comes to generating 22 revenues through sales tax in preserving agricultural land 23 and making this -- the county the region's open space of Ag 24 land leader. And for that good deed, it just so happens 25 that we have a lot of attractive open space to site</p>	<p style="text-align: right;">Page 64</p> <p>1 or resevoir this year let's just do this bond. Sign out of 2 this bond. Will give you some conservation money. We'll 3 give you some money for ground water recharge. We'll do 4 these -- all these nice things. We're not going to do 5 storage this year. Well, I'll argue that if you go back and 6 look at the climate action team's report on what's going to 7 happen to snow pack, there's no stronger evidence in science 8 today and in state public policy then what's going to happen 9 as a result of climate change if the scientists are right in 10 what happens to snow pack and that's crying out for storage. 11 It ain't necessarily crying out for a canal. But it is 12 absolutely crying out for storage. So I would submit to you 13 that that is somewhere for DWR to go and look at that 14 report.</p> <p>15 And then lastly, the third theme is don't screw up my 16 town. I really like it here. I got here in December of 17 '05. And by the 10th of January of '06 I was conspiring 18 with the locals to put together a charter school and because 19 we had a difference of opinion with our school board and 20 they shut down the elementary school here. So we started a 21 charter school. It's darn difficult to get students because 22 this isn't a growing area. Because we as people through 23 our representative elected representatives made a decision 24 for open space and agricultural preservation, we don't have 25 a lot of develoment opportunities here and my great concern</p>
<p style="text-align: right;">Page 63</p> <p>1 facilities at. And so what I would ask the resources agency 2 and the Department of Water Resources and all the people who 3 deliberate over this is please take a look at the economics 4 of this particular part of Yolo County and what it means to 5 the county and region.</p> <p>6 You heard earlier some of the very successful winery 7 operators and wine grape growers here. The plan is to build 8 this into a very viable, successful world renown -- and 9 we're already there actually. They're using grapes grown 10 here in Clarksburg in Napa Valley wines all the time. So 11 think about the economics associated with slicing up large 12 chunks of land here in this particular region of Yolo County 13 and what it means for the entire county. Issue number two, 14 let's bring back an old favorite. Lester will remember 15 this. "Let's get better together," which was the theme 16 from that hit show CALFED, which is now off the air. And 17 not even in reruns actually. Well, actually that's not 18 true. A lot of what's going on here has somewhat of a 19 CALFED feel to it. I'm sure that the EIR that will be 20 produced will be very CALFEDish. So "Let's get better 21 together."</p> <p>22 Personally, this is not my professional opinion. This 23 is my personal opinion. I've been working in government -- 24 in and out of government for almost 20 years and for that 25 entirety I've heard, you know, "We're not going to do a dam</p>	<p style="text-align: right;">Page 65</p> <p>1 is no matter what we do in terms of facilities, however that 2 turns out happens is that metropolitan and the other large 3 sponsors of the BDCP and those desires of the canal will 4 wash their hands of the actual consequences that come from 5 those facilities and not think about the long term viability 6 of the communities in the Delta and sustainability of these 7 communities. I think that's a very real threat to the 8 communities in the Delta.</p> <p>9 So I would like a feature in whatever final work 10 product that comes out that ties the sustainability and the 11 viability of these communities to the ondoing operations of 12 the facility that is finally selected. And that would be an 13 official request from a resident of the Delta. And I thank 14 you once again for your time. And thanks again for coming 15 down to our town.</p> <p>16 MS. PAM JONES: Sally Christie, Don Fenocchio and Mark 17 Pruner.</p> <p>18 MS. SALLY CHRISTIE: My name is Sally Christie. I am a 19 resident, landowner and parent of two children who are six 20 generations Walnut Grove pear farmers. I stand up today as 21 a member of the Save Our Delta's future. I am the Walnut 22 Grove PTA President.</p> <p>23 And I want to reiterate the comments of my 24 superintendent and also fellow community members Mr. Demare 25 and also Mr. Heringer in the beginning about how this will</p>

<p style="text-align: right;">Page 66</p> <p>1 impact the ability of our communities to educate our 2 children when so much land will be taken away and land 3 brings job, families, people living in our community. So I 4 just want to make sure -- I did not see in the stations -- 5 and I read every single one that the impact on the local 6 school district was address directly and so that is why I'm 7 up here for the third person saying this. But I was also 8 struck by something else as I was sitting here and I need to 9 tell you a story about when we moved back here from 10 Seattle -- my husband and I to have our children be raised 11 here and attend our schools. When we moved into our home 12 that we lived at the time, which was a family home built in 13 the early 20s, I was wiping a counter top, a shelf, what 14 came down from that shelf was an internment poster from 15 World War II. It was scary because it was like, "Oh, my 16 God, this is a piece of history." But not piece of history 17 I should be proud of. Please, don't let my children see 18 these shirts and think, "Oh, my God, look what we did to 19 ourselves?" We took out -- the Japanese Americans were 20 citizens who had land. They worked the areas. They were 21 good citizens. And we thought we were doing the right 22 thing. And we were wrong. Let's not doing it again. Thank 23 you. 24 MS. PAM JONES: Don, Mark and then Nicole. 25 MR. DON FENOCCHIO: Good evening. My name is Don</p>	<p style="text-align: right;">Page 68</p> <p>1 one. 2 Something's wrong with the Delta. And it needs to be 3 fixed. And I don't think transferring water from this area 4 without thinking about the human part of the Delta, of 5 people of the Delta, and you can see very, very clearly that 6 the people of the Delta are very concerned. That has to be 7 in your EIR. Work on it. Thank you very much. 8 MS. PAM JONES: Don, Mark and then Peter Stone. 9 MR. MARK PRUNER: That was Don. I'm Mark. First all, 10 I want to thank the folks that have come tonight. I know 11 you're required by law to be here. But thank you, anyway. 12 And thank you -- you know these people that you see in the 13 audience are hardworking folks. You heard some of their 14 stories. I can tell you that there are hundreds of stories 15 beyond what you've heard tonight that are just as moving and 16 if not more moving of people that care about the land. 17 They've lived here for generations and have something 18 attached to and grown into the land other than just a dollar 19 sign or something that can be evaluated and purchased. 20 I've been to a few of the meetings. I met each one of 21 you and spoken with each one of you at length and at 22 multiple times. You might be a little tired of hearing from 23 me. But let me just ask a question or two and Lester you 24 are the highest ranking individual here by the way I agree 25 with the comment that the shirt looks great. And if I could</p>
<p style="text-align: right;">Page 67</p> <p>1 Fenocchio, long time residence of Clarksburg. My mother 2 actually was born in Clarksburg. We have little history 3 here. 4 A lot of discussion has been going on this evening 5 regarding habitat and things that are necessary to keep this 6 Delta going. I think one thing that you have forgotten and 7 as I look at your panel and it's obvious to me. The human 8 habitat has actually been forgotten around here, not only in 9 Clarksburg but clear down the river. It's important that 10 you think very, very seriously about getting another party 11 to your organization, maybe Department of Human Resources 12 could help you somewhat. I'm very about long term effects 13 of whatever project may occur. I really encourage you to 14 work very, very hard to including in the EIR long term 15 effects on the social, political, and human resources here 16 in the Delta. 17 I might also say that I am a fisherman. And I am 18 concern about the fish habitat. I'm very much concerned 19 about what happens with the water and southern California. 20 I might mention too -- I forgot the gentleman's name who is 21 with the Department of Fish and Game -- fishing has somewhat 22 changed in the Delta. I spent two days this week. I caught 23 one fish. My license when I was 16 years old cost \$2. I 24 bought it about two months ago and it was \$62. In the 25 younger days, I caught all kinds of fish. Today, I caught</p>	<p style="text-align: right;">Page 69</p> <p>1 bring one for Karen tomorrow that might be good. 2 My information looking at the big picture here is that 3 all of this that we're doing, the plans, that binders -- I 4 have two boxes of materials are all about a starting point. 5 In creating a starting point with the caveat that the 6 starting point might be wrong. We might get new information 7 that we might learn that we're completely off base. Is that 8 a fair statement? I see a nod there of Jerry saying, "Yes." 9 MR. JERRY JOHNS: Starting point. And then develop 10 alternatives around that really evaluate what -- how we move 11 forward. 12 MR. MARK PRUNER: And the solution that I've heard is 13 that we want to have an adaptive management program. I 14 haven't heard anything about Karla -- I missed some of the 15 presentation -- but about the adaptive management program, 16 which is kind of the -- if we imagine a train, we have the 17 starting point going down the track, and then we the 18 adaptive management program, which says well, we could be 19 completely wrong. So we have to have a system that says 20 we'll take new information. We'll evaluate. And maybe 21 we'll change some things, throw some things out the window 22 and come in with completely new things that haven't been 23 discussed tonight. And if the third part of this triad is 24 that there will be a government system of three tiers and 25 I've seen the charts and the boxes and lines -- and pretty</p>

<p style="text-align: right;">Page 70</p> <p>1 hard to understand -- those people will be making the</p> <p>2 decisions about whether the point we're starting -- whatever</p> <p>3 that point is -- and the changes are where we end up. Is a</p> <p>4 fair statement?</p> <p>5 MR. JERRY JOHNS: Well, sort of. Okay. Could I take a</p> <p>6 shot at that?</p> <p>7 MR. MARK PRUNER: You can. More than one, if you need</p> <p>8 to.</p> <p>9 MR. JERRY JOHNS: The starting point part is BDCP is</p> <p>10 looking at something differently than it usually has done.</p> <p>11 And it's looking at how do you deal with ecosystem and water</p> <p>12 supply at the same time. So their going to develop a</p> <p>13 starting point. But in the EIR/EIS process -- and one's</p> <p>14 federal and one is state -- really going to look at the</p> <p>15 alternatives. So they'll come up with a starting point that</p> <p>16 the evaluation may say, "You've picked a canal, but we think</p> <p>17 there's a lot of impacts and you're going to have to go</p> <p>18 through Delta with your strategy or you've picked habitat in</p> <p>19 this area but after analyzing, we don't think that's right</p> <p>20 location." So it's a starting point and then you evaluate</p> <p>21 alternatives.</p> <p>22 The point you're making about adaptive management is if</p> <p>23 we've learned anything about water supplies or ecosystem is</p> <p>24 what we know now will be slightly different in the future.</p> <p>25 That does bring out the governance issue. And there seems</p>	<p style="text-align: right;">Page 72</p> <p>1 counsel, you know, there's a lot of different versions. We</p> <p>2 have no problem with that kind of configuration. But there</p> <p>3 will be a lot of debate in the legislature. It won't be a</p> <p>4 decision that we make.</p> <p>5 MR. MARK PRUNER: Absolutely but they're not here. And</p> <p>6 I'm just picking on you because you're here. I just want to</p> <p>7 say that what I've learned in the process, my conclusion is</p> <p>8 that what I observed is this -- if I can over simplify but</p> <p>9 still be -- I think it's real truthful to say at baseline</p> <p>10 this is a giant experiment. The canal, the fish, that even</p> <p>11 the experts like Paul from SAIC and Chuck who are experts in</p> <p>12 their fields say, "We don't know if this is going to work or</p> <p>13 not we just kind of think so. We got some data, and we know</p> <p>14 we're missing a lot of information" -- and correct me Paul</p> <p>15 and Chuck if I'm wrong here but -- we just -- this is a --</p> <p>16 you haven't used the word "experiment." But I remember from</p> <p>17 my science class what experiments are and this seems like</p> <p>18 it. I think you could see from people here that we're</p> <p>19 asking for a third leg in the process, not just conveyance,</p> <p>20 not just habitat. But also the people in the place because</p> <p>21 for the people that are here it's not just live and -- it's</p> <p>22 a data point on sheet of paper or spreadsheet. It's about</p> <p>23 lives and history. And we believe that as the Delta, we</p> <p>24 enrich the entire state of California as some of us brought</p> <p>25 out tonight. But we really enrich the state. And the state</p>
<p style="text-align: right;">Page 71</p> <p>1 to be a general concensus that if your going to build a</p> <p>2 facility like that, which would have dramatic impact it</p> <p>3 probably shouldn't be the Department of Water Resources that</p> <p>4 operates it or the contractor that get the water out in some</p> <p>5 other organization and some mechanism that has broader</p> <p>6 interest then just the water supplies.</p> <p>7 MR. MARK PRUNER: With all that said, and this is</p> <p>8 really getting to one of my main points here. I'm running</p> <p>9 out of time already. But if the government structure -- the</p> <p>10 folks that are going to be making the real decisions down</p> <p>11 the road -- if, would you be in favor of the department,</p> <p>12 would the department be in favor of allowing one or more</p> <p>13 people from the Delta itself -- the people who have the most</p> <p>14 skin in the game -- to have a voice directly in the process,</p> <p>15 not in meetings like this where we give comment and then</p> <p>16 somebody goes into a back room and says, "Well, we just</p> <p>17 heard a comment but we're going to do what we want to do any</p> <p>18 way." But actually of direct voice, a voting voice and we</p> <p>19 think and hope a strong voice in the government structure.</p> <p>20 Is that something the department would support?</p> <p>21 MR. JERRY JOHNS: I have no problem with that. You</p> <p>22 probably are aware the legislature has bills dealing with</p> <p>23 this as we speak. And I think that's going to be a</p> <p>24 consideration of how you come up with the Board of Directors</p> <p>25 for whether it's a Delta conservancy or a utility or</p>	<p style="text-align: right;">Page 73</p> <p>1 will suffer. And state will lose something, if the big</p> <p>2 project rolled through and we were depopulated. We lose a</p> <p>3 base to have schools, we lose a base to have fire</p> <p>4 department. We will suffer. And the state will suffer.</p> <p>5 And that's, I think -- sort of what I believe, I think that</p> <p>6 the great majority of folks believe here as well. Thank</p> <p>7 you.</p> <p>8 MS. PAM JONES: Peter Stone, Tim Waits and Linda</p> <p>9 Robertson.</p> <p>10 MR. PETER STONE: I'm Peter Stone. I live across the</p> <p>11 river, one mile from here and -- with my family. We lived</p> <p>12 here for a number of years. And I agree with so much that's</p> <p>13 already been said. But I don't want to repeat it. So I'm</p> <p>14 going to say some other things that are not nearly as</p> <p>15 important. But I want do make sure that they are brought</p> <p>16 forward. First of all, one of the things that hasn't been</p> <p>17 said about Clarksburg is it's the home of one of the oldest</p> <p>18 Boy Scout Troops in America. It is a troop that has 100</p> <p>19 eagle scouts. I have two of them myself in the Clarksburg</p> <p>20 troop and I consider it to be a privilege to be a part of</p> <p>21 this community. And when we start thinking of terms of</p> <p>22 wringing towns -- where's the town? If you haven't lived in</p> <p>23 the Delta you don't realize that -- "Well, let's see. I</p> <p>24 want to go to lunch. I'll go down to Walnut Grove. It's</p> <p>25 just a few doors down." You know, it's there's something</p>

<p style="text-align: right;">Page 74</p> <p>1 different. I've lived in the city.</p> <p>2 Most people in California don't have a clue that there</p> <p>3 is a place such as this. I've also lived in New Orleans.</p> <p>4 There's one other Delta community in the United States and</p> <p>5 it's down south of New Orleans. But as I've been told, it's</p> <p>6 a Delta that flows out to the ocean. There's only one of</p> <p>7 these in the United States of America with an inland Delta.</p> <p>8 And we're here talking about its destruction -- or maybe not</p> <p>9 but as it was just eloquently just said an experiment to</p> <p>10 play in the backyard. The only one that exists outside of</p> <p>11 China. There is another inland Delta and it's in China.</p> <p>12 And if we were talking about something in terms of ecology,</p> <p>13 something in terms of anything else where this group of</p> <p>14 people was coming to the government to say that we wanted to</p> <p>15 do something to mess with the Delta.</p> <p>16 There is no way we would be able to do this. And yet,</p> <p>17 we are not dealing with the same things that we would be</p> <p>18 required to deal with. And so one of my themes here is</p> <p>19 consistency. Just simple things like when I go to the</p> <p>20 County Planning Department and want to find out if I can</p> <p>21 put something up on my property, "Well, as long as you don't</p> <p>22 place it within eyeshot of route 160 on the levee because we</p> <p>23 don't want to ruin the visual impact." And I'm going -- I'm</p> <p>24 looking at all these maps we're talking about we're going to</p> <p>25 put thousand foot wide canals. We're going to put</p>	<p style="text-align: right;">Page 76</p> <p>1 looked at the drawings out there. The architectural drawing</p> <p>2 with thousand foot canal. And it's like crazy to think that</p> <p>3 that's going to be a good thing for continuing what's going</p> <p>4 on here in this Delta.</p> <p>5 And other thing, I've been here long enough dealing</p> <p>6 with rising rivers -- when one gentleman talks about</p> <p>7 hydrology most people don't have a clue, unless you live</p> <p>8 here -- what in the world that means. And what happens --</p> <p>9 and they think quick little fixes to things can do things</p> <p>10 that just can't. Well, anyway, one other just sort of</p> <p>11 practical thing. I live right on the levee. I really love</p> <p>12 the Department of Water Resources guys. The guys who</p> <p>13 actually come around and try to keep those levees so that</p> <p>14 the squirrels don't eat holes through them, to make sure</p> <p>15 they're mowed. I really appreciate that. But I'm</p> <p>16 frustrated because if I stand at the top of the levee, they</p> <p>17 can help me on one side. But they can't help me on the</p> <p>18 other side because the fish and game folks won't let them do</p> <p>19 this, this and this that will help save the levee from</p> <p>20 flooding. Now, my point is a very simple one. If we are</p> <p>21 talking about something as complex as this and we have</p> <p>22 agencies that don't agree amongst themselves. How are we</p> <p>23 going to say that this is nothing but a grand experiment</p> <p>24 where each one is going to do in their side pocket what they</p> <p>25 want to do, hope it comes together in a document that makes</p>
<p style="text-align: right;">Page 75</p> <p>1 powerlines all down the levee, one of the options. And I'm,</p> <p>2 saying, "Hmmm, it's interesting." Not one person in a</p> <p>3 yellow shirt in this room could get done anything close to</p> <p>4 any of what's going on here.</p> <p>5 And then I think about -- I just tried to -- you know.</p> <p>6 I don't know about all the big initials, and whatever, but I</p> <p>7 just kind of like to think about some simple things like one</p> <p>8 thing was really clear this evening. Is -- we are going to</p> <p>9 guarantee an EIR/EIS and whatever else we're going to do</p> <p>10 that we are going to make sure that every law associated</p> <p>11 with a fish is held to the "T." But if it has to do with</p> <p>12 human beings, forget it. If it has anything the</p> <p>13 constitution grants it's rights for people, forget it. Now,</p> <p>14 I don't know a whole lot about all of these other things. I</p> <p>15 don't know a lot about the routes and things. I was asking</p> <p>16 some folks very helpful explaining things. But we drive</p> <p>17 right by the Freeport intake for the East Bay MUD facility.</p> <p>18 So I just threw out one thought, "Wow. There's obviously</p> <p>19 going to be a pathway for water" -- which when they showed</p> <p>20 me, it's going to get right down to the south part of the</p> <p>21 Delta. Why couldn't we piggy back on a route that's already</p> <p>22 established that doesn't destroy the Delta. Now, I know he</p> <p>23 says it needs 50 times as much water. Well, we've got a</p> <p>24 route then run 50 times as much capacity that bypasses the</p> <p>25 Delta. Why do we have to destroy something -- I mean, I</p>	<p style="text-align: right;">Page 77</p> <p>1 everybody happy. But even, you know, filter the pumps, you</p> <p>2 know, why can't we figure out -- I can't believe we spent</p> <p>3 billions and billions of dollars to do all of this -- and</p> <p>4 maybe it's been thought of just as the gentleman</p> <p>5 said earlier -- but why can't we do something with modern</p> <p>6 technology to put things -- to keep the fish out of the</p> <p>7 pumps out of there -- and I'm sure that's really naive.</p> <p>8 MS. PAM JONES: Peter, could you wrap up, please?</p> <p>9 MR. PETER STONE: Sure. And finally, assuming this all</p> <p>10 goes through, I'm very concerned that if we wind up losing</p> <p>11 and having to lose our properties that we're going to have</p> <p>12 happen what happened to my grandparents. When they had the</p> <p>13 interstate systems take their property. They had them sold</p> <p>14 at eminent domain based upon the values after years of</p> <p>15 depression knowing that the properties were going to be</p> <p>16 eminent domain. So who's going to buy property that's -- as</p> <p>17 it's already been said here in town, if we look at value of</p> <p>18 what people will pay for 2, 3 years from now then that will</p> <p>19 be just flat out confiscation of property.</p> <p>20 MS. PAM JONES: Peter, could you wrap up, please?</p> <p>21 MR. PETER STONE: Yeah. So with that, I -- and the</p> <p>22 other thing is just, you know, decertification of levees.</p> <p>23 And I just can't see, you know, we just need to have some</p> <p>24 responsibility put into what's going on here. Thank you.</p> <p>25 MS. PAM JONES: Tim, Linda Robertson, and Gary Merwin.</p>

<p style="text-align: right;">Page 78</p> <p>1 MR. TIM WAITS: Good evening. My name is Tim Waits and 2 I'm here representing Clarksburg wine growers and vineyards 3 association. I want to talk mostly about the economics of 4 the wine, grape crop in this area. 5 And most of what I'm going to say here in the beginning 6 is a source from the 2008 CRIS report which came out 7 recently and it's done by the USDA. The State of California 8 produces 3,061,000 tons of wine grapes last year. And the 9 average price per ton was \$594. Our area, which under the 10 USDA is called District 17, which pretty much includes all 11 of the Delta produced 783,420 tons of grapes. So that's 12 about 25 percent of the state as a whole. So it's a big 13 business down here. And it has a huge economic impact on 14 the people that live here and work here, have businesses 15 that sort of thing. What we see here is if you can't relate 16 to tons it also would be able 54 -- no. Yeah. 54,839,000 17 cases of wine, just what we produced here. A case of wine 18 is 12 and a 750 milliliter bottle. So we've got a 19 substantial benefit not only to the area but to the state. 20 Wine grapes are one of the -- one of our best exports 21 as far as crops in California in terms of value. And last 22 year, the value of the red wine crop went up 3 percent. The 23 value of the white wine crop went up 12 percent. So it's 24 one of the few things that's actually going up instead of 25 down in this economy. The plans that have been presented</p>	<p style="text-align: right;">Page 80</p> <p>1 the eastern option is chosen, well, basically go right 2 through that new development. And you know, somehow 3 there's something about that that didn't seem quite fair to 4 me and I would like you to consider those kinds of the 5 issues in addition to the fish and the other sorts of things 6 that seem to be so important to you. Thank you. 7 MS. PAM JONES: Linda, Gary Merwin and then Russ Van 8 Lobensels. 9 MS. LINDA ROBERTSON: Linda Robertson. And I'm not 10 from Clarksburg. I'm from Bethel Island. And the changes 11 that we've seen in the last four years in our water quality 12 are astronomical. When you see jelly fish, when you see 13 flounder, when you have seals living near your island on a 14 continual basis, salt water intrusion is already there. 15 This processed plan is going to probably ruin all the small 16 harbors on Bethel Island. While I can appreciate the 17 farmers and what they're going through on the south Delta 18 where this proposed canals going to be shoved under our 19 island. Ten foot diameter pipe is what one estimate was, 42 20 miles long. We're a bit concerned about our levees. And we 21 do not accept the latest scare tactic about earthquakes. 22 Those levees have been there for close to 100 years. The 23 earthquake thing, all of us that live on levees it's like, 24 "Yeah and so." It's a scare tactic. It's not going to 25 work. We are a really small community of 2500. We're</p>
<p style="text-align: right;">Page 79</p> <p>1 today would make it very difficult for the average grower to 2 survive by chopping up our lands, putting canals and 3 diversion systems and all this stuff, you know, right in our 4 way essentially, not to mention what it would take out of 5 production by having these thing there. So we're very 6 concerned about that. 7 The difference between wine grapes and open ground type 8 crops is that it's very expensive to put them in and it's a 9 very long process to get paid back. Generally, it will take 10 about \$10,000 per plant to get it through the growth cycle 11 before it begins to produce. You got a long time that you 12 have to, you know, show the cost one way or the other. And, 13 you know, borrowing money is typically one part of that. 14 And so with all of these rumors and plans that are going on, 15 it makes it very difficult for us to move forward. Yet, 16 inspite of that, our area is considered one of the best 17 places in the entire state to develop vineyards, even at 18 this point. So we got a lot of interest here in this 19 economically, socially. 20 Lastly, I'd like to just mention, you know, I have a 21 ranch just down the street here on Willow Point, you know, 22 I've developed 140 acres of wine grapes significant cost 23 there. I built my house, which is also down there. And you 24 know, all of that was done with the proper permits and 25 government okays. And you know, looks like a canal -- if</p>	<p style="text-align: right;">Page 81</p> <p>1 really pissed because it's going to ruin the boats that are 2 in my little eight slip harbor that's what I have as my 3 retirement income. It's going to ruin the salt water 4 intrusion is going to destroy the fishing. 5 We have friends that drive all the way from Nevada to 6 fish in multiple black bass tournaments throughout the year. 7 They contribute out of state to our little teeny economy on 8 Bethel Island. That's going to be destroyed. There won't 9 be any black bass left. The salt intrusion was bad enough 10 this year, you couldn't find a blue gill with a search 11 warrant. We did not see them except for a two-week period 12 that's from the salt. I have seals swimming up and down 13 past my harbor. That's salt. What you're proposing to do 14 is remove so much more water that I'm a little concern that 15 I may have to tell the kids whose parents have boats in my 16 harbor, "Can't swim today, honey, great white is out." 17 Don't do this. 18 We are going to fight in any and every way we can to 19 stop the water grab by L.A. That's all this is, nothing 20 more. I have one final question that I need to take home to 21 our little community. How much money is this department 22 going to pay Contra Costa County to put this pipeline in? 23 How much money? You don't know? 24 MR. LESTER SNOW: We're still in the planning phases. 25 MS. LINDA ROBERTSON: But it's on a map.</p>

<p style="text-align: right;">Page 82</p> <p>1 MR. LESTER SNOW: There's alternatives on the map. But</p> <p>2 there's been no decision on this. And so there's no money</p> <p>3 that going to be paid to anybody at this point.</p> <p>4 MS. LINDA ROBERTSON: Not today. I'm talking when you</p> <p>5 do this. Because Bradford Island cattle ranchers that have</p> <p>6 been there 60 years have had you lien their property rather</p> <p>7 than let you do the survey to take their property. How much</p> <p>8 money are you going to give the county, when you put this</p> <p>9 pipeline in? It's not if, we all know it.</p> <p>10 MR. LESTER SNOW: Well, it's not in. We have not made</p> <p>11 that decision.</p> <p>12 MS. LINDA ROBERTSON: Why is it on your map?</p> <p>13 MR. LESTER SNOW: Because it's an alternative that's</p> <p>14 being evaluated and the issues that will be evaluated</p> <p>15 include every thing that you've just raised.</p> <p>16 MS. LINDA ROBERTSON: But why are you liening property</p> <p>17 in Contra Costa County.</p> <p>18 MR. LESTER SNOW: Getting access to do the surveys to</p> <p>19 get the information that you're talking about.</p> <p>20 MS. LINDA ROBERTSON: But why are you liening private</p> <p>21 property for people that don't want to participant in this?</p> <p>22 MR. LESTER SNOW: You're using a term I'm not real</p> <p>23 familiar with liening but we're trying to get access to</p> <p>24 property that is in those different corridors out there. To</p> <p>25 get the information that people have brought up here where</p>	<p style="text-align: right;">Page 84</p> <p>1 flow of the river which is not a lot of water. It's only</p> <p>2 all the flow for 3.65 days. But that is not what we're here</p> <p>3 about. I'm going to do a lot of repetition because</p> <p>4 everybody else is really made some awesome points that need</p> <p>5 to be said again because I don't think they're getting</p> <p>6 heard. Number one -- first one is, there should have been</p> <p>7 three prong approach to this thing and everybody here knows</p> <p>8 that. There's no -- there should've been a spot for a third</p> <p>9 prong, for the social and economic wellbeing of the Delta.</p> <p>10 And should be an economic impact that goes along with it</p> <p>11 that has that same representation, that third prong, there</p> <p>12 needs to be EIR needs to include the impact of building more</p> <p>13 homes in southern California with increased water supplies</p> <p>14 from the Delta. Any eminent domain property that gets done</p> <p>15 around here needs to be valued at a minimum of the same</p> <p>16 value of the areas that benefit instead of southern</p> <p>17 California. My final comment is more of a question. I'll</p> <p>18 start with comment part. Every time I look at a map in this</p> <p>19 whole process. And I start asking questions usually I get</p> <p>20 told this is just concept. This doesn't mean anything.</p> <p>21 When are we going to be looking at something that</p> <p>22 means something?</p> <p>23 MS. KARLA NEMETH: Summer. This summer we'll have a</p> <p>24 preliminary draft of the plan this summer with all the</p> <p>25 details.</p>
<p style="text-align: right;">Page 83</p> <p>1 there's endangered species, what the soils are like, could</p> <p>2 you actually build anything, could you actually put a</p> <p>3 pipeline there, what kind of habitat is already there,</p> <p>4 what's the water conditions?</p> <p>5 MS. LINDA ROBERTSON: The water conditions suck now.</p> <p>6 MR. LESTER SNOW: Pardon?</p> <p>7 MS. LINDA ROBERTSON: The water conditions suck now.</p> <p>8 When you get down like I said great white is going to be</p> <p>9 swimming around my island. I have nothing left to say.</p> <p>10 Thank you.</p> <p>11 MR. LESTER SNOW: Thank you.</p> <p>12 MS. PAM JONES: Gary, Russ and Tim Newharth.</p> <p>13 MR. GARY MERWIN: I'm Gary Merwin, third generation</p> <p>14 farmer in Clarksburg. I live in the house my grandfather</p> <p>15 built before there was a Shasta, Folsom or Oroville dam.</p> <p>16 We -- our family immigrated here from Sacramento because we</p> <p>17 came in the gold rush. But before we get started, I want to</p> <p>18 educate -- I know you guys are here to educate you guys on</p> <p>19 one thing first. Can you step where you could see the</p> <p>20 screen? And I know all you people -- all you people think</p> <p>21 that little dot right there is Clarksburg but when you say</p> <p>22 Clarksburg everybody back here is pretty much -- that's</p> <p>23 Clarksburg. So I do want to make a comment on the east Bay</p> <p>24 MUD Facility that was mentioned earlier you know that only</p> <p>25 takes when it gets operation only takes one percent of the</p>	<p style="text-align: right;">Page 85</p> <p>1 MR. GARY MERWIN: That's three month period.</p> <p>2 MS. KARLA NEMETH: Yeah, July. I don't know. We're</p> <p>3 working on it. But as soon as it's done, it's going to be</p> <p>4 made available. As I mentioned we'll be back. I know folks</p> <p>5 really want to get to those details and they're critical.</p> <p>6 MR. GARY MERWIN: The economics of this area are just</p> <p>7 hanging in the lurch, you know.</p> <p>8 MS. PAM JONES: Russ, Time and then Richards Robertson.</p> <p>9 MR. RUSS VAN LOBENSELS: My name is Russ Van Lobensels.</p> <p>10 I'm fourth generation farmer. I'm farming some of the same</p> <p>11 property my great-grandfather did in 1870. I speak to you</p> <p>12 today as the president of the Sacramento County Farm Bureau</p> <p>13 and Chairman of the Delta Caucus. I met with some of you</p> <p>14 over the period and discussed some of the issues that we're</p> <p>15 dealing with today. One point of order is the comments that</p> <p>16 were received in the prior scoping session. Are they going</p> <p>17 to be part of the continuing record? Yes. Okay. Very</p> <p>18 good. The organizations which I represent have many, many</p> <p>19 issues that they are concerned about. And we will be</p> <p>20 sending you those in written form at some point. However,</p> <p>21 I'd like to bring up 3 or 4 comments this evening.</p> <p>22 The draft EIR must clearly show how each proposed</p> <p>23 alternative is designed to operate within the multitude of</p> <p>24 legal restrictions, water quality requirements and</p> <p>25 contractual constraints such as the North Delta Water Agency</p>

<p style="text-align: right;">Page 86</p> <p>1 Contact with the State of California, area of origin</p> <p>2 priorities, Delta salinity standards just to name a few.</p> <p>3 Second, the draft EIR must identify -- and this question has</p> <p>4 been asked throughout the process and not answered or the</p> <p>5 answer has been, "We don't know" -- must identify how much</p> <p>6 Delta outflow is needed to maintain the health estuary and</p> <p>7 how each alternative will be designed in order to maintain</p> <p>8 the appropriate outflow and Delta water quality. That's an</p> <p>9 absolute must and before you can go forward with any</p> <p>10 alternative, you must know that.</p> <p>11 The EIR should compare and contrast water flow and</p> <p>12 water quality from the two main rivers that run into the</p> <p>13 Delta -- the Sacramento and the San Joaquin -- and compare</p> <p>14 why the qualities are different. One of the reasons the San</p> <p>15 Joaquin County does not have the same quality as Sacramento</p> <p>16 is that major amounts of water are remove before it gets to</p> <p>17 the Delta and here we're talking about doing the same thing</p> <p>18 in Sacramento. Then again, you need to answer what flow</p> <p>19 needs to be maintained in the Delta to maintain a healthy</p> <p>20 estuary? Export alternatives cannot be developed or</p> <p>21 evaluated without this critical information. The</p> <p>22 appropriate size of facilities cannot be evaluated without</p> <p>23 this information.</p> <p>24 Export quantities cannot be determined without this</p> <p>25 critical information. And finally, how are even these</p>	<p style="text-align: right;">Page 88</p> <p>1 left is what you convey peripherally -- and that may be</p> <p>2 nothing. Why propose digging a big ditch that you may not</p> <p>3 even be able to use? Why do that?</p> <p>4 If the current system of exports has damaged the Delta,</p> <p>5 then some of the proposed BDCP alternatives, I believe,</p> <p>6 could devastate the Delta. Thank you.</p> <p>7 MS. PAM JONES: Tim Newharth, Richard and Dan Whaley.</p> <p>8 MR. TIM NEWHARTH: My name is Tim Newharth. Resident</p> <p>9 of the Delta and farmer of the Delta. Represent a family</p> <p>10 that's been here in the Delta since 1948. Long time. Watch</p> <p>11 a lot of water follow past the levees. But that aside, my</p> <p>12 concern is the Delta, itself.</p> <p>13 The Delta as has been stated before, is a very unique</p> <p>14 place, a very unique ecological estuary that is unsurpassed</p> <p>15 in any place in the western hemisphere. And to think that</p> <p>16 we are going to continue to tweak with it and mess with it</p> <p>17 and take water out of it, and move it around with no real</p> <p>18 assurances of the outcome, to me darn near criminal. How</p> <p>19 effective -- and I have a couple comments along those lines.</p> <p>20 How effective can this EIR and EIS be if we haven't a</p> <p>21 specific plan with specific areas in specific parameters?</p> <p>22 We've got a western conveyance. We got a through Delta</p> <p>23 conveyance. We've got an eastern conveyance. And nothing's</p> <p>24 really been settled as to what is going where and how much</p> <p>25 and how long and so forth.</p>
<p style="text-align: right;">Page 87</p> <p>1 conceptual ideas being evaluated without this critical</p> <p>2 information. The draft EIR must show a correlation between</p> <p>3 tidal wetlands and wetlands and a fish abundance, if it</p> <p>4 doesn't, we're going into an adaptive process that might try</p> <p>5 one thing after another, after another and all of them may</p> <p>6 fail. How do we establish a permit that doesn't have</p> <p>7 certainty? I challenge the U.S. Fish and Wildlife Service</p> <p>8 to look at this process and this plan to determine whether</p> <p>9 it has certainty.</p> <p>10 Finally, the draft EIR must explain why the BDCP</p> <p>11 isolated facility is designed to convey 15,000 cubic feet</p> <p>12 per second. Is that volume based upon science to support a</p> <p>13 healthy Delta? Or achieving maximum exports without regard</p> <p>14 to the health of the Delta? Now, I understand that they're</p> <p>15 governance issues that we're suppose to trust the governance</p> <p>16 issue and so forth. If the maximum export capacity is</p> <p>17 15,000 cubic feet per second and the preferred alternative</p> <p>18 is a dual conveyance system, why isn't the capacity of the</p> <p>19 peripheral part reduced by the conveyance capacity of the</p> <p>20 through Delta part to give you a combined capacity of 15,000</p> <p>21 cubic feet per second -- a smaller ditch, please. Wouldn't</p> <p>22 it be more appropriate to size the peripheral part of the</p> <p>23 dual conveyance system by starting with that critical amount</p> <p>24 of water that must pass through the Delta subtract the</p> <p>25 amount that you're going convey through Delta and what is</p>	<p style="text-align: right;">Page 89</p> <p>1 This scoping is premature and cannot be focused nor</p> <p>2 thoroughly examined without those specifics. What about</p> <p>3 other parameters that are not in this scoping? What about</p> <p>4 the impact of the Sacramento municipal intake that's taking</p> <p>5 water of the Delta. What about the impact of the sewer</p> <p>6 treatment plant that's putting high and very excessive and</p> <p>7 detrimental amounts of ammonia into the system, which is</p> <p>8 messing up with the food chain in the Delta already. Maybe</p> <p>9 your smelt needs a little bit more to eat. I don't know.</p> <p>10 What about habitat conflicts? We have agencies who are</p> <p>11 promoting such as you stated in your presentation about</p> <p>12 restoring habitat. We have other agencies that say, "No,</p> <p>13 you can't do that." "We don't want any trees on the levees.</p> <p>14 We don't want anything on there. Spray it. Burn it. Do</p> <p>15 whatever." "You know, we have to have a clean levee site."</p> <p>16 I don't know how those two things get resolved when you've</p> <p>17 got the left not knowing what the right hand is going. It's</p> <p>18 a contradiction in terms.</p> <p>19 And I wonder how you can have such a narrow target on</p> <p>20 species. You talk about smelt. Smelt, smelt, smelt. I</p> <p>21 swear if I see one, I'm going to give it to the cats. You</p> <p>22 talk about salmon, you talk about steelhead, and sturgeon,</p> <p>23 and splittails. What about the other species that are out</p> <p>24 there we've got striped bass, which is a huge sport fish?</p> <p>25 The gentleman before said it adds two million to the</p>

<p style="text-align: right;">Page 90</p> <p>1 state's -- is that -- when is that going to be a native 2 species. I think it's here to stay, unless you plan to 3 eradicate the entire bunch. I don't think you can do that. 4 I don't think it's possible. So when are they going to be a 5 native species? Not to mention the thousands of vegetative 6 species hawks, egrets, loons, owls, otters beavers, ducks. 7 We are on a Pacific fly away and they prefer fresh water not 8 salt water.</p> <p>9 What about human species? Why are we not all on this 10 more of inclusive species list? Why is it limited to smelt? 11 That's all we hear is smelt. As far as I'm concerned, smelt 12 is like the spotted owl. It's just a tool to use to get 13 what you want. In your literature you talk about diversion, 14 diversion, diversion, and that to me in this scenario is 15 robbing Peter to pay Paul. How does the Sacramento 16 expect -- Sacramento River expect to survive and the 17 northern Delta expect to survive and to improve, if we're 18 pulling that much water out of the top and trying to put 19 around on the the bottom to make up for water that the San 20 Joaquin river no longer can supply? That is robbing Peter 21 to pay Paul. And today 's language it's a ponzi scheme. 22 That's exactly what this is it's a water ponzi scheme.</p> <p>23 MS. PAM JONES: Could you wrap up, please?</p> <p>24 MR. TIM NEWHARTH: Number four, when are these 25 diversions supposed to occur? I've heard people say</p>	<p style="text-align: right;">Page 92</p> <p>1 English man so quickly shit as a sight of George 2 Washington." I'm hoping that these green shirts and all of 3 this comment would make the proponents of this deal have the 4 same effect. Thank you.</p> <p>5 MS. PAM JONES: Richard, Dan and then Peter Finn.</p> <p>6 MR. RICHARD ROBERTSON: Hi everybody. I'm from 7 Brentwood. I've live in the Delta. That's Linda. I've 8 been to three of these meetings now. And I haven't been 9 popular at a couple of them -- but anyway. Everybody that 10 I've seen from Brentwood to that end of the Delta to 11 Stockton everybody, all you farmers, have the same 12 criterias. They want to live. They want to do their land. 13 They want to grow their crops.</p> <p>14 I used to have a bed and breakfast. I grew lands but 15 anyway for Fish and Wildlife Service, there was 7 million 16 striped bass in the system before they put these pumps 17 southern California. There was salmon. The numbers were 18 untold. Okay. They put the pumps in the fish crashed. 19 Crash and crash and crash. And here we go again. They're 20 going to be pumping water out of the good water, clean water 21 from you guys out of the Sacramento River going south. They 22 can't pump any more water out of the Delta. It's dirty. 23 It's bad. Everybody knows. Salt intrusion. No joke jelly 24 fish.</p> <p>25 You guys, Walnut Grove, flounders last year. What's</p>
<p style="text-align: right;">Page 91</p> <p>1 verbally from your group that this is only going to happen 2 when we have excess flows. Okay. That's all good and well. 3 But that means last year after spending billions and 4 billions of dollars initially and ongoing expenses that 5 there wouldn't be diversions made out of the river last 6 year. This year, maybe a month, probably less than a month 7 we had somewhat of a high water flow not really even a high 8 water flow but more flow than usual. That is when we're 9 going to use this? We're going to spend all this time and 10 effort and that's when we're going to use it.</p> <p>11 I'll end with this -- and we've talk about quips and 12 quotes this evening. Ethan Allen, after the revolutionary 13 war was sent to England as an emissary to the English and he 14 was the brunt of many a joke from English about the 15 revolutionary war and in particular George Washington. He 16 was pretty silent about it. He took most of it. They 17 decided if they could get his goat they'll hang a picture of 18 George Washington in the outhouse, which they did. Ethan 19 Allen goes out uses the outhouse doesn't say anything. And 20 their waiting, and their waiting doesn't say nothing. 21 Finally, they said Mr. Allen, what do you think of George 22 Washington's portrait in the outhouse? And he said, "Well, 23 I think it's a very appropriate place for it to be." They 24 were taken aback, puzzled, befuddled. And they said, "Well, 25 explain that." Well, he said, "Nothing would make an</p>	<p style="text-align: right;">Page 93</p> <p>1 wrong with this picture? Salt coming in because they're 2 pumping too much water out. There was no water coming into 3 the Delta this year. We saw dirt. We see dirt 3 feet down 4 from the sides of the channels that they've never seen 5 before because there's no water. And here they go again, 6 "Okay. We've got no water. Let's go to Sacramento. Let's 7 get that good water." Their water quality be better down 8 south than we have in the Delta because they're pumping it 9 out of here. Okay. I have some numbers and these are 10 questions that people have asked. How much water? How much 11 water is -- how many gallons are in a cubic foot? Anybody 12 know? I do. That was a question asked from Brentwood. 13 Nobody had the answer. How about 54.7 gallons per cubic 14 foot. That's a lot -- that doesn't sound like much water, 15 until you times that times -- this is based on 11,000 cubic 16 feet a second. How about 55,000 gallons per second is going 17 to go down the canal times that per minute 3,300,000 gallons 18 in one minute times that per hour 190,000,000 gallon in one 19 hour going down to southern California. In a 24-hour period 20 how about 475,200,0000 gallons going down to southern 21 California every hour. Our computer wouldn't go any higher 22 than that. And I showed my friends this and they said, "I 23 can't even read that number." And then you times that 365 24 days a year for how long? Every day. And that's low. 25 They're basing 14 -- and they told you, well, it might be --</p>

<p style="text-align: right;">Page 94</p> <p>1 you know, what is it -- 14,000 cubic feet a second. They 2 told us in Brentwood, we're going to amp that up, if we 3 have -- if there's a lot of water in the Sacramento River. 4 These are low numbers. Think about those numbers. That's 5 crazy. And you guys are going to get hit. The Delta -- 6 we're not going to get -- there's gonna be no fresh water 7 going through the system. That we -- at least have some. 8 They're going to take it all. You think there's salt water 9 in the Delta now? As Linda said, great white shark sounds 10 funny, right? They had dolphins in the Stockton harbor this 11 year. At the boat turnaround. Think about that. A pair of 12 dolphins in Stockton in the turnaround basin. And you think 13 we're crazy? No, we're not.</p> <p>14 MS. PAM JONES: Richard, could you wrap up? Thank you.</p> <p>15 MR. RICHARD ROBERTSON: Thanks guys.</p> <p>16 MS. PAM JONES: Okay. Dan, before you begin. Before 17 you begin. We have about 20 more minutes of comments. We 18 said we were going to end at 9:00. Are you willing to stay? 19 Okay. The entire session lasts until ten. We had 20 originally said 9:00 for comments because the official, 21 legal part of this does include the comments out there. And 22 it's very important that these comments -- your written 23 comment as well as your comments that you want to go for the 24 record be shared with the folks out there. They will stay 25 to have one on one conversations with you. But we had</p>	<p style="text-align: right;">Page 96</p> <p>1 And then finally, it's very important that everyone in 2 this room write comments on a card and turn them in. 3 Because as much as these people are down here listening to 4 what we're saying, they may not really be listening to what 5 we say. But if we make a written comment, it is a permanent 6 record and eventually the lawyers may need to protect your 7 legal right. So it's very important that everybody make a 8 written comment and turn it.</p> <p>9 And finally people are getting letters that say they're 10 threatening to lien your property. There are people like 11 Mark Pruner that will talk to you about how you can protect 12 yourselves against threats from the Department of Water 13 Resources or any other agency that demands to come on your 14 property because they do not have the right to do that. And 15 they may use that information against us in the future. 16 Fight for your rights. Thank you.</p> <p>17 MS. PAM JONES: Before we have Peter Finn and Kathy 18 Hunn and Mary Paula Carvalho, I just wanted to say as to the 19 point of whether they're listening, we do have a court 20 reporter here taking the comments. And so they will be able 21 to read it in addition. The value of going out and making 22 your comments there is that it's more directed and more 23 specific and you can target those comments that you would 24 like. So Peter. And then Kathy.</p> <p>25 MR. PETER FINN: Good evening. My name is Peter Finn.</p>
<p style="text-align: right;">Page 95</p> <p>1 agreed at the beginning end up at 9:00. So I'm asking you, 2 will you stay? Okay. Thank you. Okay, Dan.</p> <p>3 MR. DAN WHALEY: I'll be quick. I live on Sutter 4 Island. I also have property at Hood. What's important 5 here is according to the representatives the EIR/EIS is 6 being paid for by the water district in the south state. 7 Shouldn't this be an independent study? When somebody's 8 paying for a report, often times it's biased. Why should we 9 trust the south state water districts when the north state 10 has certain water rights that aren't being addressed? How 11 do you address the existing contracts?</p> <p>12 And how do you address existing water rights for the 13 people here? All these need to be addressed when your 14 project has not yet been defined. Who is Delta Habitat and 15 Conservation Program? And what are they paying for? Where 16 are the bridges in any of those documents that are showing 17 essentially a canal that is bigger than the Sacramento River 18 that exists. So think about that. How are you building a 19 canal that is bigger than the river that exists now? And 20 how does that make any sense? Now, I would reference you to 21 a couple of books to read Jerad Diamond's Collapsed, which 22 talks about what happens to societies and then within our 23 own community here Dave Stirling has written a book called 24 Green Gone Wild. Essentially, talks about humans are 25 species as well. And they're not being protected.</p>	<p style="text-align: right;">Page 97</p> <p>1 I'm a resident of the city of Sacramento. Where we are, 2 we're now getting water meters courtesy of the water 3 interests that are behind what you folks are doing here. We 4 don't need water meters. Los Angeles needs us to have water 5 meters. So -- and that's part of what's happening here. 6 What's affecting us in the city of Sacramento is affecting 7 you folks here too. And I'm here because when I first came 8 a year ago to hear this program with the proposals. There 9 were four proposals. They varied pretty wildly.</p> <p>10 But everyone of the proposals had a peripheral canal, 11 every one of them. There wasn't a proposal without a 12 peripheral canal in it. And I came to conclusion at that 13 point. And I walked away pretty frankly disgusted that what 14 we had here was a solution that had already been determined 15 well before the meeting or the proposal or the research was 16 done. The solution was we're going to build a peripheral 17 canal. And that solution was handed out to a bunch of good 18 folks. And you were told okay. Now, go find us the problem 19 that fits with this solution. And I looked at this map up 20 here. And what I see, frankly, I consider those blemishes. 21 I see a lot farmland, a lot of productive land where people 22 live who are in the way of this canal.</p> <p>23 So part of the conservation program -- and I'm going to 24 get to the conservation in a moment -- part of the 25 conservation program is, "Let's get rid of these people who</p>

<p style="text-align: right;">Page 98</p> <p>1 are an impediment to this plan." Because all these yellow 2 shirts here, they're in the way. They're in the way. They 3 are an impediment to what is being proposed here. And I'm 4 certain that there's a lot of folks that think, "You know, 5 maybe if we have a few swamps and West Nile Virus to chase 6 people off, that's a good thing. Maybe if we get property 7 values depressed by telling the world that we want to 8 inundate Clarksburg to a depth of maybe here in the 9 summertime -- well, we can chase people away. People will 10 move away. They'll get out of our way. So we can have our 11 way." 12 Now, Bay Delta Conservation Plan. There's no 13 conservation happening here. I don't see any conservation. 14 I see the creation of salt water marshes, where there used 15 to be fresh water marshes. So the fresh water marshes 16 aren't being conserved. The agricultural land is not being 17 conserved. It's going to be inundated by salt water. The 18 communities and the way of life here isn't being conserved. 19 It's going to have to make way for a canal. And then, I 20 mean, conservation. There's no conservation. Again, no 21 conservation. This is the Bay Delta Canal Plan. Please be 22 honest. 23 To illustrate my point of how the information is being 24 thrown out there to justify this any way it can. No offense 25 to you Karla. Yes. You have a tough job. You got up here.</p>	<p style="text-align: right;">Page 100</p> <p>1 of salt water intrusion, the studies we have done indicate, 2 for example, Antioch's water quality actually improved 3 because there's less water coming into the Delta when we 4 pump harder in the summertime. So some parts of the Delta 5 will see improved water quality. 6 MR. PETER FINN: What parts? 7 MR. CHUCK HANSON: But the X2 standards that play out 8 here, they don't change on some of the date we have it 9 indicates it's a very small change in salt water intrusion 10 due to the program we're talking about. All the standards 11 we currently have in place are water right permit standards 12 are all the same, our agricultural standards are all the 13 same and our plans have met those standards. So we don't 14 see as much water intrusion as you think we do. I really 15 encourage you talk to folks outside and look at some of the 16 date we produced. 17 MR. PETER FINN: I looked at some of proposals. And 18 some of the proposals include building gates where there 19 haven't, I mean, gates to prevent salt water intrusion where 20 there hasn't been a problem before. Actually along the 21 Sacramento River there's a proposal that shows gates being 22 built there. 23 MR. CHUCK HANSON: At 3-mile slough you mean? 24 MR. PETER FINN: Yeah. 25 MR. CHUCK HANSON: Yeah, that was to improve water</p>
<p style="text-align: right;">Page 99</p> <p>1 And you told us -- and I'm glad it's on the record you told 2 us how this canal is going to improve flows out of the 3 Sacramento River. And then oh, about five minutes later you 4 told us how we're going to have salt water intrusion coming 5 up the places we haven't seen it before. These are two 6 mutually exclusive concepts. We can't be improving flows, 7 which should help alleviate salt water intrusion. And then 8 later on say, "Well, we're going have salt water intrusion 9 where we haven't seen it before." So we're going to have to 10 plan to mitigate that, which is it? 11 MS. KARLA NEMETH: Chuck, do you want to describe -- 12 MR. PETER FINN: Actually, I'm addressing the question 13 to you. 14 MS. KARLA NEMETH: I would actually prefer to have 15 someone who's a little bit more knowledgeable explain our 16 approach to flow management. 17 MR. PETER FINN: Okay. So here is my question. How do 18 we have improved flows that reduce salt water intrusion, 19 when at the same time we know have salt water intrusion 20 problem that has to be mitigated? 21 MR. CHUCK HANSON: Well, the flow part that Karla 22 talked about before were the flows in the southern part of 23 the Delta that tend to entrain fish. We could improve that 24 by simply where we divert water, not change the quantity of 25 water we divert at all in that specific instance. In terms</p>	<p style="text-align: right;">Page 101</p> <p>1 quality in the interior part of the Delta. 2 MR. PETER FINN: Actually, the documentation said to 3 prevent salt water intrusion at that location. 4 MR. CHUCK HANSON: Well, to improve quality, right. 5 MR. PETER FINN: Are you dancing around the subject? 6 There's no salt water intrusion there right now. 7 MR. CHUCK HANSON: There's salt water intrusion -- 8 MR. PETER FINN: That needs to be mitigated to that 9 degree. The proposal to build the gates there is to deal 10 with the problem that's going to be created. 11 MR. CHUCK HANSON: We have salt water intrusion 12 problems today. Every day in the Delta we have to push salt 13 water that would come into the estuary, if the flows weren't 14 high enough. 15 MR. PETER FINN: So would those gates need to be built, 16 even if this canal is not built? 17 MR. CHUCK HANSON: Well, actually, these gates at 18 3-mile slough have been planned for seven years. When we 19 were in the CALFED program and we were looking at the Delta 20 facility -- 21 MR. PETER FINN: So if the peripheral canal does not 22 get built at all for whatever reason, do these gates go 23 forward? 24 MR. CHUCK HANSON: Well, we'll have to look at those. 25 But they would still be part of the plan potentially to</p>

<p style="text-align: right;">Page 102</p> <p>1 improve water quality in the Delta.</p> <p>2 MR. PETER FINN: All right. So with that firmly</p> <p>3 established we're talking about salt water intrusion up at</p> <p>4 3-mile slough. We're not talking improved flows coming all</p> <p>5 the way down through to Pittsburg.</p> <p>6 MR. CHUCK HANSON: Yes, we are. We're talking about</p> <p>7 flows of the system that would come through the system to</p> <p>8 help repel sea water.</p> <p>9 MR. PETER FINN: So someone -- yeah -- someone else</p> <p>10 said it. Thank you. So why do we need those gates there?</p> <p>11 MR. CHUCK HANSON: Well --</p> <p>12 MR. PETER FINN: See this is my question. With all due</p> <p>13 respect to Karla. She's pointing down towards the Pittsburg</p> <p>14 area telling us how this going to improve flows down to</p> <p>15 Pittsburg area -- that is where she was gesturing. But</p> <p>16 we're going have to build salt water intrusion gates up at</p> <p>17 3-mile slough.</p> <p>18 MR. CHUCK HANSON: Okay. The flow part we're focusing</p> <p>19 on or flows down here in this area.</p> <p>20 MR. PETER FINN: Oh, I understand. This is what I've</p> <p>21 been saying about this. We're getting information that</p> <p>22 makes this look so great. But then bits and pieces of the</p> <p>23 truth keep coming out here. Why -- I mean, if this is</p> <p>24 improving flows down to Pittsburg, why do we need to</p> <p>25 mitigate salt water at 3-mile slough?</p>	<p style="text-align: right;">Page 104</p> <p>1 if we have salt water flows all the way to right here, if</p> <p>2 there's no one affected by it.</p> <p>3 MS. PAM JONES: Okay. Kathy Hunn, Mary Paula Carvalho</p> <p>4 and Jeff Merwin.</p> <p>5 MS. KATHY HUNN: First of all, I would like to say that</p> <p>6 I was rather appalled by one of the first speakers that</p> <p>7 spoke before we started. His statement was, "Tonight we're</p> <p>8 going to here about how a dumb idea we have, tonight we're</p> <p>9 going to hear about the people issues, the job issues. We</p> <p>10 were here a year ago and we're here again. And much of that</p> <p>11 appears to not have been heard.</p> <p>12 My name is Kathy Hunn, and I'm a resident of</p> <p>13 Clarksburg. My husband is a farmer in the area. I wish to</p> <p>14 speak to the human aspect of this proposal being brought to</p> <p>15 us tonight. Many more people -- or many people who are</p> <p>16 being affected are landowners. Far more people who live and</p> <p>17 work here do not own land. Our farming operation alone has</p> <p>18 35 employees, 15 of whom live here year round with their</p> <p>19 families. Once you have taken our land, or have created</p> <p>20 circumstances where the land is no longer farmable those</p> <p>21 families will be left homeless and unemployed. Multiply</p> <p>22 that by the fact that Clarksburg has 331 farming units.</p> <p>23 Then as you move on down the river you have all the farms in</p> <p>24 the towns of Hood, Courtland, Locke, Walnut Grove, Alton and</p> <p>25 further south. The human cost is immeasurable, not to</p>
<p style="text-align: right;">Page 103</p> <p>1 MR. CHUCK HANSON: The issue of improving flows is one</p> <p>2 of the biggest problems that we have is what we're regulated</p> <p>3 on as reverse flows in this part of this system. And Old</p> <p>4 and Middle River, in fact, we have to curtail pumping</p> <p>5 because there's reverse flows that not only affect smelt --</p> <p>6 I know there's no popularity for smelt in the room. But</p> <p>7 also tends to bring in salinity. There's something called</p> <p>8 tidal pumping that occurs at 3-mile slough and that is that</p> <p>9 salt water comes up here more quickly on the tidal surge</p> <p>10 than it does here because the distance is shorter. But</p> <p>11 tends to pump salt water across. That's why this gate</p> <p>12 system that's been identified will go in no matter what</p> <p>13 happens with the canal because it will reduce the tidal</p> <p>14 pumping that not only moves salt water but can move smelt</p> <p>15 and then the issue of improved flows is getting channels to</p> <p>16 flow in the direction they were supposed to flow. And they</p> <p>17 don't currently. There's no question -- one of the issues</p> <p>18 that you've identified that -- we're not hiding from anyone.</p> <p>19 When you divert more water up here, you damn well better pay</p> <p>20 attention to what's going on with overall water quality and</p> <p>21 that's what has to be done in these studies.</p> <p>22 MR. PETER FINN: Well, and in closing, if you get all</p> <p>23 these farmers and all these people out of this area and</p> <p>24 remove them and inundate this area, water quality doesn't so</p> <p>25 much matter for the agriculture any more. It doesn't matter</p>	<p style="text-align: right;">Page 105</p> <p>1 mention the economic devastation to the area.</p> <p>2 In addition, there are many support businesses which</p> <p>3 will be gravely affected by the destruction of area farming.</p> <p>4 For example, equipment sales, repair companies, fuel</p> <p>5 delivery companies, seed companies, and the list goes on</p> <p>6 from there. My request and my prayer is that you will hear</p> <p>7 all the comments that were made tonight and will work to</p> <p>8 include the residents of the north Delta in the process to</p> <p>9 come up with workable solutions for all of California</p> <p>10 citizens. At the end of the day, you folks are all going to</p> <p>11 go home. You've got your home wherever that might be.</p> <p>12 You're going to experiment with our homes. And 20 years</p> <p>13 from now, when you look back -- 50 years from now when we</p> <p>14 all are gone and our children's children are looking back</p> <p>15 and this a barren area, you still have your homes. Your</p> <p>16 children will still have your homes. We will be relocated.</p> <p>17 Thank you.</p> <p>18 MS. PAM JONES: Mary Paula Carvalho, Jeff and Tony</p> <p>19 Silva Jr.</p> <p>20 MS. MARY PAULA CARVALHO: Good evening. Thank you for</p> <p>21 listening to us once again. And one of these T-shirts</p> <p>22 happens to be my notes and questions, when I passed them</p> <p>23 out. So scribbled on this piece of paper.</p> <p>24 The loss of tourism here in the Delta will be</p> <p>25 horrendous should this canal go through. I worry about the</p>

<p style="text-align: right;">Page 106</p> <p>1 future farmers of America. Across the United States farms 2 are dying. They're not here on the Delta. We have prime 3 Delta property. Prime Delta soil. Let's flood it? That 4 doesn't make sense. The tax revenue that is generated here 5 in this community is great. With a state that has a 6 horrendous deficit. It's amazing that you want to flood it 7 and send that water down south. Not only are you receiving 8 the tax dollar from the farms, from the vineyards that are 9 making wine -- bottling that wine and selling it. It's 10 being taxed again. You're going to lose that. I want to 11 know if all of that is taken into consideration. I don't 12 hear any of that from you. And I want to hear about it. I 13 want to hear about that in the future.</p> <p>14 Pumping stations in this canal. We have a huge pumping 15 station in Freeport. How many pumping stations are we going 16 to need for this canal? This is a little pumping station 17 compared for what's needed. And this is going to be going 18 down California. So how far apart are they going to be? 19 These are questions I need answered. Eminent domain. 20 Somebody brought that up earlier. How many acres? How many 21 acres are you going to be taking through eminent domain? 22 Somebody talked earlier about Clarksburg, which you show as 23 a dot on the map. The hamlet of Clarksburg is quite large. 24 Who determines what part of -- where Clarksburg will stop 25 and the levee will come? When I look at that, another</p>	<p style="text-align: right;">Page 108</p> <p>1 district, which is Reclamation District 99, Clarksburg, Yolo 2 County, more specifically west of Jefferson Boulevard along 3 the eastside of the deep water ship channel and along Duck 4 slough. We're not stupid. Don't even begin to talk to us 5 about habitat restoration solely for enhancement of 6 endangered species. This is utterly and entirely about 7 mitigation of diversion of water for export from the Delta. 8 I predict that if that stopped, the Delta would miraculously 9 improve with no further action. I know that's not 10 realistic. But what is most exasperating to me are the 11 convoluted and equally fixes that are being proposed 12 instead.</p> <p>13 I attended a couple of meetings last year. And I was 14 glad to hear that my comments from last year will stand. A 15 personal that I consider to be brilliant strategy by the 16 water purveyors of southern California and the central San 17 Joaquin Valley in co-opting environmentalist into the fix, 18 if you will. A person that most scared me and offended me 19 last year at a meeting I attended in Walnut Grove was a Fish 20 and Wildlife specialist -- or socialist -- that widely spoke 21 of restoring the Delta as much as possible to it's 22 historical state to benefit fish taking 100,000 acres, in 23 his words, "Perhaps 130, 000 -- or maybe 30,000 acres for 24 habitat restoration." What planet was he born on? That 25 makes him completely free to ignore people and</p>
<p style="text-align: right;">Page 107</p> <p>1 question comes up. You're going to build a levee around 2 these little towns or hamlets. These are new levees.</p> <p>3 But the state doesn't have the money to reinforce the 4 levees we have now. According to you, these are faulty 5 levees. There's going to be an earthquake and they're going 6 to flood. So what happens to Clarksburg and the other small 7 communities -- little islands. Is this part of the plan? I 8 want to know what you guys are thinking about this? And is 9 it really thought through?</p> <p>10 MS. PAM JONES: Mary Paula, if you could wrap up?</p> <p>11 MS. MARY PAULA CARVALHO: One statement I have is, I 12 really suggest that you talk to your personnel. We've 13 overheard several statements out in the hallway about, "The 14 country hick farmers. They're just reiterating statements 15 they've said before. They know we're going to go through 16 with this." Really, keep those thoughts to yourself. We're 17 not "Hick farmers."</p> <p>18 MS. PAM JONES: Jeff, Tony and Mary McTaggart.</p> <p>19 MR. JEFF MERWIN: Good evening. Thank you for your 20 patience and coming and listening to us tonight -- or at 21 least be patient while we say what we have to say. First 22 three iterations that I came up with all ended up in 23 profanity so forgive me I'm going to be jumping around a 24 little bit.</p> <p>25 My name is Jeff Merwin. I farm in the Netherlands</p>	<p style="text-align: right;">Page 109</p> <p>1 constitutional rights to private property ownership and the 2 benefits thereof.</p> <p>3 Wouldn't it be wonderful if the world looked the way it 4 did 150 years ago? Fine. Then let's be fair about it. 5 Start bulldozing housing tracks everywhere including the 6 people that live there and the discussion leading up to the 7 action. It would be an interesting experiment, wouldn't it? 8 The error of drawing lines on maps and shading areas 9 targeted for broad change is long past. Stop it.</p> <p>10 One of my biggest concerns -- I'm going get some 11 questions now real quick -- One of my biggest concerns along 12 this whole process is the lack of detail. And I realize 13 you're attempting your best to refine your detail. However, 14 I mean -- and just to backup -- one of things that I've done 15 is search at length to find maps that indicate what's going 16 to happen, what's going on. Every one in this room -- not a 17 single person here -- by the way -- wants to be here 18 tonight. And I apologize for that. But that's a fact. 19 Maybe neither do you.</p> <p>20 But the fact of the matter here is the maps you have 21 outside, they show four conveyance options. Plus, the 22 through Delta conveyance. And there's actually a fifth 23 conveyance that nobody's even talking about. But I happened 24 to know about it because I mentioned it last year -- and I'm 25 glad to see it's on the map. This one here is just showing</p>

<p style="text-align: right;">Page 110</p> <p>1 one. What's up with that? And more exasperating is a map 2 one month in a community somewhere that's a public meeting 3 and I don't know where you find the notice of them are will 4 show something they're going to study and the next month or 5 two a map will show up and it won't exist. And then a month 6 after that it shows up again. So my concern -- I'm going to 7 ask some very specific questions right now. And this deals 8 with a mitigation issue that I found as FL00.2. It's more 9 unaffectionately called the deep water ship channel bypass. 10 Is that still a possibility? Is that still in play? As I 11 understand it that committee is under the BDCP leadership. 12 It's a habitat restoration committee. And I want to know if 13 that's still in play. It's not on that map.</p> <p>14 MR. PAUL CYLINDER: I'd say yes initially. It's in the 15 list of potential measures under consideration. We've also 16 seen outside that there's an alternative canal route that 17 could run that same route. There's the measure that he's 18 talking about is a draft that's been in the document. It 19 hasn't been removed from the draft. Conceptual measures 20 that are in the document right now from October. That same 21 route would follow what you seen outside as the alternative 22 for canal route on the westside.</p> <p>23 The concept that you're referring to is to develop a 24 flood bypass on the eastside as we already have on the 25 westside of the deep water ship channel but as it reads in</p>	<p style="text-align: right;">Page 112</p> <p>1 They're not my drawings.</p> <p>2 MR. JEFF MERWIN: I digress. If you want to 3 see something that will curl your hair, Google SB12, Senate 4 Bill 12. It includes things like language that would change 5 water rights to agriculture. It actually has a paragraph 6 that is very specific about it. And I recommend that you 7 read it and contact your senator. And let's get that thing 8 thrown out. That's how they're going to make this happen. 9 And these guys will all go, "Oh, sorry."</p> <p>10 MS. PAM JONES: Jeff, can you wrap up?</p> <p>11 MR. JEFF MERWIN: Yes, I'm almost done. That fifth 12 conveyance that I was talking about, I am not an advocate of 13 sending water south. Okay. I agree with everybody in this 14 room. However, if we're going to have it done to us, put it 15 down the deep water ship channel. It already exists it has 16 the most robust levees in the entire Delta. Get 17 Metropolitan Water District or the water purveyors to 18 finance locks down at the bottom. Increase the storage 19 capacity five feet. The port doesn't have to deepen its 20 ship channel. They get 8700 acre feet of storage right in 21 the Delta. And they can have multiple diversions and all 22 that other junk. I don't want to aid the case. But I'm 23 trying to help you with a solutions, if you absolutely 24 insist. I'm not happy about it.</p> <p>25 But I'd be far happier with that than ripping out</p>
<p style="text-align: right;">Page 111</p> <p>1 the document right now, the only way that that would be 2 considered is if the flood control agencies in particular 3 the Army Corps of Engineers felt that concept would add to 4 the flood control benefits for the towns on the westside of 5 the river -- Clarksburg down to Rio Vista.</p> <p>6 So the way the measure is written right now is that if 7 it were a benefit as a flood control measure that we would 8 take advantage of that because there's a severe lack of 9 floodplain habitat that has been shown to be very beneficial 10 to a number of the fish species, particularly the splittail 11 and for rearing habitat chinook salmon.</p> <p>12 MR. JEFF MERWIN: Which gets back to the 100,000 acres 13 that this fellow would like to see restored and that the 14 Delta vision process recommends doing in our Delta -- 15 100,000 acres. I guess the 20 or 30,000 acres in the Yolo 16 County bypass aren't adequate. They're already there. The 17 Sacramento -- where it exists it could be reengineered to 18 handle additional flood flows. You don't need to build an 19 additional bypass. Let me get real specific about this, not 20 only am I a Clarksburg resident. I happen to live on the 21 deep water ship channel east levee. Okay. Thank you by the 22 way for putting a bridge in on my driveway, in your 23 drawings. There's a bridge proposed for the eastern -- the 24 western alignment of the peripheral canal.</p> <p>25 MR. PAUL CYLINDER: Sorry. I'm not the engineer.</p>	<p style="text-align: right;">Page 113</p> <p>1 farmland and habitat down the eastside or right through my 2 front yard -- that would be in my backyard. That's 3 acceptable there's already water there. It's a man-made 4 waterway. I was told in the June meeting last year at 5 Walnut Grove, "No, we can't do that there's Delta smelt 6 there." What an idiotic thing is that to say. It's a 7 man-made waterway. Put the lock in down at the bottom of 8 it. And the Delta smelt, they live what a year and then 9 they're gone. Put that in your take permit.</p> <p>10 All right. I want to end right now with a little bit 11 of analogy as farmer. Okay. And I want you to ponder this 12 very carefully. And I'm sorry if I'm running a little bit 13 long. How would you feel as a state worker or federal 14 employee, if it was determined that farmers should cut off 15 your food? Sounds like an absurd thought, doesn't it. It's 16 exactly what they are proposing to do to me. Thank you.</p> <p>17 MS. PAM JONES: Okay. Tony and Mary, we appreciate 18 your comments at the other meetings. And we ask that you 19 keep your comments here short so that George Daly can speak 20 as our last speaker.</p> <p>21 MR. TONY SILVA: Okay. My name is Tony Silva, and I 22 just happen to be a small farmer from Lodi. I walk through 23 all six of your stations and I looked a lot -- I noticed the 24 state seems to have an issue with letters. Everything is 25 abbreviated -- letters. I noticed BDCP, ESA, EIS, EIR, the</p>

<p style="text-align: right;">Page 114</p> <p>1 whole bit. Why propose a station 7? And I want to call it</p> <p>2 BPF that's a ballpark figure. How much is all this going to</p> <p>3 cost? Does anybody have an idea? Does anybody read the</p> <p>4 newspapers? We have record furloughs, lay offs,</p> <p>5 foreclosures, car dealerships closing, corporation closing,</p> <p>6 and our state is at a 14 billion dollar deficit. Where are</p> <p>7 you going to get this money? And how much is it going to</p> <p>8 cost? Anybody? Just throw a number out there -- ballpark</p> <p>9 figure. You're taking up my time. I'd appreciate a quick</p> <p>10 answer. I've got another question.</p> <p>11 MR. JERRY JOHNS: When we look at these costs -- maybe,</p> <p>12 if we have any -- we've been looking at these cost. And</p> <p>13 we're still refining the cost. I mean, last year -- well,</p> <p>14 because it's complicated, right?</p> <p>15 MR. TONY SILVA: Well, a ballpark.</p> <p>16 MR. JERRY JOHNS: Last year we estimated the cost for</p> <p>17 the western alignment that you saw at about 8 bill dollars.</p> <p>18 MR. TONY SILVA: Is that if they give you the property?</p> <p>19 You're paying for property, also?</p> <p>20 MR. JERRY JOHNS: That was actually both. Just a</p> <p>21 second. Let me finish. And the eastern alignment was</p> <p>22 estimated about 5 billion both of those estimates have gone</p> <p>23 up by quite a bit because we've gotten a lot more detail in</p> <p>24 it. So I would imagine that it would actually be closer to</p> <p>25 11 billion on the west and probably closer to 8 billion on</p>	<p style="text-align: right;">Page 116</p> <p>1 have. It may not mean much to you. But I want you to do me</p> <p>2 a big favor. I may not speak for everybody in this room or</p> <p>3 everybody in northern California but I'd like for you to go</p> <p>4 down to southern California and tell those people, all 25</p> <p>5 million of them that, "Hey, you chose to build homes in the</p> <p>6 desert. You chose to build businesses in the desert, now</p> <p>7 you're going to build desalinization plants." That's what</p> <p>8 you're going to do. How hard is it? The people in northern</p> <p>9 California are sick and tired of poor planning. We're not</p> <p>10 turning ourselves into a desert. We're not going to do it.</p> <p>11 And especially when you got two-thirds of the planet's total</p> <p>12 area, the ocean, in your back door. Think about it. What</p> <p>13 are you doing? I thought you guys were educated. Thank</p> <p>14 you.</p> <p>15 MS. PAM JONES: Mary and George. Okay. George are you</p> <p>16 here?</p> <p>17 MS. MARY McTAGGART: I have a question. I was reading</p> <p>18 the Notice Of Preparation. And the project area part says,</p> <p>19 "Any conservation actions outside the statutory Delta will</p> <p>20 be implemented pursuant to cooperative agreements or similar</p> <p>21 mechanism with local agencies, interested nongovernmental</p> <p>22 organizations, landowners and others. Okay. So that sounds</p> <p>23 like that would be willing participants outside the</p> <p>24 statutory Delta. Does that mean -- is the opposite true</p> <p>25 that inside the statutory Delta it's not going to be willing</p>
<p style="text-align: right;">Page 115</p> <p>1 the east right now.</p> <p>2 MR. TONY SILVA: Thank you. Sounds like a lot. Can't</p> <p>3 even comprehend it. I've got another statement. In 1961 a</p> <p>4 little town called Freeport, Texas built a desalinization</p> <p>5 plant that's 48 years ago. They managed to produce 1</p> <p>6 million gallons of fresh water a day. During that</p> <p>7 dedication our then president John F Kennedy gave a</p> <p>8 dedication speech. And I'm going to read that again.</p> <p>9 President JFK, "No water resouces program has a greater</p> <p>10 long range importance than our first to convert water from</p> <p>11 the greatest and cheapest natural resource, our oceans. And</p> <p>12 to water fit for our homes and our industry such a</p> <p>13 breakthrough would end bitter shovel between neighbors,</p> <p>14 states and nations." God what a bright guy. 48 years ago</p> <p>15 he had enough vision for that. And look where we are at</p> <p>16 today. I'm embarrassed.</p> <p>17 And does anybody -- I would like to address this to</p> <p>18 you. Do you not understand the greatest and cheapest</p> <p>19 natural resource? Is there a question of what that means?</p> <p>20 I guess not.</p> <p>21 You know, last time I spoke up here, I was very</p> <p>22 intimidated because I look up here and I see a bunch of</p> <p>23 bright people. People with masters degrees, probably MBAs,</p> <p>24 PHDs. I don't have any of that. I have common sense and</p> <p>25 love for the Delta and northern California. That's all I</p>	<p style="text-align: right;">Page 117</p> <p>1 participants? Would you please answer that question for me?</p> <p>2 Because that's the way it sounds here.</p> <p>3 MS. KARLA NEMETH: That's a good question, Mary. Right</p> <p>4 now part of the plan is to put together implementation</p> <p>5 structure to identify that, who implements the plan, how do</p> <p>6 we get input as it moves forward. So for conservation</p> <p>7 measures inside the statutory Delta we are going to identify</p> <p>8 a way in which we work with the local jurisdictions to</p> <p>9 implement the habitat restoration pieces of this.</p> <p>10 MS. MARY McTAGGART: Well, yeah, but that's what it</p> <p>11 says outside the statutory Delta. So why would that</p> <p>12 statement be made if it weren't different inside? That's my</p> <p>13 question. I mean, it's an honest question.</p> <p>14 MS. KARLA NEMETH: No, and I appreciate it. I'm not</p> <p>15 sure I fully understand that -- but Paul?</p> <p>16 MR. PAUL CYLINDER: When the planning agreement was put</p> <p>17 together -- When an HCP is initiated there has to be a</p> <p>18 definition of what the planning area is. The planning area</p> <p>19 was defined then as the statutory Delta with the focus on</p> <p>20 the equatic ecosystem within the statutory Delta. When --</p> <p>21 but the program also recognized because of the species</p> <p>22 involved that may be necessary to look for opportunities</p> <p>23 outside the Delta -- the statutory Delta for -- to identify</p> <p>24 conservation measures to benefit fish. So at this point, we</p> <p>25 looked at two areas outside the statutory Delta and included</p>

<p style="text-align: right;">Page 118</p> <p>1 concepts for conservation measures for fish in those two</p> <p>2 areas.</p> <p>3 One is Suisun Marsh, where there's an active management</p> <p>4 conservation plan already under development that the Bay</p> <p>5 Delta program could enhance. And then the other is the</p> <p>6 northern part of the Yolo bypass because any proposal to</p> <p>7 improve habitat conditions for fish in the Yolo bypass would</p> <p>8 include both the north part and southern part. Southern</p> <p>9 part being the legal Delta.</p> <p>10 MS. MARY McTAGGART: Okay. You still didn't answer my</p> <p>11 question. Does this statement imply then that if the</p> <p>12 conservation measures inside the statutory Delta would not</p> <p>13 be with the cooperative agreements or willing, you know,</p> <p>14 cooperative agreements because that's the way it reads like.</p> <p>15 MS. KARLA NEMETH: I think I understand that. And no</p> <p>16 it does not imply that. For conservation measures that are</p> <p>17 inside the statutory Delta, we are required to identify an</p> <p>18 implementation structure as part of the plan.</p> <p>19 MS. MARY McTAGGART: You're not answering my question,</p> <p>20 please.</p> <p>21 MS. KARLA NEMETH: Yeah, that will outline how we</p> <p>22 interface with local entities under the implementation of</p> <p>23 particular conservation measures.</p> <p>24 MS. MARY McTAGGART: Well, are you saying then that</p> <p>25 they could be -- they might be voluntarily or they might be</p>	<p style="text-align: right;">Page 120</p> <p>1 people in this area, can't you give us the same courtesy</p> <p>2 that the people in all these other islands, which most of</p> <p>3 them are no bigger or smaller than where we live. Thank</p> <p>4 you.</p> <p>5 MS. PAM JONES: Okay. And George, can you head on up.</p> <p>6 And then that will be our last speaker.</p> <p>7 UNIDENTIFIED GENTLEMAN: I have been here for almost</p> <p>8 four hours. I put my name in that pile of crap you got</p> <p>9 there. My name is not in there so all I've got to say to</p> <p>10 you folks is, I feel sorry for you. I was in The Marine</p> <p>11 Corps for 20 years. The way you done your planning -- you</p> <p>12 would all been dead.</p> <p>13 MS. PAM JONES: Sir, what is your name?</p> <p>14 UNIDENTIFIED GENTLEMAN: You don't need to know it.</p> <p>15 MS. PAM JONES: Okay. Go ahead George.</p> <p>16 MR. GEORGE DALY: I assure you I'll be brief. Thank</p> <p>17 you very much for your consideration. My comments revolve</p> <p>18 around thinking outside of the pipe for the canal, if you</p> <p>19 will. Fresh water in this state as it is pretty much</p> <p>20 everywhere is a finite resource. You cannot keep taking it</p> <p>21 for whatever purpose. I'm for sharing. And I mean that</p> <p>22 sincerely. We have a great state we ought to share the</p> <p>23 resources. But it's finite. We cannot keep gobbling up</p> <p>24 more but we have to conserve. But I think more importantly,</p> <p>25 we have to look for alternative supplies. And as Tony</p>
<p style="text-align: right;">Page 119</p> <p>1 not depending on what kind of implementation structure you</p> <p>2 come up with?</p> <p>3 MS. KARLA NEMETH: We're working on a willing buyer,</p> <p>4 willing seller basis for the habitat restoration pieces.</p> <p>5 That's policy of the Department of Water Resources.</p> <p>6 MS. MARY McTAGGART: Okay. Thank you.</p> <p>7 MS. PAM JONES: Mary, could you wrap up because we need</p> <p>8 to have time --</p> <p>9 MS. MARY McTAGGART: Yeah, one last thing. Except for</p> <p>10 the map at the end of the hall, it's the first map I've seen</p> <p>11 in all the year that I've been looking at Delta maps that</p> <p>12 lists this area, the names of the two districts that are</p> <p>13 here, the Netherlands district, which is District 999 and</p> <p>14 the Lisbon District, which is to the north. Those names are</p> <p>15 left off -- I'll tell you which maps they're not in.</p> <p>16 They're not in any of the Delta Vision documents. They're</p> <p>17 not in your Notice Of Preparation. They're not in the Delta</p> <p>18 overview document that the DWR has put out. Let's see.</p> <p>19 They're not -- they're not in either of the two PPIC</p> <p>20 reports, which lists 70 some Delta islands but not these</p> <p>21 two. There's a blank space on almost every map you have.</p> <p>22 Could you guys do something about fixing that?</p> <p>23 This map down here does. I couldn't believe it when I</p> <p>24 saw it. Because it looks like nobody lives there. It's a</p> <p>25 blank -- that -- out of courtesy and out of justice to the</p>	<p style="text-align: right;">Page 121</p> <p>1 mentioned, we have 1,000 miles of coastline. I mean</p> <p>2 southern California or northern California want more fresh</p> <p>3 water, why don't we take this -- a part of umpteen billion</p> <p>4 dollars and construct some desalinization plant? Why are we</p> <p>5 pumping water what four or five hundred miles down south,</p> <p>6 when if you look at a map probably 80 percent of the people</p> <p>7 from Bakersfield south to the Mexican border live within</p> <p>8 50-miles of the border. Crumb put a plant down there.</p> <p>9 Let's enhance. Let's improve desalination process, make it</p> <p>10 a viable option. You have certainly not, in the true sense</p> <p>11 of the word, an infinite supply of the ocean. But my gosh,</p> <p>12 we have far more water there than we have fresh water</p> <p>13 supplies and it's rapidly being eaten up with development in</p> <p>14 the south and in the north. So I -- not beating you people</p> <p>15 over the head with it -- but I encourage you to go to the</p> <p>16 powers that be and say, let's take another look -- Let's</p> <p>17 open our eyes -- like we do with energy. We're trying to</p> <p>18 get way to win. Let's do the same thing with our fresh</p> <p>19 water supply and the sources thereof. I really wanted to</p> <p>20 say this just to make sure it got on the record because we</p> <p>21 are all emotionally involved about what is being proposed --</p> <p>22 couldn't agree with all of you people more. But the point</p> <p>23 is, there is only so much fresh water. We need to look for</p> <p>24 other sources. And it doesn't appear like we're going to</p> <p>25 find it on the moon or Pluto or anywhere else like that so</p>

<div>Page 122</div> <div> <div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> </div>	<div> <p>let's develop what we have here. Thank you very much.</p> <p>MS. PAM JONES: Thank you all very much. There is time left to speak to the folks back there. This isn't your only chance. If you have comments you want to write them down, take a comment card, send an e-mail. Thank you very much.</p> </div>	
<div>Page 123</div> <div> <div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> </div>	<div> <p>--o0o--</p> <p>I, ANGELICA R. GUTIERREZ, a Certified Shorthand Reporter of the State of California, duly authorized to administer oaths, do hereby certify:</p> <p>That I am a disinterested person herein; that the proceeding was reporter in shorthand by me, ANGELICA R. GUTIERREZ, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.</p> <p>ANGELICA R. GUTIERREZ CSR #13292</p> <p>--o0o--</p> </div>	

1 BAY DELTA CONSERVATION PLAN
2 ENVIRONMENTAL IMPACT REPORT (EIR)
AND ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS
4
5

6 THURSDAY, MARCH 26, 2009

7 PUBLIC COMMENTS

8 6:00 P.M.
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10
11 CLARKSBURG MIDDLE SCHOOL
12 52870 NETHERLANDS ROAD
13 CLARKSBURG, CALIFORNIA
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24 REPORTED BY: HE SUK JONG, CSR 12918
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<p style="text-align: right;">Page 2</p> <p>1 MR. STEPHEN HAAPT: My wife and I have an 2 organic farm and train driving horses. I arrived at 3 the meeting to find out that our property is in threat 4 of eminent domain. This thing comes to one issue: 5 It's people first, food second, fish last. And let 6 the Federal judge down in Fresno and all of those 7 people that think of fish as more important be DAMNED. 8 If it becomes necessary for a court order to come onto 9 my property, bring the Russian army to serve it. If 10 you come to take my property, decide who's going to go 11 home hurt or dead because this is the retribution to a 12 government that forgets about people and puts more 13 importance on fish. 14 --oOo-- 15 ANONYMOUS: One of the biggest concerns that 16 I have -- and I hear repeated in this community -- is 17 that there will be a lot more mosquitos and that that 18 will increase our risk for West Nile. And there are 19 children in this community, there are schools here, 20 there's an elementary, middle school, and high school. 21 And I know that the elementary for next year will have 22 160 students, and I believe there are over 200 in the 23 middle school and about 300 in the high school, 24 collectively, plus the community. There's just a very 25 big concern and a fear that our quality of life will</p>	<p style="text-align: right;">Page 4</p> <p>1 recreation, and tourism. And I hope that any work 2 that takes place for this conservation plan will 3 follow those precepts that were set in 1992. 4 (END OF COMMENTS.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 change. And those that remain will be subjected to 2 having to live in their homes, they're always wearing 3 DEET, not being able to enjoy the outdoors because of 4 the increased risk of the mosquitos as a result of the 5 tidal marsh areas that we believe are going to be a 6 part of the conservation plan. 7 I also want to add that this area is very 8 unique and agricultural and the beauty of what's here 9 in the farmlands. It's a safe haven for people that 10 want to come out and just enjoy the country. And, if 11 we flood it, that will be gone forever. 12 --oOo-- 13 MS. LINDA DORN: I work for Sacramento 14 Regional County Sanitation District, and I want to 15 point out that there's no scientific evidence that 16 proves the discharge from our wastewater plant is 17 having a detrimental effect in the Delta. We 18 currently meet U.S. EPA guidelines for acute toxicity 19 with ammonia, and, also, we are below chronic toxicity 20 effects for ammonia, according to the U.S. EPA 21 guidelines. 22 --oOo-- 23 MS. PEGGY BOHL: I want to say the Delta 24 Protection Act was found in 1992, and it designated 25 this area as being primarily for agriculture,</p>	

1 BAY DELTA CONSERVATION PLAN
2 ENVIRONMENTAL IMPACT REPORT (EIR)
3 AND ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS
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5
6 MARCH 18, 2009
7 BDCP PRESENTATION
8 7:00 P.M.
9

10
11 DAVIS VETERANS MEMORIAL CENTER
12 203 EAST 14TH STREET
13 DAVIS, CA 95616
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24 REPORTED BY: LISA L. JONES, CSR 12982
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<p style="text-align: right;">Page 2</p> <p>1 JERRY JOHNS: Thank you very much and welcome 2 to our scoping session for the Bay Delta Conservation 3 Planning Process. I appreciate you all coming out on a 4 week night and listening to this. I know everybody is 5 busy, and I really do appreciate you coming to listen to 6 where we are in that process and kind of where we think 7 we might be going. So thank you for coming. 8 It's good to be back in Davis. I'm an Aggie, like 9 some folks -- like most of my staff is from UC Davis one 10 time or another. I lived in a house not too far from 11 here actually, for a couple of years, very interesting 12 situation, lots of fun. 13 Anyway, my name is Jerry Johns. I'm the deputy 14 director at the Department of Water Resources, and I deal 15 principally in Delta related issues. I've been doing 16 Delta stuff for most of my career, as you can tell by my 17 grey hair, that career is relatively long. I did most of 18 my work working for the Water Resources Control Board, 19 which is a regulatory body in the State of California, 20 that deals with water rights issues. And so much of my 21 time I've been spending my career regulating the two 22 water projects in the estuary, and now I find myself as a 23 Deputy Director of the Department of Water Resources, 24 actually dealing with those two projects. So it's been 25 kind of an interesting job switch for me.</p>	<p style="text-align: right;">Page 4</p> <p>1 the Delta are not going as planned in the CALFED days. 2 We need to be looking at something different. Part of 3 the problem is that the regulatory prospects, that we're 4 under currently with the fish agencies, we look at 5 basically one stressor with Water Project Operations and 6 kind of one fish at a time. And what we saw was other 7 stressors affecting the system and the need to look at 8 this from a more holistic standpoint in terms of 9 regulatory activities and just look at a better way to 10 manage the system. 11 The six and seven permitting process that we're in 12 currently, is pretty restrictive in what we can look at 13 and how we address those. There's another process under 14 the Federal Law, that Karla will talk about, that allows 15 you to develop habitat conservation plans that looks at 16 the system as a whole, not just one species, but the 17 entire ecosystem and how you address those kind of issues 18 in a much more holistic fashion. 19 So we got together in about 2005, had some meetings 20 in 2006, that talked about how we might start that 21 process. And formally began that process in about late 22 Summer, early Fall, 2006, with a planning agreement 23 that's a requirement under the federal law to start that 24 habitat conservation planning process. So that's kind of 25 what started this. And we're looking principally at the</p>
<p style="text-align: right;">Page 3</p> <p>1 I've been the Deputy Director at the Department for 2 about five years now, five or six years, and it's been an 3 interesting process, and we're at an interesting point in 4 that process as we move forward with trying to address 5 issues in the Delta. 6 But really why I'm here is, I'm a member of the 7 steering committee for the Bay Delta Planning 8 Conservation Process. That steering committee is about 9 20 people or so. It incorporates both the water agencies 10 that deal in the Delta, the Bureau Reclamation, the 11 Department of Water Resources, our contractors, both 12 north and south of the Delta, and it has the NGO 13 communities, some environmental groups that are involved. 14 I think we have four or five non-governmental 15 organizations that are involved in the planning process; 16 the fishery agencies, both state and federal, are 17 involved there and other regulatory agencies, like the 18 Water Resources Control Board, Corp of Engineers are 19 involved in this rather large steering committee that's 20 helping to guide this process. 21 I want to spend just a couple of seconds -- and 22 Karla Nemeth is going to talk a little bit more about 23 BDCP. I want to talk a little bit about why BDCP -- 24 about 2005 or so, several of us got together, both fish 25 agencies and water folks, and said, you know, things in</p>	<p style="text-align: right;">Page 5</p> <p>1 conflict between fish and water supply issues in the 2 Delta. 3 There's a lot of other stuff going on in the Delta, 4 levee issues, and other stuff going on, but we're focused 5 really on that key piece the conflict between the 6 fisheries, particularly the endangered species and water 7 supply operations and how they can get fixed. But in 8 that, we developed the conservation plan over the last 9 couple of years that looks at all the different 10 stressors, certainly water project operations is one that 11 we got to address. 12 We have some ideas that we talked about in the other 13 room, how we can maybe change how we convey water across 14 the Delta in a much fish-friendly fashion, but it's got 15 to be part of an overall package, and Karla will talk 16 more about that in detail about that package. 17 And where we are in the process is, we're about to 18 the point where we've got kind of an overview document we 19 did in January. We've got the steering committee kind of 20 saying, this is kind of what we think -- kind of the core 21 elements are of that conservation plan. We need to start 22 the EIR/EIS process to start talking about -- okay, what 23 are the concerns we need to address in that process, and 24 how do we get that thing going. And John is going to 25 talk a little bit about that process.</p>

<p style="text-align: right;">Page 6</p> <p>1 So this meeting today is really serving two 2 processes; one is, we're here principally for the scoping 3 part of that EIR process, but we also want to give you an 4 opportunity to hear a little bit more about the overall 5 plan, kind of where it's going, where we think it might 6 end up. But principally, we want to get your feedback on 7 kind of where we are today, in terms of impacts that we 8 need to address, and also alternatives we need to 9 evaluate and we have some ideas out there in the other 10 room. 11 So as we go forward, we're going to have John come 12 up in a minute and talk a little bit about the EIR/EIS 13 process, and Karla is going to talk a little bit more 14 about where we are with BDCP, pretty short, and then 15 we're going to open it up for questions and answers and 16 get comments from folks. And then we encourage you to 17 take time and opportunities, either during this meeting 18 or afterwards, to go back, look at the room over there, 19 and we have people over there to address your specific 20 questions and get your comments as we go through the 21 process. So that's kind of a quick overview. 22 So John, do you want to talk about the EIR process? 23 JOHN ENGBRING: Just a few comments. Again, my 24 name is John Engbring. I'm with the U.S. Fish and 25 Wildlife Service. I'm the assistant regional director</p>	<p style="text-align: right;">Page 8</p> <p>1 prepare a Habitat Conservation Plan, which is, in fact, 2 this Bay Delta Conservation Plan. They submit that to 3 the federal agencies, U.S. Fish and Wildlife Service and 4 actually, National Marine Fisheries Service, who is 5 responsible for the salmon. 6 Is there anybody from NMFS here? I don't know if -- 7 oh, there is. Okay. There's somebody from NMFS here. 8 So they would actually issue the permit for salmon. 9 We issue the permit for terrestrial species and Delta 10 Smelt, lower freshwater nonanadromous species. And that's 11 the process we're in now. We are essentially awaiting 12 preparation and delivery of this Habitat Conservation 13 Plan, this Bay Delta Conservation Plan. 14 At that point, we need to analyze the effects on all 15 the listed species in the Delta, for which they have 16 asked to be covered, and it will be probably a sweep of a 17 number of species. We have to analyze those effects. We 18 have to make a determination as to whether or not it will 19 jeopardize the continued existence of any of those 20 species. And if, in fact, we can get to that point, we 21 can actually issue the permit. So our job, the federal 22 agencies, National Marine Fisheries Service, Fish and 23 Wildlife Service, is to review this document. And if, in 24 fact, the conservation measures that are described, and 25 the alternatives that are described, don't jeopardize the</p>
<p style="text-align: right;">Page 7</p> <p>1 for water and fish here, out of the Sacramento Regional 2 Office, actually, the Pacific Southwest Region. 3 Reiterating what Jerry said, thank you for coming 4 here tonight. We are very interested in receiving 5 comments, ideas, that you might have about alternatives, 6 issues -- any comments you have, we will gladly entertain 7 them and write them down. So that's the key purpose here 8 tonight. 9 Unlike Jerry John's, I did not spend my life in the 10 Delta. In fact, most of my career I was surveying 11 pacific island forest birds in Micronesia and trust 12 territories and way out in the Pacific. So I don't know 13 a lot about the Delta, like Jerry and some of these other 14 folks. The experts are at the tables back there, but I 15 have been working with salmon and HCP's for over 15 years 16 now, so -- HCP process and HCP, Habitat Conservation 17 Plan, is what we are doing right now with this Bay Delta 18 Conservation Plan. It all revolves around the Endangered 19 Species Act, when activities are taken like, pumping 20 water from the Delta, that DWR does, there are species -- 21 are actually taken when they pump that water. 22 They can continue those activities, but they need a 23 permit to take those listed species, and one of the ways 24 to obtain that permit, and this is what they call Section 25 10 Process under the Endangered Species Act, is to</p>	<p style="text-align: right;">Page 9</p> <p>1 continued existence of the species, we can move forward 2 and issue those permits. 3 Karla is going to describe, in more detail, where 4 DWR is in preparing this habitat conservation plan, the 5 BDCP. The comments are best taken in the next room where 6 we've got all the tables, so there will be, I think, an 7 opportunity to talk into the microphone and ask some 8 questions. But that will be more just clarification, so 9 if you want to speak after Karla talks, it's really 10 questions to clarify what's going on here. But after 11 that, we can move over to the other room and we can 12 continue receiving comments from everybody. So again, 13 thank you for coming and Karla you can let folks know 14 more about the BDCP. 15 KARLA NEMETH: Thank you, John. As John said, 16 my name is Karla Nemeth. I'm with the California Natural 17 Resources Agency. The Resources Agency is the convener 18 of the steering committee that is helping to guide the 19 development of the Bay Delta Conservation Plan. It 20 includes water agencies that provide water to California 21 from the Bay Area, all the way down to San Diego, farms 22 in the Central Valley. It includes folks from 23 environmental organizations, California Farm Bureau, and 24 other organizations that express an interest in preparing 25 a plan.</p>

<p style="text-align: right;">Page 10</p> <p>1 One of the things that folks around that table 2 realize is, that it's a major challenge to restore an 3 ecosystem in an environment like the Delta. There's half 4 a million people that live there. It's home to a vibrant 5 agricultural economy, a vibrant recreational economy and 6 these are important needs that we need to balance the 7 plan against. The secretary of resources is engaging 8 with elected officials to make sure that the Delta 9 counties are made whole as we continue to develop the 10 plan. 11 Again, the purpose of this presentation is to 12 provide folks with an update on the development of the 13 BDCP, the conservation plan, that is the proposed action 14 that is under environmental review. I'm not going to 15 have all the details for you tonight because we haven't 16 developed them yet. We do anticipate having a 17 preliminary draft of the conservation plan available this 18 summer. At which time we'll be back out in the 19 communities and having a good discussion about the 20 details and what's in the plan, getting some input on the 21 plan. 22 So what's the problem that we're trying to solve? 23 As many folks know, native fish species in the Delta have 24 experienced some of their most record low populations in 25 recent years, that has resulted in decreasing reliability</p>	<p style="text-align: right;">Page 12</p> <p>1 at a time, rather we address the needs of multiple 2 species, we contribute to their recovery and we do it 3 over the long term. 4 At the heart of the conservation plan is a 5 conservation strategy, and that's what I'm really going 6 to spend my time talking about tonight, where we are in 7 the development of that strategy, and that's a suite of 8 actions that are designed to help species recover over 9 time. These other aspects of the plan are critical to 10 making sure it's a success. That will be included in the 11 draft plan as identifying the funding sources, 12 identifying the implementation plan, how it's sequences 13 over time, who implements the plan over time. Also, it 14 allows for the introduction of new science as it becomes 15 available into the management of the plan. 16 What a plan essentially looks like is, a suite of 17 actions that are implemented over time in exchange for 18 Endangered Species Act permits for the operation of water 19 projects in the State of California. That's the purpose 20 of this plan. Two purposes, water supply reliability and 21 stable and healthy fish population. 22 As I mentioned, what I'm going to focus on tonight 23 is the conservation strategy. As you can see, there's a 24 lot of other elements of the plan that we need to 25 develop. Our focus is on product species; Delta Smelt,</p>
<p style="text-align: right;">Page 11</p> <p>1 of water supplies for 25 million Californians and 2 agriculture throughout the Central Valley. 3 It is addressed in this conflict between water for 4 human use and environmental use that we are here to 5 resolve. One example of this conflict is, right now as 6 folks may be aware, water enters the system through the 7 Sacramento River into the Delta to the pumps at the 8 southern end and is delivered to various communities in 9 California. 10 What the judges have said is, that the flows of the 11 water with this kind of a conveyance system pull the fish 12 towards the pumps in a way that that threatens their 13 survival, and as a result, there's reduced pumping in the 14 southern part of the Delta when the fish are in the area. 15 So typically, when we have these kinds of conflicts 16 between people and fish, we propose a project and we 17 mitigate on a species-by-species basis. But the 18 Endangered Species Act allows for something that's called 19 Habitat Conservation Planning, and the state law and 20 Natural Conservation Planning Act also allows for folks 21 to prepare a conservation plan to meet the needs of 22 endangered species and to meet the regulatory 23 requirements of these two laws. What it allows us to do 24 is approach the situation in a much more comprehensive 25 manner, not piecemeal one species at a time, one project</p>	<p style="text-align: right;">Page 13</p> <p>1 Longfin Smelt, Chinook Salmon, Green and White Sturgeon, 2 Central Valley Steelhead and Sacramento Splittail. 3 Again, it's this notion of we're trying to address the 4 needs of all of these species in the comprehensive plan. 5 The way we approached it is, there's been decades of good 6 science done in the Delta, and that science is telling us 7 that in addition to the way water moves through the 8 Delta, the facilities and the water conveyance facilities 9 in the flows in the Delta, there are these other things 10 that are stressing the fish species that need to be 11 addressed if we want to reach this recovery goal. That 12 is a lack of suitable habitat for fish species. It also 13 includes other kinds of stressors; like toxics in the 14 water, presence of invasive species that compete with the 15 native species, a whole host of issues. 16 So what we've done is we've developed biological 17 goals and objectives that tell us how can we measure the 18 species recovery through time and started to develop 19 specific conservation measures that can address these 20 things that are stressing the species. So when 21 identifying conservation measures, we have taken a look 22 at -- let's first start with the water conveyance 23 facilities in the flow issue. 24 As you recall, in an earlier slide, I demonstrated 25 the dynamics with water moving from north to the south in</p>

<p style="text-align: right;">Page 14</p> <p>1 the Delta and the pull of the fish into the pumps. In 2 the near term, that's in the 5- to 15-year range, we are 3 looking at ways we can improve water movement into the 4 southern part of the Delta, that included the potential 5 for gates in this area that would be open and closed 6 seasonally depending on the presence of fish. 7 In the longer term, that is, 15 years from now, we 8 are looking at a canal with an eastern alignment that has 9 diversion points up in the northern Delta, off the 10 Sacramento River, the water supply goes into a canal and 11 connects at the existing Federal and State project pumps. 12 There are several aspects as to how this is operated that 13 are critically important to achieving the recovery goal 14 of the plan. And a big question that we get all the time 15 is, well, how much water does the estuary need? How much 16 water do fish need? And we're looking at how we might 17 operate this system, which we're calling dual conveyance, 18 where we can operate water supplies through a canal or in 19 the southern part of the Delta. We're looking at what 20 kind of flows need to pass by this diversion point to 21 transport food, for example, to provide enough flows for 22 migration needs for fish species. We're also getting a 23 look at outflow needs. How much water needs to be moving 24 through the system and out into the San Francisco Bay. 25 On a consensual level, what we're wanting to do with</p>	<p style="text-align: right;">Page 16</p> <p>1 need a fabric of habitat restoration throughout the 2 Delta, we will be at restoration areas in this eastern 3 part of the Delta and the southern part of the Delta. 4 The third type of restoration we're looking into is this 5 channel margin restoration, the channel banks. This is 6 Steamboat and Sutters sloughs in this area, and down 7 along the San Joaquin some channel margin restoration as 8 well as some flood plain restoration, in the longer term, 9 this is sort of 15 years out. 10 I know some folks have been pretty frustrated to see 11 these gray blocks, but I do want to make a pretty 12 important point about the gray blocks, and that is these 13 are areas that we're looking at that have the potential 14 for a particular kind of habitat restoration. What we're 15 looking to develop is how many acres in this bigger area 16 would be required to work in conjunction with a new flow 17 of the Delta to help the fish species recover. 18 So what will come out of the plan is an acreage 19 number in a general area, and then as we go to implement 20 the plan, we have the flexibility to make sure that we're 21 working with willing sellers. 22 Part of that implementation structure is to identify 23 a way to work with local jurisdictions and local land 24 owners as we look to identify the specific sites for 25 restoration. Those specific projects will require</p>
<p style="text-align: right;">Page 15</p> <p>1 this reconfigured system, is get water moving more east 2 to west in the Delta, a more natural pattern rather than 3 the north/south. In addition to that, as I mentioned, we 4 are considering habitat restoration measures. Again, to 5 achieve this recovery goal, there's three types of 6 habitat restoration that we're pursuing; one is flood 7 plain restoration; one is tidal marsh restoration, that's 8 growing cattails and tule, and the third is ways to 9 restore channel banks, providing debris and shade to keep 10 the temperature cool for fish species. 11 So in the new term, again, in this 5- to 15-year 12 range, some of the conservation measures that we're 13 considering is, up in the Yolo Bypass area, we are 14 considering creating an option to the Fremont Weir, that 15 would allow for Sacramento River water, depending on 16 whether it's a wet, dry or critically dry year, depending 17 on the availability of water, to seemingly inundate a 18 portion of the bypass, that would provide responding 19 rearing habitat for splittail, also food production and 20 transport into the Delta. We are also looking at tidal 21 marsh restoration, again, the growing of tules and 22 cattails in the Cache Slough area. And we're also 23 looking at similar kinds of restoration in Suisun Marsh 24 and in the Western Delta. 25 Over the long term, we're looking at -- because we</p>	<p style="text-align: right;">Page 17</p> <p>1 environmental review in and of themselves. So I want to 2 make sure folks understand that aspect of the plan. 3 Lastly, there's this other stressors that I 4 mentioned earlier, and it's really kind of about common 5 sense. When we're restoring a more natural flow regime, 6 an east/west flow regime, for restoring habitat, we want 7 to make sure that we've conducting those restoration 8 activities in places where we're also managing invasive 9 species, when we're also managing water quality in that 10 area, to give the best opportunity for these species to 11 recover. 12 If there's one take-home message about the entire 13 strategies, we believe that to achieve the goals, to 14 achieve the recovery goals of the plan, we really need to 15 do all these measures together. And that any one of 16 them, taken individually, would not be as effective in 17 achieving this recovery goal. 18 So where we are in the development, in terms of 19 additional measures, we've identified approximately 50 20 individual conservation measures that were -- are 21 undergoing analysis. They are available on our website 22 and in these documents. The website address is 23 www.resources.ca.gov. I can provide it to you after and 24 make sure you know where to find it. 25 Where we are in the process is, we've got lots of</p>

<p style="text-align: right;">Page 18</p> <p>1 different conservation measure ideas, but we need to do 2 more analysis to better understand how they might 3 function, how they might achieve some of these biological 4 goals and objectives that I mentioned earlier on. We 5 also need to do an economical analysis; How much does it 6 cost? Critical thing is; How feasible is it to 7 implement? How practical is it to implement these kinds 8 of conservation measures?</p> <p>9 So the expectation is, we will have a draft 10 conservation strategy by -- as part of, a bigger 11 conservation draft plan by the end of the year.</p> <p>12 So where we are right now is at a scoping meeting. 13 But we have been working -- the steering committee has 14 been working to develop the elements of this plan that 15 will create a preliminary strategy that we expect to have 16 this summer. At that time, we'll come back out to the 17 community. I understand folks are really wanting to get 18 down to the details and understand what's in it and why, 19 that will be our time to do that. That's in advance of a 20 public review draft of the Bay Delta Conservation Plan. 21 We have a required -- by law, we have to circulate the 22 plan; take comment on it; give people ample time to 23 review it. And then by June of 2010, it's our 24 expectation to have a final of the Bay Delta Conservation 25 Plan.</p>	<p style="text-align: right;">Page 20</p> <p>1 it's now 7:30. We'll go to 8:30, whenever the questions 2 are ended. The questions tonight are meant for 3 clarification from what you heard here. If what you have 4 to say is more of an opinion or a suggestion, it's best 5 directed towards either the court reporter in the next 6 room, to get down what you have to say, a comment card 7 that you want to leave here, or you can go online and 8 make comments, because the technical folks in the other 9 room are looking for your input on what is the breath and 10 the depth of what should be evaluated in the 11 environmental analysis.</p> <p>12 I will do the questions tonight or comments, you do 13 have some cards, I think they're three-by-five cards. 14 Just put your name on there, and I'll call two or three 15 at a time. If it doesn't look like we have that many, 16 we'll just be casual and raise hands. But let's start 17 with the forms.</p> <p>18 The goal is to let everyone who wants to make a 19 comment or wants to go over there and make a suggestion, 20 to do so. If you have a question, and it's kind of a 21 clarification and we need to go back and forth, we're not 22 going to really keep time. If it's a statement you want 23 to make, we're going to ask you to limit it to about 24 three minutes, so we can have a concise statement. But 25 you will have the opportunity to make some additional</p>
<p style="text-align: right;">Page 19</p> <p>1 And as John mentioned, the results of the 2 conservation plan is a permit decision by the State and 3 Federal fishery agencies for the incidental take of 4 endangered species.</p> <p>5 The EIR/EIS process, which analyzes this as a 6 proposed action against lots of other alternatives, 7 makes a decision about the right alternative moving 8 forward to achieve the project objectives.</p> <p>9 So we spent a lot of time talking about the problem 10 that we're trying to solve; what our approach is to 11 solving it; what some of the ideas are to do that; and 12 where we're headed into the future. I'd like to open it 13 up now, I think, for questions. As John mentioned, the 14 purpose of tonight's meeting is scoping. The purpose of 15 this presentation was to give people the most up-to-date 16 thinking on the Bay Delta Conservation Plan to support 17 this input process that we're engaging in in the EIR/EIS.</p> <p>18 So with that, Pam is going to be our facilitator, 19 and I have Paul Cylinder, who is developing the plan. 20 He's with Science Application International Corporation, 21 and he's here to help me answer questions. Also, Jerry 22 is here as a steering committee member. He will provide 23 us with some perspective on where we're headed.</p> <p>24 Thank you very much.</p> <p>25 PAM: Thank you, Karla. We have time tonight,</p>	<p style="text-align: right;">Page 21</p> <p>1 comments on the comment forms. You can make a comment as 2 long as you want.</p> <p>3 So do we have some of the cards collected already? 4 And I'll call -- I probably won't need to call two or 5 three at a time, but if we do, I will. But I'm just 6 going to start with your names, and if you think of 7 something in the course of other questions, just look 8 around. We have some other cards, please feel free to 9 write your name down.</p> <p>10 I am not going to read these questions, unless you 11 want me to read the questions. What I will look for is 12 your name.</p> <p>13 Okay. Mary, I'm going to let you handle this on 14 your own. But first, let's start with Frazier Shelly. 15 And if you have an organization that you're with, that 16 you want to say what it is, that's fine, but you know --</p> <p>17 FRAZIER SHELLEY: Would you mind if I could 18 borrow that card, because I wrote some things down.</p> <p>19 PAM: Here you go.</p> <p>20 FRAZIER SHELLEY: So I have several -- my name 21 is Frazier Shelly, and I live here in Davis. And I have 22 several questions related to, in part, to the ESA, 23 comments or sections that were referred to in part to 24 some of the information just related to the planning 25 description that was given.</p>

<p style="text-align: right;">Page 22</p> <p>1 So in particular, there was a Section 7 reference 2 made, which I think I'm going to refer to three sections, 3 maybe one of you all could help other people understand 4 what those are. But the Section 10, take recovery 5 conservation plan decisions that are going to be made 6 first, those are strictly related to take and mitigation 7 willing to take. But there was reference to recovery 8 goals, and so I'd be interested to find out if you're 9 actually pursuing a Section 4 recovery plan as well, or 10 if you're taking the novel path of using HCP as a 11 recovery plan, because that's generally not done, and it 12 would probably be the first example of it. 13 So I wanted to find out, is this just a Section 10 14 HCP, or is this a Section 4 recovery plan? 15 PAUL CYLINDER: Paul Cylinder at SAIC. We're 16 the lead consultant to the project here to the steering 17 committee and all the agencies involved. 18 To answer your question, there are actually a lot of 19 HCPs that contribute to recovery. HCPs, in terms of -- 20 and John can quote you a verse on the regulations -- but 21 the requirement of an HCP is to minimize and mitigate 22 your impacts and to get -- to mitigate impacts. But 23 particularly, to the maximum extent practical, that's 24 what the regulations say, but there are many HCPs that go 25 beyond mitigation, and they contribute to recovery. We</p>	<p style="text-align: right;">Page 24</p> <p>1 of a permit. But there isn't -- there's not usually 2 assurance for the species for the habitat or ecosystems, 3 where if there's a default in terms of effectiveness 4 protection, the permit would then be temporarily withheld 5 or even canceled. 6 So I want to find out if this HCP is going to 7 have -- and NCCP -- is going to have a typical assurances 8 clause, in which case you'd have a permit for a take, say 9 for 30, 50 or 100 years, or if it's actually going to not 10 use assurances and no surprises and have adapted 11 management plan? And I put those things in context to 12 each other, because assurances doesn't allow you to do 13 adaptive management. 14 PAUL CYLINDER: I can tell you that everything 15 you mentioned is in process right now, in terms of 16 discussion and development within the steering committee 17 and the various subcommittees of the steering committee 18 to address the questions of -- we definitely are 19 including adaptive management plan. We've got an outside 20 scientific input on adaptive management, and it's 21 certainly an important part of the plan development. 22 Assurance is something and governance, and things 23 like that, and implementation approach, are all things 24 that are being considered. They're really in the 25 development stages, so we -- you know, participate and be</p>
<p style="text-align: right;">Page 23</p> <p>1 are also working under the State Natural Community 2 Conservation Planning Act, and that act requires that 3 contribution to recovery be part of the plan. So it's a 4 voluntary process. The steering committee, at this point 5 in time, has engaged in that voluntary process in 6 pursuing goals that include contributing to recovery of 7 these species. 8 Does that answer your question? 9 FRAZIER SHELLY: Yeah, I appreciate that. 10 Actually, I've been reviewing HCPs for the last 15 years. 11 I wrote one of the first critiques of HCPs in 1997, so 12 I'm pretty familiar with what they do. And from the ones 13 that I've read, including many in this region and from 14 the published literature about HCPs, there has not been a 15 single example of recovery being effective, let alone, 16 mitigating a real goal or a requirement of a plan. 17 So I wanted to ask, related to the HCP Act as well, 18 both the Federal ASA and HCP Act, those assurances as 19 part of the acts -- as part of the act requirement, but 20 they are optional, and often they are pursued as if they 21 are required. And in this case, assurances are 22 assurances for the permit holder. And the permit holders 23 would have assurance that they can pursue the activities 24 and engage in and take -- accompanying the activities, in 25 this case, large conveyance, and that that's a condition</p>	<p style="text-align: right;">Page 25</p> <p>1 part of that, but that's in the process. 2 FRAZIER SHELLY: I'm not going to take too much 3 longer. I have a couple of easier questions for you, 4 maybe. One of them is -- I'm pretty familiar with the 5 Freeport area and several of the alternative intakes are 6 downstream of Freeport, which is also where the Sac 7 Regional County Sanitation District's discharge is, and 8 at low flows, at very low flows, the discharge from that 9 secondary treatment plant is not the majority of the 10 flow, it's a significant part of the flow of the river. 11 That's in the summer, you know, when under draft 12 conditions you might want to withdraw from that water, so 13 why would you choose to have a drinking water facility 14 downstream of a secondary treatment discharge? 15 JERRY JOHNS: Well, we are right now. I mean, 16 but if you -- but if you were to redo it -- part of 17 that -- but in the summer time, like you're talking 18 about -- what we found in our study so far is we're 19 probably using the -- (inaudible) -- in the summer time, 20 water out of the southern part of the Delta to help with 21 water quality in the south Delta. So the flow has to be 22 low enough in the Sacramento River, we may not choose to 23 operate in the north Delta. We may choose to operate in 24 the South Delta. 25 So one of the nice things about -- (inaudible) --</p>

<p style="text-align: right;">Page 26</p> <p>1 you get to decide which one you're going to use. Right 2 now we're talking about preferably operating out of the 3 north Delta, but in the winter time when -- 4 (inaudible) -- is they use it for fish, particularly in 5 the December through June period. But in July, August, 6 September period, the fish we're worried about here, are 7 not in the Delta. (Inaudible) -- smelt out here. Most 8 of the salmon pass through the estuary. So the -- 9 (inaudible) -- South Delta in the summer time might be a 10 good thing to do, that's kind of some of the operating 11 material that we developed would indicate. So we'll 12 probably look at that issue.</p> <p>13 The other thing we want to talk about is, we do 14 have -- (inaudible) -- Sac Treatment Plant, particularly 15 related to ammonia. We think ammonia may be an issue 16 that's causing some of the destruction that we've seen -- 17 we can go into more detail, if you want. So we are 18 working with Sacramento County right now about getting 19 that issue addressed, as part of the process as well.</p> <p>20 FRAZIER SHELLY: Okay. Well, good luck to -- 21 (inaudible) -- South Delta. It seems like you might have 22 some -- (inaudible) -- issues at this --</p> <p>23 PAUL CYLINDER: And a lot of the -- 24 (inaudible) -- issues because of the flows, we divert 25 right now a lot in the South Delta, the ocean salts in,</p>	<p style="text-align: right;">Page 28</p> <p>1 actually.</p> <p>2 I was wondering about adaptive management, which 3 hasn't really been addressed here, and you've implied 4 that some new science -- or you said that new science 5 would come into play in adaptive management plan, I think 6 is how you put it, and again, under Section 10, there's 7 no requirement for code and there's no requirement for 8 using (inaudible) so what's the impetus for motivation to 9 actually modify water conveyances (inaudible) activities 10 in response to the information about the ecosystem; 11 what's going to contractually obligate the permittee to 12 do that, as opposed to a good faith effort?</p> <p>13 PAUL CYLINDER: Well, a couple things. The 14 section that you -- the Fish and Wildlife Service and 15 National Marine Fisheries Service, in their policies, they 16 encourage HCPs to include adaptive management plans. The 17 Natural Community Conservation Planning Act has a 18 requirement that the Natural Community Conservation 19 Planning includes adaptive management in the plan during 20 the plan, so there are those requirements. But every 21 plan, this plan being a large and complex one, is going 22 to end with a series of agreements and permits and 23 through those agreements and permits is what will 24 determine how this plan will be implemented and who will 25 be implementing the various components of the plan,</p>
<p style="text-align: right;">Page 27</p> <p>1 we divert less quality -- less quantity of water in the 2 summer time. It could be better, you know.</p> <p>3 FRAZIER SHELLY: I had a question about the 4 role of the Natural Resources Agency. You're currently 5 both the lead and the mother agency for the permitting 6 department under the NCCP Act, so how do you resolve the 7 potential conflict between both the proponent for the 8 permit and the permit signer?</p> <p>9 KARLA NEMETH: The Resources Agency is not 10 going to be the permit holder. The Department of Water 11 Resources will be the permit holder. The Resources 12 Agency was created by Governor Brown in 1978 to help 13 government do a better job at managing resources 14 conflicts, and that's the role of the Resources Agency is 15 to convene and look for a solution that's appropriate and 16 legal into the benefit of the fish.</p> <p>17 FRAZIER SHELLY: And DWR is within the agency?</p> <p>18 KARLA NEMETH: Yes.</p> <p>19 FRAZIER SHELLY: So the permit agency is within 20 the agency that's supplying the permit?</p> <p>21 KARLA NEMETH: As is the permitter, yes. Fish 22 and Game and DWR.</p> <p>23 FRAZIER SHELLY: Right. Okay.</p> <p>24 PAM: Frazier, do you have a lot more?</p> <p>25 FRAZIER SHELLY: Yeah, one last question,</p>	<p style="text-align: right;">Page 29</p> <p>1 including adaptive management process implementation. So 2 that's part of this process, is to develop adaptive 3 management plan as well as adaptive management process 4 and the decision-making process.</p> <p>5 FRAZIER SHELLY: And that actually reminds me 6 of my last question.</p> <p>7 JERRY JOHNS: Let me add a little bit here, if 8 this is taking too long, we can stop. But one of the 9 things we want to do is have this conservation plan help 10 drive permitting in other venues as well. We're working 11 with the Corp of Engineers in locating -- (inaudible) so 12 we want this process to provide those kinds of permits as 13 well.</p> <p>14 In addition, we have a Water Resources Control Board 15 it also deals with this. So we want this plan to help 16 inform all those processes. This is pretty complicated. 17 We have a lot of different parts. We've got three 18 federally agencies -- (inaudible) four lead agencies -- 19 three different -- (inaudible) we've got three different 20 sets of consultants working on this stuff and we've got 21 all these other permits and -- we're not going to get it 22 right the first time. I think everybody understands, 23 we're going to take the best shot, with the best 24 information we have, but we're not going to get it right. 25 I've been doing this for 30 years or more, and health</p>

<p style="text-align: right;">Page 30</p> <p>1 rights -- and we got it close. We didn't get it exactly 2 right. We're going to have to realize that's reality in 3 the estuary. The science is changing, about every time 4 we get the science right, we get a new invasion of 5 species that screws up the science and changes the whole 6 system. So we're going to have to adapt to that. 7 But what we're looking at is kind of a range of what 8 the permit would be, and we'll have to have operating 9 criteria that are very specific at -- the fish agencies 10 can give us operating criteria to operate these 11 facilities. But we're going to have to also develop a 12 band around that that says, you know, we can go in or out 13 within this band and still be covered under the permit 14 and the adaptive permit program will help us light where 15 we plan. So the permit will be both specific, but also 16 general enough to cover an adaptive range. And they'll 17 be kind of routine and non-routine changes, but the 18 decisions we make every week on operating the system 19 right now are based on the best science we have from fish 20 studies, where the fish are, how the -- (inaudible), are 21 they going to be effective or not, we change operations 22 weekly on those meetings we have. So right now we're 23 doing kind of routine adaptive management within those 24 ranges of our biological -- (inaudible) that's going to 25 continue. So that's not going to change, but there will</p>	<p style="text-align: right;">Page 32</p> <p>1 and we've done the details modeling to give people an 2 idea and give ourselves an idea of what it might look 3 like in the Delta; water quality, height stages, those 4 kinds of issues, so people get a concept of that. That 5 is, helping to guide some of the more detailed scientific 6 reviews of what we think we might get out of that 7 biologically and that data is currently being done right 8 now, so we're going to have that information to inform us 9 as we move forward. 10 So if you're interested in what it might look like, 11 or the modeling that we've already done, at least in 12 terms of water quality, and Delta outflows and inflows, 13 and river flows and bypass requirements, we have that 14 data currently. We'll refine that over the next, you 15 know, several weeks or several -- couple of months, I 16 guess, to get a draft plan, so you'll have an idea of 17 exactly what the operating criteria are likely to be. 18 FRAZIER SHELLY: I think the question is the 19 draft take permit itself, the draft take permit, when can 20 we see that in relation to the rest of the conservation 21 plan? 22 PAUL CYLINDER: Right. Again, the process -- 23 the way the Endangered Species Act process for 24 permitting, is the EIR process run in parallel, is that 25 the draft document -- well, we've been public throughout</p>
<p style="text-align: right;">Page 31</p> <p>1 probably also be a broader range. But we're talking in 2 details here that we still haven't worked out all the 3 details yet, but that's kind of the concept we're trying 4 to enforce. 5 FRAZIER SHELLY: Okay. I have a short-time 6 question, that is, the take permit. It's really 7 difficult to evaluate the conservation measures, the 8 impacts on the farmer, whatever their opinions are, 9 without the take home, and it's pretty -- it's not really 10 fair to ask people to evaluate without knowing what 11 actually is going to be -- what's actually going to 12 happen, what's the operational impact. 13 Can you release the permit, the draft take permit, 14 at the same time that you're releasing this conservation 15 measures and other kinds of descriptions, so that we can 16 really evaluate the conservation measure effectiveness, 17 the effects of family farms in the Delta, whatever the 18 question is, we really need to have that other 19 information in front of us; so when can you do that and 20 can you do that soon? 21 JERRY JOHNS: What I interpret here is kind of 22 like the operating criteria, say for conveyance stuff, we 23 do have some modelings on -- (inaudible) -- that we can 24 reference of what we think the conservation plan will 25 look like, including some habitat operational criteria,</p>	<p style="text-align: right;">Page 33</p> <p>1 this process, so we've had an open steering committee, 2 open sub committees and the public has commented and 3 given comments during those meetings, but the formal 4 process is, and what we're in here in terms of scoping, 5 the next step in the formal process, or one of the next 6 steps, the big one, will be the release of public 7 document. And that public document, the public HCP/NCCP 8 will identify what the applicants are asking for to be 9 included in the permit for authorization for taking of 10 endangered species. 11 So I think that's what you're asking for, is where 12 you will see that request by the applicants for take 13 authorization. At the same time, there will be a 14 release -- the environmental document, the 15 environmental -- (inaudible) -- about impact report that 16 will assess the effects of the conservation plan on the 17 human environment, on all the resources and that might 18 touched and affected in the Delta and people and 19 property. 20 The plan itself, the HCP/NCCP, will have a quite 21 detailed assessment of the affects on the species that 22 are covered by the plan, so all these fish we've been 23 talking about, as well as in addition to species -- 24 terrestrial species, involved in the plan, that it would 25 be affected by implementing the plan. So all that</p>

<p style="text-align: right;">Page 34</p> <p>1 assessment will be there, and it will be in public forum</p> <p>2 formally, with that release to the public draft</p> <p>3 documents, as Karla said, at the end of the year. But</p> <p>4 we're also, as Karla mentioned, looking to release public</p> <p>5 release and drafts of the documents in the summer.</p> <p>6 FRAZIER SHELLY: When do you expect to see a</p> <p>7 permit?</p> <p>8 JOHN ENGBRING: There is no draft permit.</p> <p>9 There is no draft permit.</p> <p>10 FRAZIER SHELLY: Right. I understand that.</p> <p>11 When do you expect to see one from the State?</p> <p>12 JOHN ENGBRING: Oh, you mean --</p> <p>13 FRAZIER SHELLY: When do you expect to see a</p> <p>14 draft from the State --</p> <p>15 JOHN ENGBRING: -- we don't see an ITP from the</p> <p>16 State. We see the draft conservation plan. We issue the</p> <p>17 incidental take permit.</p> <p>18 FRAZIER SHELLY: Right. And initially --</p> <p>19 (inaudible) -- when did that start?</p> <p>20 JOHN ENGBRING: Right now. We're providing</p> <p>21 technical advice --</p> <p>22 FRAZIER SHELLY: Okay.</p> <p>23 JOHN ENGBRING: -- to these folks as they start</p> <p>24 crafting this habitat conservation plan. When they start</p> <p>25 moving into areas where we feel uncomfortable, we don't</p>	<p style="text-align: right;">Page 36</p> <p>1 do they get their land back if it doesn't work, or is it</p> <p>2 left a lot -- kind of like -- (inaudible) -- sitting for</p> <p>3 a while then, you know, what happens there?</p> <p>4 The Delta is an entity. It has integrity as it is</p> <p>5 now. It's degraded, everybody says that. But if you</p> <p>6 make small changes in the Delta, as I believe some of the</p> <p>7 early modeling was reported on when I went to one of the</p> <p>8 other steering committee meetings, they found out to</p> <p>9 their surprise big changes happened in remote areas they</p> <p>10 didn't expect.</p> <p>11 So my question is, what happens when adaptive</p> <p>12 management measures are found not to work? That's my</p> <p>13 first question.</p> <p>14 JERRY JOHNS: Well, one thing, you wouldn't</p> <p>15 want to do that again.</p> <p>16 MARY: Obviously.</p> <p>17 JERRY JOHNS: So I think that is part of this,</p> <p>18 we will do the best job we can to identify early on what</p> <p>19 we think the results are going to be before we take the</p> <p>20 action, that's the whole purpose of the environmental</p> <p>21 impact process and the independent review process, but</p> <p>22 we're going to do the best we can.</p> <p>23 For example, you start a restoration program like,</p> <p>24 Cache Slough, for example, and you start that and things</p> <p>25 are just not turning out the way you thought. We're not</p>
<p style="text-align: right;">Page 35</p> <p>1 think we can issue a permit for that. That's going</p> <p>2 beyond what we believe these species can manage through.</p> <p>3 They're not going to recover if we issue a permit with</p> <p>4 those kind of -- so our role is to provide technical</p> <p>5 advice as that plan is being developed, but we don't</p> <p>6 actually issue the permit until after the record of</p> <p>7 decision is signed, the final, final document.</p> <p>8 You have a lot of very specific habitat conservation</p> <p>9 plan questions, you know, no surprises policy, adaptive</p> <p>10 management policies, those are all -- those are in our</p> <p>11 regulations. Talk with me next door, and we can go over</p> <p>12 some of those things.</p> <p>13 PAM: Thank you very much.</p> <p>14 Mary and then David.</p> <p>15 MARY: Mary (Inaudible) from Clarksburg. I did</p> <p>16 have one question that came up with Mr. Shelly, and this</p> <p>17 has been on my mind for some time -- (inaudible). It's</p> <p>18 not exactly a question, but maybe it is. The adaptive</p> <p>19 management is predicated on trying things, seeing how</p> <p>20 they work. If they work, do some more of that. If they</p> <p>21 don't work, we'll try something else.</p> <p>22 What happens when you -- first of all, what happens</p> <p>23 when you abandon something? In other words, you have</p> <p>24 measure, maybe you took somebody's land or somebody gave</p> <p>25 you their land, or they sold it to you, or whatever, now</p>	<p style="text-align: right;">Page 37</p> <p>1 going to go in there and restore the whole thing all at</p> <p>2 once. I don't think we can get the permits to do that</p> <p>3 all at once. And because you don't know, you might want</p> <p>4 to get your foot in the door first, do some restoration,</p> <p>5 see how it responds, and then move forward. Right now</p> <p>6 for example, we're doing some restoration, hopefully we</p> <p>7 get it done, we got a permit out on Dutch Slough, south</p> <p>8 part of -- in the Delta, and we'll learn from that as we</p> <p>9 go forward. So part of this is just to learn and then</p> <p>10 adapt and then implement. But in terms of just</p> <p>11 abandoning it, I don't think we would abandon it. I</p> <p>12 think what we would do is learn from that part. We may</p> <p>13 not want to do more of those, but we would probably keep</p> <p>14 those things -- (inaudible) -- unless we had a good path</p> <p>15 on how to undo it.</p> <p>16 MARY: Well, your plans do say "abandonment,"</p> <p>17 that's why I asked the question. That word is in there.</p> <p>18 It struck me. That's why I'm asking it. It says that</p> <p>19 plans might be abandoned.</p> <p>20 JERRY JOHNS: Well, the plan might be.</p> <p>21 MARY: No, I mean adaptive management measures</p> <p>22 might be abandoned if it didn't work. That's my</p> <p>23 question.</p> <p>24 JERRY JOHNS: I'll let Paul answer this,</p> <p>25 because he probably wrote this.</p>

<p style="text-align: right;">Page 38</p> <p>1 PAUL CYLINDER: The plan would be -- let's say 2 you were going to restore 5,000 acres in Cache Slough. 3 MARY: (Inaudible) -- that's not a little piece 4 of land. 5 PAUL CYLINDER: But anyway, so maybe you start 6 with 1,000, and you find out that 1,000 just isn't 7 working well, then you would abandon the other four -- 8 MARY: What happens to the land that you 9 abandon? 10 PAUL CYLINDER: Right now, I just haven't 11 progressed beyond -- 12 MARY: I think you should think about it, 13 because there's only so much of the Delta. It's not a 14 playground for your plans. 15 The other question I had is, what happens if you 16 find it works, how do the people -- 80 percent of the 17 Delta is in private land -- now, I know that most of what 18 you're proposing is, a lot of it is on public land now, 19 okay. But obviously, some of the things you want to do 20 will have to go on private land. So my question is, what 21 happens to those of us who own private land in the 22 Delta -- not me, my parents -- we have to wait and see 23 whether your plans work, and then if they work well, 24 you're going to want more land. So where are the 25 assurances for those of us who own private land in the</p>	<p style="text-align: right;">Page 40</p> <p>1 of restoration can and cannot happen in the Delta. 2 The second piece of that is that implementation 3 structure for the plan. And again, that information is 4 under development. It will be available in the summer, 5 but one of the key issues in the plan, in the 6 implementation structure, is creating a clear path for 7 working with local jurisdictions, working with local land 8 owners on precisely those kinds of issues. How do we 9 implement habitat restoration? How do we manage that 10 through the implementation plan? In that sense, that is 11 the -- 12 MARY: -- (inaudible) -- because that's a 13 nine-member commission all appointed, one of whom is from 14 the Delta. 15 KARLA NEMETH: We are evaluating a variety of 16 different structures. But it's a good point. It's 17 something we're thinking about, because we need the plan 18 to work and we need it to be implementable. 19 MARY: Okay. Second question is -- I'll just 20 read it. The BDCP is dealing primarily with water 21 reliability and habitat restoration -- you said that -- 22 every single one of the physical measures you are 23 contemplating will, by itself, result in multiple impacts 24 to the integrity of the present Delta; the levee system, 25 the hydrology, the economic environment, the existing</p>
<p style="text-align: right;">Page 39</p> <p>1 Delta? The water contractors are going to get their 2 share. The fish are going to be taken care of, but what 3 about the people who own the land in the Delta, what 4 assurances do they have that this plan won't grow or it 5 won't change, or it won't take on all kinds of 6 ramifications under adaptive management, because that's 7 what adaptive management is all about, changing to -- 8 (inaudible) -- until it gets better, because we don't 9 know really what the things are going to do? So that's 10 my question, and my next question is sort of based on 11 that. 12 KARLA NEMETH: I do want to respond to that, 13 Mary, because I think it's a really important point that 14 you're making. There are a couple of ways to look at it, 15 and that is what we're doing right now, which is 16 biological opinion after biological opinion after 17 biological opinion, closed consultation process in which 18 habitat restoration is determined. 19 What we're trying to do, is do it in a much more 20 transparent way, over a longer period of time, get an 21 understanding of what needs to be done for habitat 22 restoration for a multiple set of species that I think 23 can provide, you know -- against what we're doing today. 24 It's a good point -- against what we're doing today -- 25 can provide a measure of predictability about what kind</p>	<p style="text-align: right;">Page 41</p> <p>1 habitat, the social fabric, who is responsible for seeing 2 that the integrity of the Delta, as a whole, is 3 maintained throughout and after the measures have been 4 implemented? In other words, who is overseeing the -- 5 you guys have your focuses -- the way it looks to us is 6 that your implementing entities are going to have 7 jurisdiction over our Delta protection commission, over 8 our local land use, everything is going to come under 9 those goals. They will be subject to them and there will 10 be no way in which they can deviate from them, so the 11 whole Delta will be made to serve this plan. So that was 12 my question; who is overseeing the rest of it, again, 13 where we live, and where we work and where people 14 recreate, etcetera, etcetera? 15 KARLA NEMETH: The EIR/EIS process assesses the 16 impacts, and as you know, mitigation that's required for 17 human environment socioeconomic. But I do want to 18 emphasize that is of critical importance to the resources 19 agency. The resources secretary, as I mentioned, has 20 been talking to Delta county officials to enter into a 21 cooperative agreement, a formal agreement, to lay out a 22 path to make the Delta counties whole during the 23 development of the plan. 24 MARY: Well, we know the Delta counties are 25 worried about their money essentially. The counties,</p>

<p style="text-align: right;">Page 42</p> <p>1 they are worried about their money that they are going to 2 lose from the habitat, but other than that -- 3 (inaudible) -- but other than that, I'm not so sure that 4 they, you know, those Delta survivors who all live in the 5 Delta. In fact -- (inaudible). 6 KARLA NEMETH: That's a good point. 7 JERRY JOHNS: In terms of the governance 8 issues, we're looking at -- there are other things that 9 the governance issues in the Delta that need to be 10 addressed, levee issues, for example. We're not looking 11 at -- (inaudible) for the BDCP to address issues like, 12 land use and those kinds of things. There's a broader -- 13 that's a broader issue that the State of California needs 14 to address, and from the Delta Vision Program task 15 force there's a concern about that. So we're looking at 16 basically that land, Department of Water, fish interface 17 part of it and how that moves forward. 18 MARY: But levees will all be affected by what 19 you guys do. 20 JERRY JOHNS: Who's looking out for the Delta? 21 The Delta is going to change. I've got a report that 22 we're going to release tomorrow about -- 23 MARY: That's fine. 24 JERRY JOHNS: -- and each district is looking 25 at those things, and this plan is not going to get</p>	<p style="text-align: right;">Page 44</p> <p>1 Northern California, power boaters, sail boaters, million 2 of them -- (inaudible) -- registered by the State of 3 California, in addition there are also kayakers and a 4 list of many others that enjoy boating. 5 Looking at the Delta, it is a place -- looking at it 6 probably from a perspective of recreation, as the flows 7 are proposed to be changed, my comments would be along 8 these following lines, and you've alluded to some earlier 9 changes -- (inaudible) -- as well. 10 For example, kind of two areas. I'll talk about 11 first the proposed barriers, the gates at Three Mile 12 Slough, and the ones I've decided, Bacon Island, or an 13 assortment of others. We would be looking to have 14 assurances on both (inaudible) that are installed and 15 constructed, maintained and operated at no cost to the 16 boaters for being able to continue to use and enjoy the 17 waters of the United States from a mitigation 18 perspective. 19 And although, not shown on the peripheral canal is 20 here, (inaudible) the Delta conveyance facility, which 21 would come down another -- same intake down through -- 22 what we call the meadows area into the North Fork of the 23 Mokelumne by going past Tower Park and then down along 24 Little Potato Slough, and then crosses over the deep 25 water channel and continues to head south. Looking at</p>
<p style="text-align: right;">Page 43</p> <p>1 into -- (inaudible) -- levee issues. Certainly levee 2 issues for the Department of Water Resources is a big 3 deal, because we invest in levees in the Delta, so -- 4 MARY: Excuse me. (Inaudible). 5 PAM: Can you go to the microphone, because 6 we're -- the court reporter is trying to record it, and 7 we need to hear you. 8 MARY: Oh, I gotcha. 9 KARLA NEMETH: Did you want to follow up with 10 that, Mary? 11 MARY: Yes. 12 PAM: Okay. And after Mary, it's going to be 13 David and then Tim. 14 MARY: All I'm saying is, the levees will be 15 affected by what you do. You have to think about them. 16 The economy will be affected by what you do. You have to 17 think about that. And just because you develop an EIR 18 and maybe talk about some mitigation, mitigation is, in 19 many cases, a crock. It doesn't really, you know, it may 20 satisfy you, but it may not satisfy the issue at large. 21 Okay. So that's kind of what I'm saying. 22 KARLA NEMETH: Thank you. 23 DAVID: Good evening. My name is David 24 (inaudible). I represent Recreational boaters of 25 California, which we have members in Southern California,</p>	<p style="text-align: right;">Page 45</p> <p>1 the maps this evening, I would again, want to have the 2 same assurances we would be looking at some follow-up 3 meetings, that as those levees were put in place, 4 enhanced, and possibly changed surveying the water ways 5 and exactly how boating is going to be accommodated so 6 that folks who now transit those gray areas, I just 7 described, can do that, as the new flows are shunted, if 8 you will, from north to south and how that's going to be 9 affecting boaters, I think is a critically important 10 item. And I'd like to have that addressed and also like 11 to have some follow-up meetings. I have talked to 12 several of my colleagues here tonight, because I do 13 attend some of the meetings on Friday, but more formerly, 14 I need to have these keyed up and some responses. Thank 15 you. 16 KARLA NEMETH: Thank you. Good comment. I 17 appreciate that. 18 Tim Newharth. 19 TIM NEWHARTH: Tim Newharth, resident of the 20 Delta, farmer in that area. Just a general comment, then 21 a couple of questions. I see billions and billions of 22 dollars going into this project from one end to the 23 other. The conveyance system is billions. The habitat 24 restoration is multiple millions, if not billions, 25 billions for gates, and whatever else you're going to do</p>

<p style="text-align: right;">Page 46</p> <p>1 there.</p> <p>2 So we're building this canal, and I refer back to</p> <p>3 your literature here and it makes a comment under Facts</p> <p>4 About Conveyance. Your bullet point Number 3, altered</p> <p>5 hydrodynamics, water movement in interaction with canal</p> <p>6 beds and banks does not provide the proper nutrients,</p> <p>7 water temperatures, water volume, water (inaudible) or</p> <p>8 water depth to support fish species survival.</p> <p>9 As I understand it, the conveyance, the eastern</p> <p>10 conveyance, is to carry between 15,000 and 25,000 cubic</p> <p>11 feet a second of water. I haven't checked the Sacramento</p> <p>12 River flows in the last few days, but I suspect it's</p> <p>13 running about 15,000 cubic feet a second at the moment.</p> <p>14 So if we're taking that much water out of the system and</p> <p>15 taking it all the way around, I don't understand how</p> <p>16 you're going to change anything to the better, as so far</p> <p>17 as altered hydrodynamics is concerned.</p> <p>18 It doesn't make sense to me that we're going to take</p> <p>19 that much water out of a system that's barely surviving</p> <p>20 as it is. It's already under stress. We already know</p> <p>21 that. You talk about changing flows from the north/south</p> <p>22 direction to an east/west direction. Well, if there's --</p> <p>23 if most of the water is coming down through the north,</p> <p>24 then that's where your water flow should be going through</p> <p>25 the Delta in the first place, not taking it out of the</p>	<p style="text-align: right;">Page 48</p> <p>1 rigmarole, all of this bureaucracy, all of this expense,</p> <p>2 just to maybe have a couple months or so to pull water</p> <p>3 out of the river. Okay. And plus, on top of that,</p> <p>4 altering the Delta far beyond, I think, anybody's</p> <p>5 imagine. I don't care what your computer models say, or</p> <p>6 what you put in there, but it's going to have some deep</p> <p>7 and long-lasting effects that I don't see how they're</p> <p>8 going to be positive for the Delta. I don't see that.</p> <p>9 So that's my comment. My question is, is on your</p> <p>10 other handout, Facts about BDCP's approach to other</p> <p>11 stressors, Bullet Point 3 says, in treatment at water</p> <p>12 intake pumps not operated by SWP or CVP; what do you mean</p> <p>13 by that? Can you be more specific as to what you mean by</p> <p>14 that?</p> <p>15 KARLA NEMETH: Meaning, in Delta diversions</p> <p>16 that are not state and federal project pumps, we're</p> <p>17 considering conservation measures that modify those</p> <p>18 diversions, consolidate those diversions, that also</p> <p>19 centrally make those diversions as fish friendly as they</p> <p>20 can be, that's a measure that's under consideration.</p> <p>21 TIM Newtharth: Well, can you give me a more</p> <p>22 defined term as what you mean by other diversions?</p> <p>23 KARLA NEMETH: Paul?</p> <p>24 PAUL CYLINDER: Like agriculture diversions in</p> <p>25 the Delta. We've got thousands of diversions in the</p>
<p style="text-align: right;">Page 47</p> <p>1 top and running it around the outside to do this.</p> <p>2 In addition, if we're looking at the global warming</p> <p>3 aspect of these things, and we're going to have reduced</p> <p>4 rainfall, and we're going to have reduced snow pack and</p> <p>5 water content and so forth, where is this water coming</p> <p>6 from that's going to go into this thing in the first</p> <p>7 place, and where is it going afterwards? Is there</p> <p>8 additional storage being talked about down south? Is</p> <p>9 there additional storage being talked about up north</p> <p>10 where we would have a chance to collect this water, when</p> <p>11 we have it abundantly, and then run it through this</p> <p>12 canal? I haven't heard that.</p> <p>13 I've also heard recently that we're only going to do</p> <p>14 this take for the peripheral canal when we have abundant</p> <p>15 flows to work with. Well, I've lived down there all my</p> <p>16 life and abundant flows only happen about two months out</p> <p>17 of the year, depending on the year we have. And it</p> <p>18 hasn't happened much in the last three years, so if we're</p> <p>19 going to build all of this -- all of these facilities,</p> <p>20 and it's only going to be used two months out of the</p> <p>21 year, and the rest of the time it's going to be used --</p> <p>22 the function we have now, is going to be in place, I</p> <p>23 don't see the point in doing this in the first place. It</p> <p>24 doesn't make sense to me. It does not make sense to me</p> <p>25 one iota, that we're going to go through all this</p>	<p style="text-align: right;">Page 49</p> <p>1 vibrant thousands of acres of farm land in the Delta that</p> <p>2 have siphons that move water onto those lands, those</p> <p>3 siphons likely collect some fish, so we can mitigate</p> <p>4 those by consolidating where we could or putting fish --</p> <p>5 TIM NEWHARTH: And has anybody ever done any</p> <p>6 studies to see how much fish species go through those</p> <p>7 pumps during the course of the irrigation cycle?</p> <p>8 JERRY JOHNS: Yep.</p> <p>9 TIM NEWHARTH: They have?</p> <p>10 JERRY JOHNS: Yeah. In fact, the Department --</p> <p>11 we have two islands in the Delta that we own, Sherman</p> <p>12 and -- (inaudible) -- and we have screened our facilities</p> <p>13 on those islands.</p> <p>14 TIM NEWHARTH: And studies been done, other</p> <p>15 than the core of the Delta, which was Sherman and</p> <p>16 (inaudible)?</p> <p>17 JERRY JOHNS: Yeah, I think there have been</p> <p>18 studies done particularly on Bacon and Webb, and those</p> <p>19 islands for the Delta (inaudible) for those intakes as</p> <p>20 well.</p> <p>21 TIM NEWHARTH: I think there's a vast</p> <p>22 difference upon what you may see in the middle of the</p> <p>23 Delta say, Highway 12 Corridor, than what you may see</p> <p>24 around the perimeter or the other part of the Delta.</p> <p>25 And then my final comment or question is, we have a</p>

<p style="text-align: right;">Page 50</p> <p>1 lot of these meetings and a lot of things are said at 2 these meetings, and I know that you need to check them 3 off on your list as these are what your requirements are 4 to do by law, to have these public comment meetings. 5 However, we don't see hardly any, if any, of these public 6 comments ever getting into literature or (inaudible) by 7 the agencies of which you represent. So just to let you 8 know.</p> <p>9 JERRY JOHNS: The comments we received on 10 Chapter 3, we're going to post those, the comments that 11 we see there, we are going to post those. Then we're 12 going to move the -- (inaudible) we had it reviewed in 13 the fall. But we are going to get those up on the 14 website, and of course, these will be looked at. And we 15 are -- you may not think we listen to these comments, but 16 we do. We take them very seriously and we want to try 17 and address them. But real quick, and then I'll give you 18 back to Karla.</p> <p>19 You talked about 15 to 25,000 cfs, but (inaudible) 20 in the south Delta. And the key really, in terms of how 21 it's operated, when do you use those facilities and when 22 you do not. So the operating of the plans that we have, 23 that we did in December and January, provide for bypass 24 requirements at different times of the year to help 25 protect the fish as they move past these facilities. And</p>	<p style="text-align: right;">Page 52</p> <p>1 areas -- simply because of how we divert water out of the 2 southern Delta. We could divert potentially more water 3 and still protect Delta Smelt, if we had a diversion 4 point outside of where Delta Smelt are (inaudible). 5 Right now we have a diversion location in basically 6 the Delta Smelt primary -- (inaudible) -- that's not very 7 smart. We need to be looking at alternative ways to 8 divert water that don't affect all the smelt, and by 9 moving the intake is certainly one way to do that.</p> <p>10 TIM NEWHARTH: Yeah, that may be, but you're 11 moving the intake up where the water is coming from 12 normally in the first place, so you know you're -- 13 JERRY JOHNS: There aren't any Delta Smelt up 14 there either.</p> <p>15 TIM NEWHARTH: Well, so be it. But what I'm 16 getting at is, that the whole Delta is in jeopardy 17 because what we're doing is taking water around the 18 outside and expecting it to go -- to go against the 19 natural flow from north to south in order to keep the 20 Delta viable. I don't see how it's going to work that 21 way. You're trying to push water uphill. It's not going 22 to happen.</p> <p>23 JERRY JOHNS: Well, we'll talk about it. 24 PAM: Tim, I think there was another question 25 in there, did you want to ask about the public input?</p>
<p style="text-align: right;">Page 51</p> <p>1 what happens is, when those bypass requirements are not 2 met, then you don't divert out of the north Delta, you 3 divert out of the south Delta some place, or you don't 4 divert at all.</p> <p>5 So there are requirements for that. And the test 6 now is, are those adequate? We're doing some very 7 detailed analysis on that right now, and we'll include 8 that analysis and additional analysis in the EIR that 9 will determine the adequacy of those operating criteria.</p> <p>10 TIM NEWHARTH: Well, that's exactly my point. 11 We already have low water flows going through the Delta 12 already. We have a new team facility up in South 13 Sacramento to feed the City of Sacramento. We've got a 14 sewer discharge in Freeport that's putting in bad water, 15 and then we're going to take more water off the top of 16 the Delta. Again, I don't see how that's a positive for 17 the Delta in the long run, and particularly, as it 18 relates to the amount of money that's going to be spent 19 on all of this. It just doesn't --</p> <p>20 JERRY JOHNS: We should talk afterward about 21 what's going on currently in terms of flows in the south 22 Delta, it's a big deal to the fish agencies, to those 23 reverse flows in Southern California. And they're 24 constraining our operations today, in terms of our 25 ability to move water in a drought, to move water to</p>	<p style="text-align: right;">Page 53</p> <p>1 KARLA NEMETH: Yes. Thank you. In terms of 2 public comment, where we are right now, is we have been 3 talking to folks through one-on-one briefings with 4 different organizations, getting their understanding of 5 what their issues are. Some of those are issues that 6 will be addressed in an EIR/EIS setting, some of them are 7 issues that will be addressed in how the conservation 8 measures are drafted. Some of them will be addressed 9 in -- through the implementation process of the actual 10 plans, there's kind of three ways in which comments at 11 this point get considered.</p> <p>12 When we move towards releasing preliminary plan, one 13 of the things that we'll be doing is taking all the 14 comments that we've received, where folks have a real 15 concern about a specific issue and creating kind of a 16 road map or orientation piece where we can point folks to 17 where in a document those issues are addressed in, either 18 a conservation measure or in the implementation plan, and 19 those sorts of things.</p> <p>20 We'll do that as a companion piece to this 21 preliminary draft this summer. We'll do it again as a 22 companion piece to the public draft that's expected at 23 the end of this year. And in that preliminary draft, we 24 have a legal requirement to circulate that, have folks 25 review it, provide comment, and we need to respond to</p>

<p style="text-align: right;">Page 54</p> <p>1 those comments. So as we continue to kind of get our 2 heads around what it's going to take to address these 3 multiple fish species needs and do it in a way that 4 contributes to their recovery. We start to see what that 5 strategy looks like. We're really going to ramp up the 6 outreach and the input and how it's reflected in 7 subsequent draft plans. But we just don't have the draft 8 plan, even preliminary yet.</p> <p>9 TIM NEWHARTH: You talk about channel margin 10 restoration as you show down here in the San Joaquin 11 area, can you expand upon that as to what you mean by 12 that?</p> <p>13 PAUL CYLINDER: There's actually a couple of 14 conservation measures that are in the drafts that 15 identify channel margin enhancement, and there was also 16 measures that identify flood planning restoration. And 17 channel margin enhancement is mainly working with the 18 existing levees and -- (inaudible) along levees for the 19 benefit of fish that are using those migration corridors.</p> <p>20 Flood planning would involve a set back of levees. 21 Now, the way the draft measures are described right now 22 in the documents is that these type of activities would 23 only be conducted in coordination with the Army Corps of 24 Engineers and the flood control program in conjunction 25 with habitat flood planning restoration program, so you're</p>	<p style="text-align: right;">Page 56</p> <p>1 TIM NEWHARTH: Do you have some written outline 2 of that process at this point somewhere?</p> <p>3 PAUL CYLINDER: Yeah. It's in the draft that's 4 on the web, there's a discussion in that conservation 5 measure that describes the benefit of it, the method of 6 it, and the risks of it are all described in that draft 7 measure and we'll have some updates of those measures 8 coming out soon. But again, these are all in draft stage 9 as we work through, and then background -- (inaudible) -- 10 and those are our conservation measures.</p> <p>11 TIM NEWHARTH: Thank you.</p> <p>12 PAM: I don't have any more comment cards. 13 This is kind of the last call, if anyone would like to 14 ask a question here before Karla wraps up and we move to 15 the one-on-one conversations in the next room.</p> <p>16 Anyone else?</p> <p>17 I just encouraged the folks who spoke, some of your 18 questions and comments sounded like they would be very 19 appropriate to be written down and shared next door, so 20 if you could frame those into issues that you would like 21 the environmental team to investigate, that would be very 22 helpful to the official scoping process. So we're not 23 closing the questions down tonight. We're just going to 24 breakdown into one on one.</p> <p>25 Karla, did you want to --</p>
<p style="text-align: right;">Page 55</p> <p>1 setting back a levee of why channel -- (inaudible) -- for 2 the benefit of the fish that had to be done in 3 conjunction with a flood control program. Those are two 4 different things. There's improvement of existing levee 5 side, vegetation without affecting the levee, and then 6 there's levee setback that would increase flood plain.</p> <p>7 TIM NEWHARTH: Those are done in the same 8 areas? There's a flood plain restoration in the -- and 9 the marginal restoration are being considered both in 10 these areas that are outlined in red?</p> <p>11 PAUL CYLINDER: No --</p> <p>12 TIM NEWHARTH: Or is it one or the other?</p> <p>13 PAUL CYLINDER: -- along the San Joaquin in the 14 south here, the draft measure there discusses the flood 15 plain restoration up here at -- up here at southern 16 Steamboat slough. We're not really talking about 17 changing the levee so much as improving the channels -- 18 (inaudible).</p> <p>19 TIM NEWHARTH: So improving the stream by 20 habitat restoration; is that what you're talking about?</p> <p>21 PAUL CYLINDER: Right. And the import of this 22 as a corridor that the salmon use and use it to increase 23 survivorship of the salmon -- (inaudible) -- habitat for 24 the salmon and reducing habitat for predators at the same 25 time.</p>	<p style="text-align: right;">Page 57</p> <p>1 KARLA NEMETH: I just want to say thank you 2 very much.</p> <p>3 (Whereupon the meeting was adjourned at 8:23 p.m.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT (EIR)
AND ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS

WEDNESDAY, MARCH 18, 2009
PUBLIC COMMENTS
6:00 P.M.

VETERANS MEMORIAL CENTER
203 EAST 14TH STREET
DAVIS, CALIFORNIA

REPORTED BY: HE SUK JONG, CSR 12918

<p style="text-align: right;">Page 2</p> <p>1 Dave Breninger, president of Recreational 2 Boaters of California, 925 L Street, Suite 220, 3 Sacramento, California 95814, (530) 823-4860, 4 dbreninger@pcwa.net.</p> <p>5 MR. BRENINGER: Our issue is looking to 6 sustain accessibility for recreational boats to the 7 waters of the United States in the Delta as changes 8 are proposed.</p> <p>9 A couple of examples where we would very 10 much like to have further discussion: Wherever any 11 gates or barriers are placed across waterways, such as 12 Three-Mile Slough, Bacon Island, and other locations, 13 is that boat locks also be installed and operated at 14 times when the boating public wants to travel through 15 the Delta and that the locks be built and operated at 16 no expense to boaters since they're being placed 17 across waters of the United States.</p> <p>18 The second example we would give relates to 19 the proposed Through Delta Conveyance facility, which 20 basically would be along alignment of existing eastern 21 Delta waterways. And our concern, again, would be 22 that as new levees or barriers are installed across 23 existing waterways, that accommodation for 24 recreational boats, again, be provided and operated at 25 no expense to boaters.</p>	<p style="text-align: right;">Page 4</p> <p>1 neighboring farmland. This needs to be addressed in 2 the EIR process.</p> <p>3 Another point is in the issues and concerns. 4 There is no mention of the Knights Landing Ridge Cut 5 Canal, which flows into the Yolo Bypass just below 6 Fremont Weir. Additional water in the bypass may have 7 significant impacts on the water flows in the canal 8 and cause backup. That needs to be addressed, also, 9 in the EIR.</p> <p>10 The Knights Landing is the outlet of the 11 Colusa drain. One of the items that is mentioned as 12 an issue is effect on other terrestrial species. I 13 feel that this has not been thoroughly discussed in 14 the draft. There are listed species, such as 15 Swainson's hawk, that will be affected by the changes 16 in the bypass and the surrounding lands. In fact, 17 some of the mitigation areas for Swainson's Hawk will 18 be destroyed, perhaps, by additional water in the 19 bypass. So I feel that they are looking at increasing 20 habitat for one type of species that's listed, but, by 21 the same token, they are harming habitat for other 22 listed species, and that needs to be addressed.</p> <p>23 Another point that needs to be addressed in 24 the EIR/EIS process that is not mentioned is the 25 increased sedimentation that will occur in the bypass</p>
<p style="text-align: right;">Page 3</p> <p>1 --o0o--</p> <p>2 Lynnel Pollock, Resident, P.O. Box 468, 3 Yolo, California 95697, (530) 662-3570.</p> <p>4 MS. POLLOCK: I'm going to speak 5 specifically to the core element No. 1, which is to 6 modify Fremont Weir to provide higher frequency and 7 duration of inundation. As a background -- my 8 husband, Herb, and I are here -- we farm in northern 9 Yolo county next to Fremont Weir, so we're directly 10 affected, I feel, by the proposed changes at Fremont 11 Weir.</p> <p>12 There are many issues and concerns 13 delineated in the draft as proposed. The draft is of 14 January '09. That was the last draft that I saw. All 15 of these Issues and Concerns that are stated really 16 need to be addressed in the EIR/EIS process. They are 17 significant, in our minds. There are also some issues 18 and concerns that are not listed that I feel need to 19 be addressed in the EIR and EIS process.</p> <p>20 The No. 1 item that I see as a significant 21 effect of this proposal is seepage water that will be 22 coming from the bypass levees and affecting adjoining 23 farmlands. This is not mentioned, and we know now 24 that when water is in the bypass there is significant 25 seepage that comes through the levees and ends up on</p>	<p style="text-align: right;">Page 5</p> <p>1 with additional water flows. There is no mention of 2 this. It periodically does have to be cleaned out and 3 sediment removed. And if more water is put in, 4 particularly at lower flows, it will cause increased 5 sedimentation. And much of this sedimentation is 6 laden with mercury, so the mercury issue does need to 7 be looked at.</p> <p>8 And I think the final thing that I would 9 like to mention -- a couple of things: The technical 10 details of how more water will be put into the bypass 11 needs to be looked at very carefully. It can be a 12 very expensive process, perhaps because of the levels 13 in the contours of the land there, and ongoing 14 maintenance costs that need to be looked at.</p> <p>15 And, finally, I would like to mention, in 16 talking about increased inundation of the bypass, the 17 availability of water really needs to be addressed 18 because, even if they are talking about winter flows, 19 that water has to come from somewhere. The existing 20 flows are probably deficient to provide the kind of 21 water that they're talking about over the duration of 22 time.</p> <p>23 (END OF COMMENTS.) 24 25</p>

1 BAY DELTA CONSERVATION PLAN
2 ENVIRONMENTAL IMPACT REPORT (EIR)
3 AND ENVIRONMENTAL IMPACT STATEMENT PROCESS (EIS)

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7 THURSDAY, MARCH 25, 2009

8 BDCP PRESENTATION

9 PUBLIC SCOPING MEETING

10 6:39 O'CLOCK P.M.

11
12 HILTON GARDEN INN

13 2200 GATEWAY COURT

14 FAIRFIELD, CALIFORNIA 94533
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20 REPORTED BY:
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<p style="text-align: right;">Page 2</p> <p>1 ---oOo---</p> <p>2 MODERATOR JONES: Good evening, folks. If you</p> <p>3 would like to come to your seats, we're just about to</p> <p>4 start.</p> <p>5 Good evening, my name is Pam Jones. I am the</p> <p>6 moderator for this evening. I am not an employee of any</p> <p>7 of the agencies of the Bay Delta. I'm here today to</p> <p>8 make sure that everyone who wants to speak has an</p> <p>9 opportunity to speak.</p> <p>10 Just as an overview of the evening, we'll have</p> <p>11 about a half an hour of presentation and update on the</p> <p>12 Bay Delta Conservation Plan, and then we'll go to about</p> <p>13 an hour of questions and answers. And then we would</p> <p>14 like to encourage you to go back to the tables and the</p> <p>15 posters in the back of the room because this purpose of</p> <p>16 -- this meeting has two purposes: Number one is an</p> <p>17 update on the Bay Delta Conservation Plan as it is now.</p> <p>18 And when that plan is finished, it gets handed</p> <p>19 over to an environmental team made up of staff and</p> <p>20 consultants. And their job is to take a look at that</p> <p>21 and evaluate the proposed plan in terms of its potential</p> <p>22 impact on ecosystems, the environment, communities,</p> <p>23 et cetera.</p> <p>24 Then they come up with alternatives to that</p> <p>25 plan, some of which are kind of listed on the board</p>	<p style="text-align: right;">Page 4</p> <p>1 specific questions for him.</p> <p>2 We have Chuck Hansen, Hansen Environmental,</p> <p>3 and Paul Cylinder with SAIC. Paul and Chuck are the</p> <p>4 environmental consultants to the project, and they can</p> <p>5 answer some of the technical issues as well.</p> <p>6 With that, I'm going to turn it over to Keith</p> <p>7 for some welcome comments.</p> <p>8 MR. COOLIDGE: Thank you, Pam.</p> <p>9 As she said, I'm Keith Coolidge. I'm with the</p> <p>10 California Natural Resources Agency. I have been</p> <p>11 involved in the Delta since 1986, primarily as a</p> <p>12 stakeholder for 14 years. And then on the other side of</p> <p>13 the microphone, I was reminded of this last night, we</p> <p>14 were in Stockton, which was the tenth stop on this</p> <p>15 12-night tour of Northern and Southern California.</p> <p>16 And we were in the very same room we had done</p> <p>17 scoping sessions for CalFed in the late 1990s. I had</p> <p>18 been in the audience. I had been making comments. Last</p> <p>19 night, I was on the other side. I was fielding them.</p> <p>20 So this truly has been a very long process to try to</p> <p>21 resolve some very contentious issues in the Delta.</p> <p>22 CalFed tried with twin goals of restoring the</p> <p>23 ecosystem and increasing the State's water supply. They</p> <p>24 succeeded to a varying degree. We invested an awful lot</p> <p>25 of money. Half of that was local matching funds. Added</p>
<p style="text-align: right;">Page 3</p> <p>1 tonight. Some of them may not be known yet. And you</p> <p>2 may have an idea about what those alternatives might be.</p> <p>3 So a very important part of your involvement</p> <p>4 tonight is to actually get your comments in writing as</p> <p>5 part of an official environmental impact report,</p> <p>6 environmental impact statement, process, so that it can</p> <p>7 be officially considered by the environmental review</p> <p>8 team.</p> <p>9 Even though we are recording tonight, if you</p> <p>10 would make sure that either you fill out a comment card,</p> <p>11 you speak to the Court Reporter, you put your thoughts</p> <p>12 on one of the flip charts there, that's the most direct</p> <p>13 way to help the environmental team do their analysis and</p> <p>14 come up with suggestions that you want them to take a</p> <p>15 look at.</p> <p>16 So with that, I would like to introduce you to</p> <p>17 the people who will be speaking this evening. We have</p> <p>18 Keith Coolidge, California Natural Resources Agency.</p> <p>19 Keith, you want to raise your hand?</p> <p>20 (Complying.)</p> <p>21 Karla Nemeth, California Natural Resources</p> <p>22 Agency. Karla is the BDCP liaison. John, John</p> <p>23 Engbring. He's with Fish and Wildlife Service. We have</p> <p>24 someone here from the California Department of Fish &</p> <p>25 Game. Scott Cantrell is in the back, if there are</p>	<p style="text-align: right;">Page 5</p> <p>1 about 750,000 acre feet to the State's water supply.</p> <p>2 We made major investments in upstream</p> <p>3 tributaries to the Delta improving salmon habitat and</p> <p>4 putting fish screens on diversions. All of that was to</p> <p>5 a real benefit to the Delta. But the Delta itself</p> <p>6 deteriorated even further in the past seven years.</p> <p>7 And so that prompted the Governor, in 2006, to</p> <p>8 form Delta Vision. You have heard of that. That was an</p> <p>9 effort of Blue Ribbon Task Force to look at how do you</p> <p>10 really pull all of this together. Delta Vision came up</p> <p>11 and said the twin goals ecosystem restoration and a</p> <p>12 reliable water supply are valid. But don't overlook a</p> <p>13 very important third goal which is how do you do that</p> <p>14 with a Delta that is itself a unique and valued place?</p> <p>15 Don't forget that as you work on those goals.</p> <p>16 And then they also said there's some other</p> <p>17 things you have to keep in mind. We are going to have</p> <p>18 to significantly increase our efforts at conservation</p> <p>19 throughout the State of California. That's going to</p> <p>20 have to be foremost in everyone's minds as we move</p> <p>21 forward.</p> <p>22 You are going to have to resolve the tension</p> <p>23 that water in the Delta that is good for fish is not</p> <p>24 necessarily good for drinking water and vice versa. And</p> <p>25 later speaker tonight will talk a little bit about that</p>

<p style="text-align: right;">Page 6</p> <p>1 tension. But water that's high in organics and has 2 variable salinity is not well received by drinking folks 3 and vice versa.</p> <p>4 Water is low in organics, low in salinity 5 isn't necessarily good for the ecosystem. You will need 6 to find a way to separate those if you're going to have 7 success. That was a recommendation from Delta Vision. 8 They said just doing that alone isn't going to work. 9 You're going to have to increase storage so that you can 10 make diversions out of the Delta at different times of 11 the year than you do it now. And you're going to have 12 to move on all of these fronts.</p> <p>13 Now, key to what the Delta Vision recommended 14 and key to what CalFed recommended was the development 15 of a conservation plan, a habitat conservation plan, a 16 multi-species conservation plan in CalFed parlance.</p> <p>17 That's really what we're here to talk about 18 tonight is the conservation plan that is known as the 19 BDCP, the Bay Delta Conservation Plan. And we're going 20 to talk in great detail about what that means. I hope 21 all of you will visit the stations in the back where 22 they are talking about various components of that.</p> <p>23 The purpose of scoping is to get your 24 comments. Are we adequately looking at all of the 25 alternatives? Are we adequately looking at the right</p>	<p style="text-align: right;">Page 8</p> <p>1 process, there are both State and Federal pumps that 2 move that water, there are listed species, species 3 listed under the Federal Endangered Species Act like 4 Delta smelt and Winter-Run Chinook salmon that are 5 actually killed by the pump.</p> <p>6 In and of itself, that's an illegal activity. 7 Agencies that do that and conduct those kind of 8 activities can do that, but they need a permit. They 9 need a permit from the Federal agencies. When I say 10 Federal agency, I mean U.S. Fish and Wildlife Service 11 and National Fishery Service. There actually is someone 12 here from National Fishery Service. Ted Myer is here, 13 and he can answer questions on salmon.</p> <p>14 To receive that permit, the applicant in this 15 case, the Department of Water Resources, must complete 16 what we call a habitat conservation plan. That is what 17 this Bay Delta Conservation Plan actually is. It's 18 being prepared so that they can submit it to the Federal 19 agencies and there's a state equivalent Endangered 20 Species Act and the State will work through their 21 permitting process as well.</p> <p>22 That plan will be submitted to the Federal 23 agencies. And it has to include a description of the 24 activities that are being conducted. It has to include 25 a description of the effects of those activities on</p>
<p style="text-align: right;">Page 7</p> <p>1 things in your view? And are we overlooking anything 2 that you know about that we should know about?</p> <p>3 That's really the purpose of tonight, is to 4 get your comments on both the range of our alternatives, 5 the ideas that we're putting forward and help us as we 6 move forward.</p> <p>7 With that, I turn this over to John Engbring. 8 John is with U.S. Fish and Wildlife. He's one of the 9 Federal partners in this effort with the State agencies.</p> <p>10 MR. ENGBRING: Thank you, Keith. Again, my 11 name is John Engbring. I am with the U.S. Fish and 12 Wildlife Service. I am the assistant regional director 13 for water and fish. And what I'm going to try and do is 14 explain as clearly and simply as I can exactly what 15 we're doing here and why we're here.</p> <p>16 First off, thanks for coming and thank you for 17 your interest. Thank you for your time. We are very 18 interested in hearing what you folks have to say because 19 we are in what is described as the scoping process as 20 part of the environmental review process. It is very 21 early in the environmental review. So we have a number 22 of steps to go.</p> <p>23 I think all of you know that Delta -- the 24 Delta is used as a water transfer from north to south. 25 There are large pumps that move water south. In that</p>	<p style="text-align: right;">Page 9</p> <p>1 listed species. It has to include various alternatives 2 and options that were considered and conservation 3 measures that they the applicant will carry out to 4 complete the conservation plan, implement the 5 conservation plan.</p> <p>6 When we receive it, that conservation plan, we 7 look at it and we make a determination as to whether or 8 not it will jeopardize the continued existence of those 9 listed species. If in fact we decide that it can move 10 forward and those species can in fact survive, hopefully 11 ultimately recover, we can move forward and issue that 12 permit so that they can actually kill some of those 13 species in the Delta as they conduct their otherwise 14 lawful activity.</p> <p>15 That's what we're doing. We're in the early 16 stages of looking at this conservation plan. We are 17 required to conduct environmental review. This is part 18 of that environmental review. It is part of the early 19 scoping process. Part of the scoping process where we 20 are trying to solicit comments from the public.</p> <p>21 We have these stations, tables set up. There 22 are individuals who can answer questions at those 23 tables, very specific questions. If you have questions 24 and they can also take written comments from anybody 25 here that would like to provide comments.</p>

<p style="text-align: right;">Page 10</p> <p>1 Again, I want to thank you for being here. 2 And I'll turn it over to Karla at this point. She will 3 describe in a little more detail what's in this plan at 4 this point. 5 MS. NEMETH: Thanks, John. 6 My name is Karla Nemeth. I'm with the 7 California Natural Resources Agency. The Natural 8 Resources Agency is the convenor of the Steering 9 Committee that's guiding the development of the plan. 10 That includes water agencies that supply water 11 from the Bay Area all the way down to San Diego, 12 Department of Water Resources, the U.S. Bureau of 13 Reclamation, environmental groups, the California Farm 14 Bureau and other folks interested in putting together 15 this plan. 16 Excuse me. 17 All the folks around that table realize what 18 Keith said. It's a major challenge to restore an 19 ecosystem in an environment such as the Delta. It's 20 home to half a million folks. It supports a vibrant 21 agricultural economy, a recreational economy. All of 22 these things are going to be important to balance 23 against the water reliability and the ecosystem 24 restoration needs in the plan. 25 The Secretary of Resources is very concerned</p>	<p style="text-align: right;">Page 12</p> <p>1 experienced record low populations in years. The Courts 2 have essentially said you can no longer continue to pump 3 water supplies because of the status of these fish 4 species. This has threatened water supply reliability 5 for 25 million Californians as well as agriculture up 6 and down the Central Valley. 7 Essentially, what the Courts have said, as the 8 water moves through the Delta through the Sacramento 9 River to the State and Federal water project pumps, the 10 force of those pumps create a reverse flow in the Delta 11 that pull the fish into the pumps. Therefore, to 12 protect these fish, we need to stop pumping water. We 13 need to reduce pumping water when fish are present in 14 this area. 15 Typically, when these kinds of conflicts exist 16 between water for human use and environmental needs, an 17 approach would be to propose a project to support water 18 supply and offset the damage caused to endangered 19 species kind of one by one. 20 But State and Federal endangered species laws 21 allow for something that's called conservation planning. 22 The State has the Natural Communities Conservation 23 Planning Act that creates a conservation plan and 24 fulfill it on State endangered species laws. The 25 Federal Endangered Species Act -- actually, in the Act</p>
<p style="text-align: right;">Page 11</p> <p>1 about how we do that. He is meeting with elected 2 officials from the Delta counties for the purposes of 3 providing a formal way in which we can keep the counties 4 and these communities whole as we continue to develop 5 the plan. 6 UNIDENTIFIED AUDIENCE MEMBER: Meeting when? 7 MS. NEMETH: Friday. He's been meeting with 8 elected officials on a monthly basis for quite some 9 time. We're going to continue to do that. We have 10 heard from folks that there is a desire to have formal 11 engagement in this process, and that's what we're 12 working towards. 13 As our two speakers have indicated, the Bay 14 Delta State and Federal environmental, process, the 15 purpose of my presentation here tonight is to update you 16 on the development of the plan as a proposed action. 17 I'm not going to have all the details. 18 We will provide some information about what we 19 do know at this point, what we're thinking in terms of 20 our approach and specific actions. Our expectation is 21 that the plan itself in a preliminary draft form won't 22 be available until this summer, is to help folks provide 23 good comments in the scoping setting. 24 What is the problem that we are working to 25 resolve? Several native fish species in the Delta have</p>	<p style="text-align: right;">Page 13</p> <p>1 itself -- calls for conservation planning as well. 2 Essentially, what this allows us to do is to 3 address endangered species issues in a much more 4 comprehensive holistic way, less piecemeal, so we can 5 address multiple species all at once with a goal of 6 actually contributing to their recovery and doing that 7 over the long term. 8 At the heart of these conservation planning 9 efforts is a conservation strategy. What that is is a 10 suite of actions that are designed to, implemented 11 together, over time are designed to recover species. 12 While that's the heart of the conservation 13 strategy, there are a lot of other critical elements 14 that ensure its success and implementation. That is who 15 funds it and how much. How do we make sure that the 16 funding is there to implement it over time? How do we 17 govern the implementation of the plan? How do we bring 18 new science into the plan as its developed? 19 The result of this kind of a planning process 20 is an actual plan that lays out a suite of activities 21 that are implemented through time in a particular way in 22 a particular sequence with identified funding in 23 exchange for permits to, in this case, operate the State 24 and Federal Water Project in exchange for the ability to 25 -- as John indicated earlier -- the ability to take</p>

<p style="text-align: right;">Page 14</p> <p>1 endangered species.</p> <p>2 In the Bay Delta conservation plan, we have</p> <p>3 two goals: One is a stable and healthy fish population;</p> <p>4 the second goal is reliable water supplies. What I'm</p> <p>5 going to describe for you tonight is one piece of the</p> <p>6 plan. That is our latest thinking on the conservation</p> <p>7 strategy.</p> <p>8 And as I indicated earlier, there are several</p> <p>9 other very important aspects of the plan that we need to</p> <p>10 create in order to have a draft ready. Again, our</p> <p>11 expectation is that we would have a preliminary draft of</p> <p>12 the entire plan this summer.</p> <p>13 So we're trying to build our conservation</p> <p>14 strategy on the recovery of these fish species in the</p> <p>15 Delta: Delta smelt, Longfin smelt, Chinook salmon,</p> <p>16 Sacramento splittail, green and white sturgeon and</p> <p>17 Central Valley steelhead. Our approach is to build off</p> <p>18 of the decades of science developed about</p> <p>19 the estuary and about fish species, about fish species</p> <p>20 in the Delta.</p> <p>21 And our first stop was to assess how we would</p> <p>22 measure success. How would we measure our ability to</p> <p>23 actually recover fish species? There are several ways</p> <p>24 that we are looking at that. They are biological goals</p> <p>25 and objectives. That includes the distribution of these</p>	<p style="text-align: right;">Page 16</p> <p>1 purposes of water conveyance, as I mentioned, through</p> <p>2 the Sacramento River, through the central part of the</p> <p>3 Delta and down at the pumps. And a couple of things</p> <p>4 happen. Water from the San Joaquin River comes in as</p> <p>5 well. And what essentially happens with the force of</p> <p>6 these pumps is it disrupts the flow of the Delta in that</p> <p>7 it creates a reverse flow in the central part of the</p> <p>8 Delta, that is water moving north to south to the pumps.</p> <p>9 And it also creates water that would outflow</p> <p>10 out to the Bay. It also creates a reverse flow action</p> <p>11 from water from the Sacramento River that would</p> <p>12 otherwise be outflow down to the pumps. And for the</p> <p>13 San Joaquin River, the pull of those pumps also draw</p> <p>14 water and fish species into the pumps through these two</p> <p>15 channels.</p> <p>16 What we're really looking at when we look at</p> <p>17 flows and their impact on fish is how do we create a</p> <p>18 system that can more naturally mimic natural flow</p> <p>19 patterns in the Delta to the benefit of fish.</p> <p>20 What we are considering is this dual</p> <p>21 conveyance that is continuing, when appropriate, to</p> <p>22 operate the pumps at the southern part of the Delta.</p> <p>23 But also to create a new diversion point off the</p> <p>24 Sacramento River that would carry water supplies to the</p> <p>25 pumps. So it's this kind of dual conveyance system that</p>
<p style="text-align: right;">Page 15</p> <p>1 fish species throughout the Delta, their growth rate,</p> <p>2 their mortality and other signs -- other indicators of</p> <p>3 their health in the Delta.</p> <p>4 We then took a look at the things that are</p> <p>5 stressing the fish species because remember our goal is</p> <p>6 to actually contribute to their recovery over time. And</p> <p>7 I described in an earlier slide the stress of the</p> <p>8 operation of the State and Federal water projects on</p> <p>9 fish species as it relates to flows in the estuary and</p> <p>10 fish getting pulled into the pumps.</p> <p>11 But the science has shown there are other</p> <p>12 things that are also stressing the fish species. That</p> <p>13 is a lack of physical habitat, a lack of food to support</p> <p>14 their growth. Other stressors include water quality,</p> <p>15 the presence of invasive species that compete with the</p> <p>16 native species in the Delta. Fish passage issues for</p> <p>17 fish that are migrating through the Delta.</p> <p>18 There's really a whole host of things that are</p> <p>19 stressing the species. And we're creating a strategy</p> <p>20 that can address all of these kinds of stressors at once</p> <p>21 with the notion that addressing each one of these things</p> <p>22 individually would not be as effective at contributing</p> <p>23 to the recovery of species as if we did them all</p> <p>24 together in an integrated holistic way.</p> <p>25 Water currently flows through the Delta for</p>	<p style="text-align: right;">Page 17</p> <p>1 makes important changes to how water moves in the Delta</p> <p>2 and the survivability of fish species.</p> <p>3 And essentially, on a conceptual level, what</p> <p>4 that does is that allows water from the Sacramento River</p> <p>5 to head out to the Bay. It also allows water from the</p> <p>6 San Joaquin River to enter into the estuary because when</p> <p>7 we are operating out of the northern diversion point,</p> <p>8 we've removed the pressure that the pumps are currently,</p> <p>9 as they're operated, are putting on the water flows in</p> <p>10 the estuary. It allows for more east/west movement of</p> <p>11 water in the estuary.</p> <p>12 I'm going to go over a few of the conservation</p> <p>13 measures that we've been focusing on as we develop the</p> <p>14 plan. First, as I mentioned, are these ways to address</p> <p>15 water flows and how water is conveyed through the Delta</p> <p>16 for the betterment of fish species.</p> <p>17 In the near term, that's in the next five to</p> <p>18 15 years, we're looking at ways that we can immediately</p> <p>19 address flow issues in the southern part of the Delta</p> <p>20 with the continued operation of the State and Federal</p> <p>21 pumps. That includes tidal gates in the southern part</p> <p>22 of the Delta that can be opened and closed seasonally</p> <p>23 depending on the presence of fish.</p> <p>24 In the longer term, that is 15 years and out</p> <p>25 into the future, as I mentioned, we're looking at new</p>

<p style="text-align: right;">Page 18</p> <p>1 diversion points off the Sacramento River in the 2 northern part of the Delta with an eastern alignment 3 that sends water around and to the State and Federal 4 pumps. 5 The operation of this kind of a system is 6 going to be critical to the survivability and health of 7 fish species. There are a couple of ways that we are 8 looking at the operations of this kind of a facility. 9 How much water is diverted out of this northern 10 diversion point will be limited by what kind of 11 hydrologic years, in a wet year, a dry year, an average 12 year, a critically dry year. 13 But also, what are the flows that are needed 14 to go into the estuary to support fish species to make 15 sure that there's enough water in the system that fish 16 can migrate through the estuary away, enough water 17 moving through the system that can transport food into 18 the estuary. These are all important considerations for 19 water flows in the estuary and how they support fish 20 species. 21 The other key operational consideration with a 22 new northern diversion point and the pumps at the 23 southern end of the Delta is how do we manage salinity 24 in the Delta to address in Delta water quality issues. 25 It's a critical issue that we need to address and that</p>	<p style="text-align: right;">Page 20</p> <p>1 effectiveness and make decisions as we go. 2 One of the ways we're designing the habitat 3 restoration elements is we've identified these 4 restoration areas, and we're working to really drill 5 down to a specific target or acreages that we need 6 within that bigger area so that as the plan is 7 implemented, we can do it flexibly in partnership with 8 willing buyers and willing sellers. We can focus on 9 public lands and approach the habitat restoration in a 10 way that's in partnership with local jurisdictions. 11 We're also taking a look at channel margin 12 restoration. That is restoring the channel banks in the 13 Delta along the areas of Steamboat and Sutter Slough, in 14 the long-term down here along the San Joaquin River, and 15 additional habitat restoration in the eastern part of 16 the Delta and southern part of the Delta here. 17 And finally, we're also taking a look at ways 18 to address some of these other stressors. What we don't 19 want to do is create this nice habitat and create this 20 nice flow and do it in an area where we have water 21 quality problems or we have invasive species problems. 22 Again, we're identifying areas where we can 23 remove invasive species, address water quality issues, 24 for example, and we can implement all of these 25 conservation measures together with the notion that all</p>
<p style="text-align: right;">Page 19</p> <p>1 we will address as part of the plan. We are doing quite 2 a bit of modeling on that now. We don't have all the 3 answers, but we're working towards them. 4 From a habitat restoration perspective, in the 5 near term, again, in this five- to 15-year period, we're 6 looking at three kinds of habitat restoration in the 7 Delta. One is flood plain restoration. We're looking 8 very closely about in the yolo bypass, and 9 essentially, creating -- inundating the flood plan with 10 water from the Sacramento River periodically to create 11 habitat spawning and rearing habitat for fish species. 12 We're looking at tidal marsh restoration, 13 particularly in the area of Cache Slough, Suisun Marsh 14 and here in the Western Delta. I know folks have been 15 seeing these kind of green blobs on a map for a while. 16 They're getting frustrated. They want us to get more 17 detailed. I want to explain an important point about 18 habitat restoration aspects of the plan. 19 That is, there are some restoration ideas that 20 we have where we have a good amount of science, and we 21 have a real reasonable and confident expectation of the 22 benefit of fish species. Some we have less of an 23 understanding of how fish species are going to respond. 24 And those are ones that, overtime, we will need to test 25 with pilot projects as we continue to monitor their</p>	<p style="text-align: right;">Page 21</p> <p>1 of them together provide the best opportunity for the 2 fish species to recover. 3 Where we are in the development is we've 4 identified about 50 different conservation measures. 5 For further analysis, they're all available on our 6 website www.resources.ca.gov/bdcp. There are several 7 documents there, and I would be happy to direct folks to 8 information when we're through here. 9 We have quite a bit of work to do. Here we 10 are in the left side with a lot of individual 11 conservation measures that we're taking a look at. 12 We're looking on a lot of biological evaluations to help 13 us understand the expectations for the species', 14 individual species' response to the various conservation 15 measures. But we're also looking at other ways to 16 evaluate these conservation measures. 17 And that includes how practical is it, can we 18 do it when we're out there on the ground, how feasible 19 is the implementation, how much is it going to cost and 20 what is the relative benefit for that cost. All of 21 these things we'll be taking a look at over the course 22 of the next six to nine months as we continue to develop 23 the draft plan. 24 And our expectation is that we will have a 25 public review draft plan by the end of 2009 that will</p>

<p style="text-align: right;">Page 22</p> <p>1 include the conservation strategy and all of those 2 important elements like implementation structure and the 3 cost analysis identifying the funding partners. All 4 those pieces will be part of the plan. 5 So where we are is continuing to develop our 6 first draft of the entire plan in March 2009. We expect 7 to have a preliminary draft of the plan available this 8 summer, as I mentioned. And at that time, we are going 9 to want to get back out to the communities and talk to 10 folks and get some input. We'll have all these details, 11 really important details flushed out in terms of how we 12 will would operate this dual conveyance system, what 13 does it do to salinity in the Delta, how do we propose 14 to manage that, what are the habitat restoration 15 targets. All of those kinds of details will be 16 available this summer. 17 We expect to have a public review draft of the 18 conservation plan available at the end of the year. 19 That's a draft that we need to circulate for public 20 review and comment by law in advance of preparing a 21 final conservation plan, which we expect in June of 22 2010. 23 As John from the Fish and Wildlife Service 24 indicated earlier, the outcome of the plan is a permit 25 decision by the State and Federal fishery agencies for</p>	<p style="text-align: right;">Page 24</p> <p>1 impacts going down into Southern California, a concern 2 that they really want better water quality on their 3 exports, even more so than more water. They are not 4 that interested in more water. They want a defined 5 amount of good quality water so they can do other local 6 projects. 7 We heard in the San Joaquin Valley very much a 8 concern that an entire farming operation system has 9 grown up dependent on water from the Delta, and we 10 shouldn't unwind that. We heard in the Delta very much 11 concern that this is our water, and we shouldn't share 12 it with others until we are sure that our own needs are 13 met; that we very much need to make sure that we have a 14 healthy and vibrant and thriving ecosystem. 15 We heard from recreational boaters concerned 16 that if we're building gates and barriers that they be 17 open and passable for recreational boaters. We heard 18 from sports fisherman very much a need for striped bass 19 in particular, to increase their numbers; to not blame 20 them for the decline of the ecosystem beyond their 21 participation. 22 We heard throughout a need for beneficiary 23 pay. That's a mantra from the CalFed days, the folks 24 who benefit the most would pay the most in proportion to 25 their benefits. And for those where the State benefits</p>
<p style="text-align: right;">Page 23</p> <p>1 the operation of the State and Federal water projects. 2 Concurrently with that, you can see the environmental 3 review process is ongoing, and the environmental review 4 process issues a record of decision on the conservation 5 plan as well in 2010. 6 With that, I just want to recap. We've shared 7 what our approach has been to developing the plan, 8 what's the problem we're trying to solve, how do we 9 propose to solve it, what are the ideas that we're 10 contemplating now and what's our process for completing 11 the draft plan and opportunities for public input. 12 With that, I think we will open up the floor 13 to questions about the plan. 14 MODERATOR JONES: Keith was going to say a few 15 words. 16 MR. COOLIDGE: This was something we tried 17 last night. On behalf of the Secretary, I kind of 18 wanted to do the same thing. He had been out to 19 several, a couple of these other meetings and had been 20 very impressed by the comments and the openness of the 21 folks had in raising questions and asking them. 22 And he sort of wanted to encourage you all to 23 engage in the same kind of dialogue with us. We have 24 heard many comments over these nights from -- up in the 25 Northern Sacramento Valley and concern of redirected</p>	<p style="text-align: right;">Page 25</p> <p>1 as a whole, we would find a way through bonds or through 2 what's left of the State's general fund to try to make 3 that whole. 4 We heard throughout the need for trust and the 5 fact that trust has eroded. We need very much -- there 6 is no way we can compel anyone to trust us, and 7 certainly, a collection of government agencies just 8 sometimes doesn't inspire that. But what we are trying 9 to do, to the best of our ability, is to be open, to be 10 honest with you, to let you in on our decision-making. 11 And I hope that you will understand where we are going 12 and help us get there. 13 Governance is very clearly a big issue for all 14 of this. Who controls, who controls the nods, who makes 15 the decisions. That is going to be a big discussion in 16 State legislature this year: Delta governance, water 17 governance in general. The Secretary has been meeting 18 since, I guess last July, with supervisors from each of 19 the five counties. 20 I notice Supervisor Reagan is here tonight. 21 He has provided a very valuable insight into some of the 22 concerns of his constituents, and we are trying very 23 hard to be responsive and to learn through this process. 24 And so far, he's been a very willing teacher for us. 25 And we hope that you will do the same tonight.</p>

<p style="text-align: right;">Page 26</p> <p>1 We are here to learn and to listen as well as 2 answer questions to the best of our ability. 3 Madam Facilitator. 4 MODERATOR JONES: Now we are -- excuse me. We 5 are about to turn it over to you for your questions and 6 comments. It's now a quarter after 7:00. We would like 7 to go till about a quarter after 8:00 with the questions 8 and comments. 9 We do want to give you time to go back and 10 speak one-on-one with the folks in the back of the room. 11 We are going to use speaker cards so while you're 12 passing your speaker cards over or requesting speaker 13 cards, I would like to introduce some of the elected 14 representatives or their representatives. 15 We have at least seven here tonight which is 16 quite a big showing. So starting with Supervisor Mike 17 Reagan, already acknowledged over there. We also have 18 Roger Straw representing Solano County Supervisor Linda 19 Seifert. Roger is back of the room. 20 Don Lubar (phonetic) from Senator Lois Wolk's 21 office, right here. Tom Meyers, City of Rio Vista. 22 Kathy Barnes Jones, Solano County. Kathy here? Kathy 23 was here. Chris Rogers, Solano County. 24 MR. REAGAN: He saw me walk in and left. 25 MODERATOR JONES: I guess so. And Tom Wong</p>	<p style="text-align: right;">Page 28</p> <p>1 opportunity to speak. 2 Let's just, as the format, go through starting 3 with three minutes. And then it looks like there will 4 be more opportunity for you to expand and continue on. 5 Okay. So what I'm going to do is call your name, and 6 I'm going to call the next person. If you choose to 7 identify an organization that you're here, that's your 8 choice to do so. 9 So Joseph Rizzi. And then Bud Tonnesen. 10 MR. RIZZI: Hi. Is this on? 11 I'm here from Natural Desalination. It's a 12 group I've created as a nonprofit organization. 13 There's ways of desalination, and they have 14 not -- I would really have loved to have seen other 15 alternatives of increasing the water supply. Because 16 that's one of the key things. In the Bay Area and L.A. 17 area, they need water. 18 Most of this is trying to divert water from 19 another area to get cleaner water. It's not necessarily 20 increasing the amount of real water that's actually 21 available to the people who actually need it: The 22 farmers and residents. Mostly a lot of us, the 23 residents. 24 So natural desalination is the process of 25 being able to utilize the water's own weight in the sea</p>
<p style="text-align: right;">Page 27</p> <p>1 who is a representative of Assembly Member Mariko 2 D'Amato. Tony, are you here? Tony was here. 3 Is there anyone else I missed who is an 4 elected representative or official representative, an 5 elected official emeritus, any other category you would 6 like? 7 MR. REAGAN: Former supervisor, former mayor. 8 MODERATOR JONES: Sir, what is your name? 9 MR. BRANN: Dick Brann. 10 MODERATOR JONES: Okay. Good to see you here. 11 And mayor of Antioch? Rio Vista. 12 MS. COGLIANESE: Marci Coglianesse. 13 MODERATOR JONES: Marci, thank you very much. 14 I think we have it. 15 Our format for this evening, we have speaker 16 cards, we'll call these. If you would like to speak, 17 even if you haven't given a speaker card -- I only have 18 three up here. We would like to get through to you. 19 Even if you haven't given a speaker card, you may still 20 give a speaker card if the desire strikes you while 21 someone else is giving a comment. 22 We would like to open it up. You can give 23 comments or ask questions. We're going to try and keep 24 it to three minutes. But you know, with the amount of 25 people we have here, I think there's going to be ample</p>	<p style="text-align: right;">Page 29</p> <p>1 to be able to desalinate that water without the energy 2 usage that is required today. Most of the time when 3 people look at desalination, they look at Saudi Arabia. 4 Follow them. They have tons of energy. They don't care 5 about their energy. 6 In California, we care about energy as well as 7 water. This is a way of being able to desalinate the 8 water. At the same time, you can also use the natural 9 gradient of water. If you do a pipeline or horizontal 10 pipeline to the shore, you have natural flow of water 11 from the plant at sea to the shore. 12 That allows everybody to have the water that 13 they need, and that saves the Delta because you don't 14 have the water needing to be diverted anymore. I really 15 would have loved to see more thought into that. 16 As well as in Australia, they have ways of 17 using the ocean power and the power of river in order to 18 desalinate the water. There are other ways of dealing 19 with it. And the more you increase the water for the 20 users, the less we have to take from the Delta. I 21 really would have liked to have seen more that dealt 22 with that on there. 23 MODERATOR JONES: Bud? 24 MR. JOHNSON: Yes. 25 MODERATOR JONES: After Bud, Frank Johnson.</p>

<p style="text-align: right;">Page 30</p> <p>1 MR. TONNESEN: That was my first question. 2 You hit it. I didn't hear anything about taking 3 saltwater and making freshwater. There was no mention, 4 with you, Karla, you did a great job. There was no 5 mention back here, I haven't seen anything on it. And I 6 think that's the very thing, important thing I think you 7 have missed, if you have missed it. I think it's 8 extremely important. 9 And my other comment -- and this has been in 10 the news every day. It's -- I think it's behind Obama. 11 He's there every day too. This has to do global 12 warming. I have not heard anything about global 13 warming, and you've stated that five, 10, 15 years down 14 the road into the future, that we will have this thing 15 here. 16 What happens if global warming is here, and 17 they say it is here, and we have 10 or 15 feet increase 18 in the water. That might be excessive. Maybe five to 19 10 feet. Have you guys considered that at all? Have 20 you addressed that? And is it in here someplace we can 21 read it? 22 MS. NEMETH: That's a good question. I'll 23 have Paul answer the way in which the plan is addressing 24 climate change issues. 25 MR. CYLINDER: We all seem to be getting sick</p>	<p style="text-align: right;">Page 32</p> <p>1 plan with our different conservation measures. 2 With regard to operations, we need to deal 3 with and model how the hydrograph, how the river is 4 going to change behavior and therefore how the Delta 5 will change behavior and adjust the way we are looking 6 to operate the Delta in the near term prior to having 7 the separate conveyance, the peripheral conveyance. And 8 then in the long-term, with the peripheral conveyance 9 that allows for more flexibility in addressing that 10 change, hydrograph. 11 With regard to sea-level rise, there two major 12 components of the plan that address how the sea level 13 rises that is going to affect both habitat as well as 14 the water supply. With habitat, all those green blobs 15 Karla pointed out to you are all areas we're identifying 16 is the best potential for habitat restoration. That 17 means reflooding the areas that used to be flooded and 18 used to be marsh in the Delta. And prior to the levees 19 cutting off the Delta, cutting off the water from the 20 surface. 21 Because the Delta has subsided so much, 22 because the land levels are so much lower than they were 23 when there was a marsh there, you notice all those green 24 blobs are around the edge of the Delta because those are 25 the areas where we have the opportunity to flood and get</p>
<p style="text-align: right;">Page 31</p> <p>1 up here. 2 The plan, first of all, there are two major 3 effects of global warming on the Delta. One is the 4 increase in sea level, and that is the Delta is tidal. 5 The entire Delta is tidal. It's all the way up to 6 Sacramento over to Stockton. 7 And so with sea-level rise, the levels in the 8 Delta will rise. Estimates right now are about 55 9 inches over the next hundred years. Another effect of 10 climate change, at least the models are predicting right 11 now, is that we will have more rain and less snow in the 12 Sierra Nevada. Sierra Nevada is our big reservoir of 13 this State. That's where the water is stored as snow 14 and is released into our rivers and captured in our 15 dams. 16 With an increase in rain and decrease in snow, 17 that means we will have more water coming down with the 18 precipitation, with rain coming off the mountains as 19 opposed to being held in the mountains as snow for 20 longer periods. So our hydrograph, how the rivers 21 behave will change. Those are two major effects. 22 There's also an effect of temperature increase 23 on the Delta itself increasing temperatures that has an 24 effect on fish. I said two. That's three things. All 25 of those we are looking to address in the conservation</p>	<p style="text-align: right;">Page 33</p> <p>1 marsh, shallow water that will create tule marsh, 2 cattail marsh as opposed to just open water. Those 3 familiar with the Delta know there are levee breaches 4 where there's just open water in the middle of the 5 Delta. That's not the historic condition. 6 The places where we can get habitat for fish 7 are along the edges. And the way we deal with climate 8 change is to not only look for areas where the 9 elevations are proper to reflood and get the marsh but 10 also where it rises to an uplift to allow this sea level 11 rise the marsh to move. As the water rises, the marsh 12 will rise up into the other parts to have that area we 13 call an accommodation space, a space to allow for the 14 sea level rise to allow the habitats to move up slow 15 into the areas where the water is going to be higher. 16 So those are the different ways that we are 17 dealing, looking to deal with sea level rise in the 18 design of the conservation plan. I forgot one other 19 thing is water quality. 20 As Karla mentioned, the in-Delta pumping, the 21 risk of sea water intrusion to the water supply, the 22 peripheral canal facility allows for the flexibility to 23 take more water, freshwater from upstream and avoid 24 threats from the water supply, particularly with regard 25 to catastrophic loss. If we had a levee failure that</p>

<p style="text-align: right;">Page 34</p> <p>1 results in drawing sea water into the Delta and 2 threatening water supply out of those south Delta pumps. 3 We can still be taking water through that canal and 4 maintain our water supply through that type of disaster. 5 MODERATOR JONES: Frank Johnson and Steven 6 Chappell or Chappell. 7 MR. JOHNSON: You answered one of my 8 questions, Paul. The other question is: Will there 9 still be guarantees for the Suisun Marsh in regards to 10 water quality, specifically in the spring and the fall? 11 MR. CYLINDER: What we are looking to 12 accomplish here is to maintain water quality for all 13 these multiple uses in the Delta. So as Karla was 14 mentioning, fish have a need for certain quality of 15 water. People and agriculture have a need for different 16 quality of water. 17 There are standards in the Delta right now set 18 by the State Water Resources Control Board. We've been 19 modeling the Delta with water models that allow us to 20 test different ways of operating the system, and we're 21 trying to hit all three of these water goals. 22 One is flows that are beneficial to fish. 23 Another is water quality that allows for good quality 24 export water and reliable export water. And third is 25 maintaining water standards that have been set by the</p>	<p style="text-align: right;">Page 36</p> <p>1 salinity and the conditions that we're looking for. 2 MODERATOR JONES: Steven Chappell. Is it 3 Chappell? 4 MR. CHAPPELL: Chappell. 5 MODERATOR JONES: Chappell. And then June 6 Guidotti. 7 MR. CHAPPELL: Steve Chappell, the executive 8 director of the Suisun Resource Conservation District. 9 My first question is: On the map you show the 10 planning area which is the legal boundary of the Delta. 11 Yet Suisun is so unique, that it's identified as a 12 conservation area. When I look at your list of species 13 -- my first question is: Why is Suisun unique that it's 14 considered a conservation area; yet, all the river 15 systems in the Sacramento Valley are excluded? Because 16 the list of species which you've listed here, four runs 17 of salmon, steelhead, green sturgeon, are using these 18 areas up river; yet, they're excluded. Yet Suisun is 19 included. 20 I would like to know why, how that is legally 21 binding being as you're going to be identifying 22 conservation strategies that are actually outside the 23 scope of your legal planning boundary? 24 Then I have follow-up questions. 25 MR. CYLINDER: Thanks, Steve.</p>
<p style="text-align: right;">Page 35</p> <p>1 Board for areas around the Delta including Suisun Marsh. 2 MR. JOHNSON: That will be part of the plan no 3 matter what? 4 MR. CYLINDER: That is our goal is to continue 5 to meet those. Now, there are activities that we are 6 looking at, conservation measures, that are going to 7 change the -- they could change salinity conditions 8 around Suisun Marsh. If we do habitat restorations of 9 Suisun Marsh and open up areas to tidal action, that has 10 an effect on the surrounding salinity. 11 And the location of the restoration that 12 happens in the marsh has a different -- depending upon 13 where it is, in the southern part of the marsh or 14 northern part of the marsh has a different effect on how 15 it affects salinity in Suisun Bay. 16 MR. JOHNSON: How would you mitigate the 17 property owners in that case? 18 MR. CYLINDER: Again, the goal is to design a 19 program that would balance that. At this point, we 20 don't have -- we haven't worked out the details of how 21 the physical restoration and the operations can fit 22 together with Suisun. That's what we've been modeling. 23 Every time we look at a different physical 24 restoration opening up an area to tidal action, that 25 affects hydrodynamics. We model how to maintain</p>	<p style="text-align: right;">Page 37</p> <p>1 As a habitat conservation plan John described 2 earlier, we do need to start identifying what our 3 planning boundaries are, where we expect to be focusing 4 our conservation. 5 However, two areas have been identified as 6 critical of different species. We've included them in 7 identifying conservation measures. Suisun Marsh being 8 one where it's important -- it's a very important, 9 Suisun Bay in particular, to Delta smelt and longfin 10 smelt. 11 And then the other area outside of our 12 planning area that we've identified is the Yolo Bypass 13 area all the way up to the Fremont Weir. That map 14 doesn't go all the way up. We identified a conversation 15 measure to address operations up Fremont Weir to improve 16 the existing flood plain along the Yolo Bypass. 17 The measure we've identified for Suisun is to 18 help the existing Suisun Marsh management plan in 19 funding and implementing the plan that's being developed 20 already for restoration of Suisun Marsh. That's the 21 core of that conservation measure at this time as 22 described in our plan. 23 Did I answer -- going upstream. Sorry. 24 Really, to put it bluntly, it's not biting off more than 25 we can chew to go upstream and get into the issues of</p>

<p style="text-align: right;">Page 38</p> <p>1 upstream salmon and dam operations and all those types 2 of things. This is a huge undertaking to deal with 3 this.</p> <p>4 And basically, you have to draw your limit 5 somewhere. The focus here is on the divergence from the 6 Delta and the activities of those, of the agencies that 7 are involved in that, Department of Water Resources, the 8 Bureau of Reclamation and the contractors that 9 (unintelligible) water too.</p> <p>10 The focus of the plan is on the Delta estuary. 11 And for our focus on those, particularly the upstream 12 fish species, but also the important migration corridors 13 for the salmon and steelhead as well as rearing habitat 14 for salmon and steelhead. The focus really was on the 15 Delta. We didn't go out to the ocean. We didn't go up 16 the rivers. Obviously, we could keep going, but we 17 didn't.</p> <p>18 MR. CHAPPELL: I'm glad to see we are the area 19 that was been chosen to be chewed upon. I would 20 strongly encourage you throughout your environmental 21 document that you clearly explain why, when the majority 22 of the species that you're identifying, spawning habitat 23 is upstream of your focused area, yet they are directly 24 affected by your take off, why you've segregated those 25 areas outside of your planning area.</p>	<p style="text-align: right;">Page 40</p> <p>1 fish because they're affecting pumps so we're going to 2 reduce their habitat.</p> <p>3 How do you implement conservation strategies 4 to enhance remaining habitats that remain?</p> <p>5 MR. CYLINDER: A couple things there. You're 6 right about the trade-off. Because this is conservation 7 plan and we are focused on biological resources. We are 8 also focusing on the terrestrial species.</p> <p>9 The fish evaluations are out ahead of things. 10 We talked about the nonfish species. We're now up to 37 11 identified species to be covered by the plan. That's in 12 addition to those nonfish plants and wildlife, including 13 plants and wildlife in Suisun.</p> <p>14 And in fact, on Friday I'm going to be 15 recommending to the Steering Committee a recommendation 16 of the consultant team to add another 18 species of 17 plants and wildlife to the list. It could be affected 18 by these activities that we're proposing here to benefit 19 fish.</p> <p>20 We have to address those wildlife. We have to 21 make them whole too in terms of mitigating impacts of 22 those plants and animals. With regard to the trade-off, 23 I think the challenge here is that with the fish, we 24 don't have a lot of choices where to go to expand 25 habitat, to improve habitat for the fish.</p>
<p style="text-align: right;">Page 39</p> <p>1 As for the Suisun Marsh plan, I think it 2 should be more clearly explicit that there is an EIR/EIS 3 ongoing with a public draft that's going to be out. 4 It's looking at a range of alternatives. I think the 5 draft that I've seen has selectively only picked the 6 highest range as the target of 97,000 acres.</p> <p>7 I would remind you there's a five to seven and 8 a three to five which are going to go through the same 9 environmental review and scrutiny about 10 (unintelligible). It does not preclude future actions 11 from going forward if the plan objectives are done.</p> <p>12 But there's also, there's other components 13 than just tidal restoration of the Suisun Marsh plan. I 14 would focus those direct effects that, in Suisun, you 15 have existing seasonal wetlands, resource values and 16 functions that tidal restoration are going to either 17 result in direct loss of or degradation.</p> <p>18 And we're starting to now balance one wetland 19 subtidal fish habitat against seasonal wetlands that are 20 supporting other native species, migratory species. And 21 your conservation strategies have not been clear to me 22 how integration of terrestrial species -- those offsets 23 because you're trading now. We're going to trade. 24 We're going to say that water fowl, neotropical migrant 25 shore birds, resident mammals are not as important as</p>	<p style="text-align: right;">Page 41</p> <p>1 We have more flexibility with the terrestrial 2 wildlife and the seasonal restoration and habitat 3 restoration. I know it's a challenge. It's an 4 established use. But we are looking for opportunities, 5 as many as we can find, for these fish that are near 6 extinction. The Delta smelt is near extinction. 7 Longfin smelt is on decline and was just listed.</p> <p>8 That's the challenge here is to, is to have 9 that balance, as you said, a trade-off between the fish 10 and some of these seasonal wetland species. We're 11 looking to address those seasonal wetland species with 12 regard to the conservation plan also.</p> <p>13 MR. CHAPPELL: I have several others. I will 14 point out one thing: The legacy of conservation in 15 Suisun Marsh due to the landowners has presented BDCP 16 this opportunity that you have a legacy of water fowl 17 conservationists that preserve and protect those lands.</p> <p>18 I don't see anywhere in here the 19 acknowledgment that as you move forward in your near and 20 your long-term that all those lands are protected by 21 levees; yet, there is no discussion of the need for the 22 levee maintenance. In Suisun, the majority of those 23 levees are all privately maintained or publicly 24 maintained through Fish & Game.</p> <p>25 Through your conservation strategy to protect</p>

<p style="text-align: right;">Page 42</p> <p>1 those areas that are remaining, there has to be 2 long-term commitments for levee maintenance of Suisun 3 Marsh and infrastructure. If you increase salinity in 4 the infrastructure and the habitat quality decline, you 5 won't meet your objectives. 6 MR. CYLINDER: Thank you. 7 I would like to point out the relationship 8 between developing a plan that's focused on the 9 biological resources and the effort to enhance fish 10 habitat and enhance wildlife habitat, plant habitat, and 11 the impacts that result on landowners and on human 12 environment. 13 While the HCP is focused on improving the 14 habitat for these species, the environmental evaluation 15 and all those stations you see back there needs to look 16 at the effects on all of the human environment. So if 17 implementing this plan is going to have an adverse 18 effect on levees and adjacent landowners, first, we're 19 trying through this public interaction to identify those 20 and build them into the conservation plan itself. 21 If we don't, this environmental document 22 that's being put together here is going to identify 23 these other impacts and the environmental document may 24 identify additional measures that need to be taken to 25 offset or mitigate those impacts on the human</p>	<p style="text-align: right;">Page 44</p> <p>1 canal. That's never happened. 2 Today is almost 24 years that I have tried to 3 put my parcel back to tidal action. The swamp removal 4 flow 322 certain levees were let out. It would put it 5 back to my 10-foot contour line. 6 Because of Solano County Board of Supervisors, 7 because of the general plan, I have an overlay over my 8 property that I brought you letters that the attorney 9 has wrote that you cannot mitigate private property. 10 You cannot mitigate my parcel because you don't own it, 11 and the County has it for mitigation. 12 You need, from my understanding from 13 Brouchette & Crusela (phonetic), 15,000 acres to 14 mitigate. I heard, when I came here tonight, was the 15 whole Suisun Marsh. I wanted to know what bad thing you 16 were doing that you were mitigating the whole marsh. It 17 turns out that it's over towards Collinsville. 18 Before the Board of Supervisors this week, we 19 tried to stop Vision One in Collinsville. They're 20 hauling in and they're going to put a power plant in. 21 They're doing research. They're going to do all this 22 green waste hauling in. Collinsville at one time had 23 salmon. 24 Moyle did a research from 25 U.C. Davis. My parcel -- there's 32 salmon supposedly</p>
<p style="text-align: right;">Page 43</p> <p>1 environment. 2 That's why it's so important to get your 3 comments here today. That is the big part of scoping is 4 identifying what you feel are issues that we're bringing 5 up because of what's being proposed here. 6 MODERATOR JONES: June is going to speak from 7 her seat, and then Linda Schrupp. 8 MS. GUIDOTTI: June Guidotti, fifth generation 9 in the Suisun Marsh. When I first came here, I was 10 against the diversion of water. I still am. 25 years 11 ago, when Jerry Brown wanted to move that water, I was 12 all for it. 13 Because of what I lived with every day, don't 14 move the water. If you want to start with the Federal 15 sewer plant in Suisun, right now, going before the 16 Oakland Water Quality Board on April the 8th, they have 17 cyanide in the water and two chemicals, one and two that 18 I can't even pronounce the word on, that will kill our 19 fish. They're trying to find out where it's coming 20 from. 21 Originally, on the salt and saline, the fifth 22 of the salt and saline, you never did it. You never 23 connected Denverton (phonetic) to Hill Slough. They 24 were supposed to flush the Suisun Marsh with that sewer 25 water, flush it and take it down to the peripheral</p>	<p style="text-align: right;">Page 45</p> <p>1 there was no oxygen down in the water down in Grizzly 2 Island. I'm thankful that you're coming to Suisun, and 3 you're going to investigate why my parcel, 150 acres can 4 sit in the center of Potrero Hills landfill, that they 5 want to bring the biosolids up there and spread it like 6 feces and take the methane gas out of it. That 7 biosolids is coming directly from that sewer plant. 8 It's running right into the water. 9 40 years ago, we stopped the sportsmen from 10 shooting lead into the ground because of what it was 11 doing to the water. The pharmaceutical drugs that are 12 in this needs to be addressed. Why there's a commercial 13 industrial road leaking toxins going up to Protrero 14 Hills landfill that Steve Chappell can vouch for that 15 under tidal action that goes right over to the hundred 16 year flood, that goes right over to Bud Tonnesen's 17 sister-in-law's parcel that is unlined just like the 18 Solano Garbage Company is unlined. 19 If you don't start cleaning up these areas -- 20 that was supposed to be cleaned up, the Solano Garbage 21 Company. Dick Brann can tell you. Back in 1984. He 22 was knowledgeable of what was happening there. 23 Unless you're going to -- there's a blessing. 24 The District of Columbia and Washington DC filed a 25 lawsuit December the 8th. They have to sell Protrero</p>

<p style="text-align: right;">Page 46</p> <p>1 Hills. People have asked that it go back to its natural 2 environment and stop the toxins. The sportsmen filed a 3 lawsuit that they've been hauling toxins into the Suisun 4 Marsh for 23 years. It's a blessing that these lawsuits 5 have come.</p> <p>6 We have begged. I have begged the Board of 7 Supervisors to please not approve for them to haul 8 biosolids up there and do these biosolids in that 9 landfill. Because they get \$8.5 million for a tipping 10 fee just for hauling the garbage in. Steve Chappell 11 will vouch that he settled his lawsuit for more money 12 hauling garbage in.</p> <p>13 So until these issues are addressed, how are 14 you going to keep the fish alive when you continue to 15 dump toxins that are killing the water? I mean, it's -- 16 that's why I came here. I want to submit this to -- I 17 guess to your minutes, to be added to the minutes. If 18 you have any questions, my name is on there.</p> <p>19 I would really -- I saw the list for the 20 Steering Committee. I was a little upset when I knew 21 who was sitting on the Board, when I saw who was on the 22 Board. I'm glad to hear that the Federal is going to 23 step in and maybe take some of our levees out. Maybe we 24 need to restore this marsh and put it back. And good 25 luck on your project. Thank you.</p>	<p style="text-align: right;">Page 48</p> <p>1 the aquatic habitat is because there's been lawsuits 2 protecting the aquatic habitat that has interfered with 3 the operations of the State and Federal pumps. That's 4 why the focus there's the on that.</p> <p>5 As they're doing HCP and luckily NCCP under 6 the State laws, the NCCP has a provision where under 7 CEQA they have to mitigate the socioeconomic impacts of 8 the mitigations they are putting in place. They have to 9 mitigate the mitigations.</p> <p>10 For the counties and our communities here, we 11 get no benefit out of the pumps that they're talking 12 about in the south Delta. Our pumps are up here in the 13 Cache Slough that supplies Solano and Napa County. 14 There is an impact of them creating more high saline and 15 more high carbon water next to our water intakes, which 16 hasn't been explained clearly how that's going to be 17 mitigated.</p> <p>18 There is reason why we have these 19 opportunities for shallow water habitat restoration on 20 the swamp when they overflow is because this county has, 21 like the Suisun Marsh, a history of preserving these 22 areas for their intrinsic values and their production 23 act. What we are talking about is damaging the economic 24 underpinnings of many of the communities in the Delta 25 without a clear mitigation strategy for how they're</p>
<p style="text-align: right;">Page 47</p> <p>1 MODERATOR JONES: Linda and then Mike Reagan. 2 UNIDENTIFIED WOMAN: I had a quick question. 3 She brought it up. Who is on the Steering Committee? 4 How do we find out?</p> <p>5 MS. NEMETH: In your packets, there's a couple 6 of brochures. On the summary on the inside cover, we 7 list everybody there. Go over it. It's in your 8 materials. Thanks.</p> <p>9 UNIDENTIFIED MALE: It's not by name. It's by 10 agency; isn't it?</p> <p>11 MS. NEMETH: Right, by organization. I can 12 show to the website and you can get the exact name who's 13 representing the agency or entity. Thanks.</p> <p>14 MODERATOR JONES: Mike. Then Jan Rogala. 15 MR. REAGAN: Karla, since last summer, we've 16 been working on this. Secretary Chrisman has been very 17 open and receptive as we basically formed a 18 five-Delta-county coalition to actually engage because 19 what was happening in a different process, the Blue 20 Ribbon Task Force wasn't taking in some of the local 21 comments.</p> <p>22 The BDCP is one of 50, 60 processes going on. 23 It's just a subset of everything that is going on in 24 trying to figure out how to replumb California. 25 A couple of things: Basically the focus on</p>	<p style="text-align: right;">Page 49</p> <p>1 going to do that.</p> <p>2 The other thing we have is water rights which 3 are superior to those that are pumped from the south 4 Delta. And that entire concept that the areas where 5 there's natural scarcity waters, ability to draw water 6 is inferior to those whose living communities where 7 water naturally is is something that we, Napa, Yuba City 8 and Butte County and a few others are already in 9 litigation to protect. There will probably be several 10 others who will have to do that as well.</p> <p>11 One of the things missing from this plan is a 12 current plan that's going on with -- the old Reclamation 13 Board is now called Central Valley Flood Protection 14 Board. They're coming up with a plan for the levees in 15 the Delta. Not just the project levees, but the other 16 levees.</p> <p>17 Unfortunately much of their focus is to 18 identify which levees to not resuscitate if they fail. 19 For our communities, what provides the protection for 20 the water quality that we use for agricultural in our 21 municipalities is the levees that provides the 22 displacement to keep the freshwater in the area.</p> <p>23 As we lose those levees, as Frank's Tract 24 (phonetic) is a classic example, the X2 moved inward 25 when that happened. It hasn't been flushed back out.</p>

<p style="text-align: right;">Page 50</p> <p>1 We have to come to some understanding of how you're 2 going to maintain the X2 and provide the Suisun 3 Marsh with the saline you can control on the Montezuma 4 Slough which is part of the State water project, how are 5 you going to keep that freshwater to maintain the 6 functions of that 10 percent of the remaining wetlands 7 in California?</p> <p>8 You've heard this on and on and on. We've 9 done testimony. One -- we have a long and sad 10 experience with government and nongovernment entities 11 operating or owning land that they do a poor job in 12 operating and maintaining because they don't have an 13 assured source of funding to do such.</p> <p>14 The teachable moment is probably the prospect 15 (unintelligible) fish kill which was the Bureau of 16 Reclamation repairing the levees on an island they owned 17 that had failed. Fish had established themselves. 18 Fishermen followed, as is their Constitutional right. 19 We ended up having to do six rescues of fishermen who 20 were capsizing as the tides were rushing off that 21 island.</p> <p>22 The Bureau of Reclamation fixed the levees and 23 pumped the levees dry to mitigate the risk. We're 24 looking at tens, if not hundreds of thousands of acres 25 of what is now agricultural land in the Delta being</p>	<p style="text-align: right;">Page 52</p> <p>1 walls, et cetera. What we really can't get a handle on 2 is how your project, river levee projects, all of the 3 projects are going to affect the river level in the 4 Sacramento River.</p> <p>5 If you put a secondary canal or a bypass canal 6 or whatever, will it lower the flood risk or will it 7 raise it? Will the fixing of the levees lower the 8 river, or will they raise them? Sea water, this is the 9 most definitive word that we've gotten tonight. I'm 10 really grateful. First of all, you told me there will 11 be a report out shortly on sea water and global warming 12 and the affects on the river.</p> <p>13 I'm delighted to hear that. I'm not delighted 14 to hear six feet. But you know, it will have a 15 significant effect. So my question is: What's this 16 Yolo Bypass going to do to the City of Rio Vista? It 17 appears to end just about on our doorstep. You see 18 Isleton makes the corner, comes around. There's the 19 bridge. That's always been farmland. It's been highly 20 productive farmland.</p> <p>21 Rio Vista has an airport. That looks like the 22 airport may be part of the Yolo Bypass. Has a housing 23 development out there. I'm really concerned at the lack 24 of data we have. And I hope you'll keep that in mind. 25 Although I'm here tonight representing the City of</p>
<p style="text-align: right;">Page 51</p> <p>1 converted into something that if it isn't thought 2 through is going to be a nuisance.</p> <p>3 MODERATOR JONES: Jan and Jon Fadhl. 4 MS. ROGALA: Hi. My name is Jan Rogala. I'm 5 a hazard mitigation and flood planner. I have the 6 interesting job of coming up with the floodplan to 7 protect both the cities of Rio Vista and the city of 8 Isleton.</p> <p>9 Last month, I went to a meeting on the levee 10 repair where I learned that 10,000 linear feet of levees 11 were being repaired this year; had been last year; 12 probably next year. And these projects started at 13 Tehama, and they ran all the way to the Bay. Along with 14 that, they gave me a map of erosion areas.</p> <p>15 Your project and those erosion areas intersect 16 dramatically. I don't know if this -- this was called 17 the Sacramento River Bank Protection Project. Our 18 questions at the Bank Protection Project is, of course, 19 you know the lower part of the river floods less if the 20 Yolo Bypass works well, and if a levee or two breaks 21 north of us and takes some of the stress off from 22 Rio Vista.</p> <p>23 Part of the levees they're repairing are 24 across the river from Rio Vista. Rio Vista has no 25 levee. Rio Vista is considering many options, flood</p>	<p style="text-align: right;">Page 53</p> <p>1 Rio Vista, the City of Isleton has the same problem. 2 They are protected by levees. They are 3 considered Delta number two. Not a primary Delta, but a 4 secondary. So they have -- the one thing that we 5 discovered at the last meeting is that the Army Corps of 6 Engineers believes that levees should not have 7 vegetation on them. There's a whole movement opposing 8 that, et cetera.</p> <p>9 But how does that affect your habitat, how 10 does that affect the runoff? I think all the projects 11 need to intercommunicate. And you all need to let us 12 know how it's going to affect these two little tiny 13 cities that I heard described, you know, kind of as Don 14 Quixote tilting at windmills because we are not a 15 priority.</p> <p>16 So that's my comment. I hope you'll keep us 17 in mind.</p> <p>18 MODERATOR JONES: Jon. 19 MR. CYLINDER: Just one comment on the Yolo 20 Bypass and what we've identified as a potential 21 conservation measure there. Right now, the Yolo Bypass 22 serves as a flood bypass protecting a lot of urban 23 areas. And we're not really looking to change that 24 function at all.</p> <p>25 What we're looking to do, though, is to</p>

<p style="text-align: right;">Page 54</p> <p>1 provide more flexibility in the operation of the Fremont 2 Weir. Right now, the Fremont Weir is simply an elevated 3 area that the water can spill over when the Sacramento 4 River gets to a certain stage and flood into the Bypass 5 and take the head off the Sacramento River as it comes 6 down past the city of Sacramento.</p> <p>7 Our proposal, recommended conservation measure 8 at this point, is to put operable gates into the Weir, 9 keep the Weir at the same height. But allow those gates 10 to open such that we could take the head off the 11 Sacramento River at a lower stage to be able to more 12 frequently put water into the bypass for the benefit of 13 fish.</p> <p>14 There's research that has shown that this 15 flood plain habitat, if you can keep it flooded long 16 enough is -- provides tremendous benefit to Sacramento 17 splittail as well as to Chinook salmon. The opportunity 18 here is to take an existing flood plain and re-operate 19 it so that it floods a little bit more frequently and a 20 little big longer period of time without having any 21 adverse effects on the flood control.</p> <p>22 Obviously, we need to work and have been and 23 will continue to work with the Corps of Engineers who is 24 our newest member of the Steering Committee in making 25 sure that nothing we do results in any adverse effect on</p>	<p style="text-align: right;">Page 56</p> <p>1 environment, both positively and negatively.</p> <p>2 As part of the analyses that are being 3 undertaken as part of looking at the various 4 alternatives as well as the proposed project, those 5 types of modeling tools are being applied. They're 6 being critically reviewed by others involved with flood 7 control risk and those types of issues.</p> <p>8 And they will be part of the environmental 9 documentation that will be available to the public to 10 review to see how those issues were addressed, to see 11 what the results of the various alternatives would be on 12 those kinds of risks, and to see how those risks are 13 being handled as part of the overall conservation 14 strategy.</p> <p>15 MR. FADHL: My name is John Fadhl. I happen 16 to farm and reside within the defined primary Delta. 17 One of the concerns that I have as a Solano County 18 resident, it has become very important to our residents 19 to protect our agricultural lands. Within that 20 protection, we have city-centered growth.</p> <p>21 Consequently, our tax basis within the 22 unincorporated area is far behind those of other 23 counties. When we decided that Solano County is going 24 to become a mitigation sink, bank, whatever you want to 25 call it, we're going to impose and lose some of that tax</p>
<p style="text-align: right;">Page 55</p> <p>1 flood control ability.</p> <p>2 MR. HANSEN: Just to help address your comment 3 a little bit because it is an absolutely important 4 consideration. Flood control is one of those issues 5 that needs to be evaluated as part of this EIR/EIS 6 process. The hydraulics that occur in the Sacramento 7 River are influenced by a variety of factors you point 8 out. Levees, a whole host of land uses.</p> <p>9 One of the things we are contemplating is what 10 would be the effects of various types of habitat 11 modifications that would benefit fish through additional 12 inundated areas, both seasonally inundated as well as 13 permanently inundated, and how will that change the 14 hydrodynamic conditions within the River and the area 15 around Rio Vista, Isleton, that whole reach.</p> <p>16 So as part of our process, there is a whole 17 team of engineers, scientists, modelers, who are all 18 devoting their attention to developing the tools that 19 will allow us to look over a whole period of hydrologic 20 record to evaluate what the effects of these various 21 projects would be on the flood risk as well as the 22 hydrodynamics, the tidal circulation, the salinity 23 patterns, all of those various processes that are of 24 importance to you, but they're also of importance to us 25 to better understand how this program may affect the</p>	<p style="text-align: right;">Page 57</p> <p>1 revenue that is already very valued.</p> <p>2 I'm sure some of the other five Delta counties 3 are going to see that same thing when the benefit of the 4 counties from the south are going to get that higher 5 water quality that they so desire and need, but coming 6 back to it, we're going to pay that because as residents 7 of these five counties our tax base is going to get 8 eroded, and we've got to make up those funds somewhere 9 else.</p> <p>10 I think that needs to be considered to where 11 those funds are going to come from. Obviously, as a 12 farmer affected by this stuff, I may lose part of our 13 property to pay those kind of impacts. The other thing, 14 I think that some of your government agencies -- I know 15 this was slightly addressed tonight. There's a 16 conflict.</p> <p>17 When I was looking at a USGS, I believe it is, 18 document, they're saying that when you do flood 19 inundation of a Delta levee, that you create an 20 anaerobic environment. I'm trying to understand how a 21 fish can survive, that we are trying to protect, in an 22 anaerobic environment because of the peat soils we have 23 out there.</p> <p>24 The other thing that I have is with this 25 raceway off to the east there taking a lot of that</p>

<p style="text-align: right;">Page 58</p> <p>1 northern Delta water down to the south, it's bypassing 2 the Solano County water intakes. I have grave concerns 3 what that's going to do to my water quality. I see 4 we'll have some sea water intrusion.</p> <p>5 Likewise, when that water goes down there, if 6 you're saying that the snow pack is going to be less and 7 less and less and we're going to have more water flowing 8 through this region, where is the down-range storage 9 capacity when we have an abundance of this high-quality 10 water.</p> <p>11 I realize it's outside the project scope, but 12 there needs to be some sort of mention within the 13 project scope that the expectation is that those 14 downstream will all take responsible actions for 15 containing that water when it's good quality.</p> <p>16 Thank you.</p> <p>17 MR. HANSEN: Let me address a couple of points 18 you made. I'm going to focus really on the water 19 quality issue, the anaerobic conditions that you 20 describe. When we're looking at these various kinds of 21 restoration projects, the circulation patterns that 22 occur within a seasonally inundated or permanently 23 inundated area are going to be important in terms of 24 dissolved oxygen concentrations, how they affect the 25 growth of tules and other vegetation. What that does to</p>	<p style="text-align: right;">Page 60</p> <p>1 The kinds of comments and the questions you pose are 2 absolutely on target. Part of the purpose tonight is to 3 hear those kinds of comments so they can be incorporated 4 into the analyses for the EIR/EIS, but they can also be 5 incorporated into our thinking as we're looking at the 6 alternatives and fine-tuning and making some of these 7 decisions to help us move forward with avoiding the kind 8 of adverse circumstances that you pose and generating 9 the kind of benefits that we hope this panel will 10 actually achieve.</p> <p>11 MODERATOR JONES: Okay. Richard Brann. 12 MR. BRANN: I have three questions. And it 13 may have been addressed before. Basically, I want to 14 know what is the authorization for this study? Where 15 did it come from? From the Legislature? From the 16 Executive Administrative Directive or some departmental 17 activity?</p> <p>18 Second question is: Are you also studying 19 desalination as aggressively as you are studying this? 20 Southern California certainly ought to be using 21 desalination. Israel does. There's no reason why 22 Southern California shouldn't instead of taking Northern 23 California water.</p> <p>24 My third one is: Are you aggressively 25 studying the interface of -- we're going to have rising</p>
<p style="text-align: right;">Page 59</p> <p>1 the water quality within that specific region as it 2 affects those conditions and habitat suitability for 3 various fish.</p> <p>4 We don't want to create conditions that are 5 going to be anaerobic for a couple of reasons. One, as 6 you point out, it's not going to provide the kind of 7 fishery benefit that we want. The second issue that 8 gets interrelated here is that in many of these areas, 9 there are legacy constituents like mercury that are 10 endemic to the soils and change their chemical nature 11 under those conditions of anaerobic water. Becomes 12 methylated mercury. Becomes more toxic.</p> <p>13 Again, that's a circumstance that we're 14 looking at critically in terms of this north Delta 15 habitat, what effects these sorts of projects would have 16 on that. That will all be part of the decision-making.</p> <p>17 As I mentioned earlier, we're developing 18 hydrologic simulation tools to be able to answer your 19 questions about what will these projects do in terms of 20 changing the circulation patterns in the area of the 21 intake, what will they do in terms of changing the tidal 22 hydrodynamics, and what kinds of outcomes would we 23 expect in terms of salinity as a response to these kinds 24 of conservation measures.</p> <p>25 So we're in the early part of that analysis.</p>	<p style="text-align: right;">Page 61</p> <p>1 tidal from the earth warming? Are you addressing the 2 concerns there, and how that's going to affect the whole 3 --</p> <p>4 MS. NEMETH: In response to your first 5 question, the impetus for this conservation plan is a 6 voluntary process that water agencies essentially signed 7 up to do as a way to seek regulatory compliance under 8 the Endangered Species Act. It's not mandated by law.</p> <p>9 But folks need to have permits so they have 10 voluntarily chosen to enter into this kind of a planning 11 process to achieve that.</p> <p>12 MR. BRANN: You are aware that the Peripheral 13 Canal was voted down by the people of California once? 14 MS. NEMETH: I certainly am, sir. In response 15 to developing other kinds of water supplies, Keith might 16 be able to provide some perspective in the bigger 17 California water picture.</p> <p>18 MR. COOLIDGE: Sure. Southern California is 19 actually actively investigating sea water desalination. 20 There's an ongoing pilot study in Long Beach, another 21 large plant proposed for Carlsbad down in San Diego 22 County working with a private corporation called 23 Poseidon Resources.</p> <p>24 They have also looked at co-locating a plant 25 in the City of Huntington Beach which is right next to</p>

<p style="text-align: right;">Page 62</p> <p>1 an electric-generating plant. They would like to be 2 able to use both the intake and power plant location to 3 help keep costs down. There was a plant that was put in 4 in there in Santa Barbara during the last drought. 5 They had no other source. They built a 6 desalination plant. When the drought ended it, they 7 dismantled it and tapped into the State water project. 8 So they have come and they have -- it is actively being 9 considered. The State of California through the 10 Department of Water Resources through the Integrated 11 Regional Water Management program has been offering 12 grants to help facilitate these studies. 13 The Metropolitan Water District of Southern 14 California, the large wholesale agency that governs six 15 counties down there, has been offering local assistance 16 to their member agencies to help them study and move 17 forward with desalination. They are also looking not 18 just at sea water desalination but water recycling, 19 taking wastewater, putting it through -- there's a large 20 project that came online in Orange County called the 21 Groundwater Replenishment System. 22 They are taking secondary treated water from 23 the sanitation district. Putting it through reverse 24 osmosis through filters. Treating it with ultraviolet. 25 And just to be triply sure, they are piping it upstream</p>	<p style="text-align: right;">Page 64</p> <p>1 farmer here in Suisun Valley. I have a question for the 2 gentleman over there. I heard you guys do studies and 3 doing the studies up and down mitigating for habitat, 4 everything like that. 5 As a farmer and are you going to go to getting 6 the water up north, bringing it down here and going down 7 south and you said in the future, there's going to be 8 more rain than snow. The snow has more density get down 9 to the dams. 10 If you're not going to have snow, you're going 11 to have more water. That precious cup of glass that 12 you're drinking there, Karla, is the most expensive 13 drink because I wonder -- and that water is going to 14 somewhere. And to say to you, sir, why is the cost of 15 desalination plants versus all the other kinds, 16 reclaimed water versus a dam, and what cost -- I haven't 17 heard about that -- of getting a dam there and catching 18 that water, and we can let it down. Getting nature's 19 water, the cleanest for that. 20 And desalination, what cost is that? I would 21 like to go down to the bottom line. And you're not 22 getting down to the bigger costs. You have all these 23 wonderful things about the habitat. The rain water is 24 the best form. Is it -- which is the best form to 25 clarify and clean: Reclaimed water or desalination or</p>
<p style="text-align: right;">Page 63</p> <p>1 and percolating down into their groundwater basin where 2 it begins to be pulled up no earlier than six months. 3 They're using all kinds of filtration to treat 4 that and pull that out. They really are doing a lot of 5 work down there to be regionally self-sufficient. There 6 plea through the Bay Delta process is to be assured on a 7 amount of water that they can count on from the State 8 and they will go find and develop the rest. 9 MS. GUIDOTTI: Can I have a question to 10 clarify something that Dick Brann said, that the people 11 voted down the peripheral canal? To my understanding, 12 it was approved. But all they had left to do is that 13 the people wanted them to take their own canal. Is that 14 wrong? I mean, they didn't want it -- their own water 15 in a different canal, but it actually was passed? 16 MS. NEMETH: I don't think so, no. 17 MS. GUIDOTTI: I know it was voted down. I 18 think I remember hearing it was approved, but the people 19 wanted them to use their own canal for this water to 20 Southern California. Not true. You don't know? 21 MS. NEMETH: I don't think so. 22 MS. GUIDOTTI: Okay. Thank you. 23 MODERATOR JONES: Okay. Last call. Any 24 questions? Okay. Yes, sir? 25 UNIDENTIFIED MALE: Neil (unintelligible),</p>	<p style="text-align: right;">Page 65</p> <p>1 just cleaning when it's caught by a dammed reservoir? 2 And why aren't we getting more up and down the mountain 3 ranges north and go to L.A. and not take away from 4 Northern California farmers and the people. 5 MR. COOLIDGE: Let me see if I can -- I'm 6 going to address those, I think, in reverse order. 7 When we're talking about relative costs, sea 8 water desalination is about -- the lowest estimates I've 9 seen are about \$1,200 an acre foot. Put that in 10 perspective, a family of five uses an acre foot of water 11 in an urban setting every year. Your water bill is 12 about \$1,200. 13 Plus treatment, plus moving it. That equates 14 to -- 15 MR. RIZZI: That's using your existing 16 technology, not using natural desalination. 17 MR. COOLIDGE: Absolutely. That's existing 18 technology, best estimates. The groundwater 19 replenishment program that I talked about taking 20 reclaimed water which has about a tenth of the salts 21 that sea water does, it is easier to treat. That's in 22 the neighborhood of 550 to \$600 an acre foot. 23 When we look at things like brackish water 24 desalination, actually taking groundwater that has a 25 high salt content but less salty than sea water and</p>

<p style="text-align: right;">Page 66</p> <p>1 reclaimed the water, I'm in the neighborhood of 3 to 2 \$400 an acre foot.</p> <p>3 The unblended cost of State Water Project 4 Water in Los Angeles and you pay for the State project. 5 There's a certain component you pay for energy and for 6 just the cost of water and the transportation through 7 the facilities. There's also energy. So Southern 8 California, because they have to pump it over the 9 Tehachapis, pays the most.</p> <p>10 I believe that's in the neighborhood of \$250 11 an acre foot by the time it gets down there. The local 12 sources, the Colorado River Aqueduct was built a long 13 time ago. That's in the neighborhood of \$130 an acre 14 foot. The Los Angeles Aqueduct from Owens Valley, 15 somewhat less than that. And pure pristine groundwater 16 is the cheapest source for them. By the time you figure 17 energy costs, it's around \$100 an acre foot.</p> <p>18 But as Southern California learned early on, 19 groundwater you have to treat very much like your 20 checking account. If you don't make regular deposits, 21 you're not going to be making regular withdrawals. 22 That's why they've gone to diversifying their system.</p> <p>23 MR. FADHL: What is the cost of that water as 24 it enters the Delta estuary? What's the cost coming 25 in?</p>	<p style="text-align: right;">Page 68</p> <p>1 go to the back of the room because many of the comments 2 we heard are exactly the types of questions that should 3 be posed to the environmental crew back there.</p> <p>4 Because of the protocols of the official 5 environmental process, they're not necessarily there to 6 answer your questions. These folks will stay, and they 7 will. But they do want to hear your comments and your 8 concerns. So with that, we thank you and thank you for 9 coming. Continue on in the back of the room.</p> <p>10 (Whereupon, the presentation was concluded at 11 8:19 p.m.)</p> <p>12 ---oOo---</p> <p>13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 67</p> <p>1 MR. COOLIDGE: It would depend I think to Sac 2 Valley farmers, I am not sure, but it is less than 20 or 3 \$30 an acre foot. And the other thing to keep in mind, 4 as we've talked about, global warming. The loss of 5 Sierra snow pack, perhaps as much as a third of the 6 Sierra snow pack lost over the next 50 years. You are 7 going to see more high-volume floods and more prolonged 8 draughts.</p> <p>9 It really means surface storage, additional 10 surface storage is going to be very important. You need 11 to be able to capture those storm flows when they hit, 12 hold them, and that is surface storage. Slow the 13 releases and allow the percolation of underground 14 storage, below-ground storage, as the Governor like to 15 talk about.</p> <p>16 It's really an interlocking system. We really 17 do have a lot of work to do. This was a Delta Vision 18 recommendation. You're going to have to look at all the 19 pieces of the puzzle. You can't just pick and choose 20 because if the system is going to work, it is dependent 21 on each and every other piece of the puzzle.</p> <p>22 MODERATOR JONES: With that, I thank you all 23 for your comments. They were very insightful. Some of 24 them were even new and unique to this area because it's 25 a unique area. I would like to invite you to remain and</p>	

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<div>Page 2</div> <p>MS. LINDA DORN: My name is Linda Dorn, D-O-R-N. I'm with Sacramento Regional County Sanitation District. I want assurance that all impacts to the Sacramento Region caused by the proposed plan will be and must be fully mitigated.</p>	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<div>Page 3</div> <p>--o0o--</p> <p>I, ANGELICA R. GUTIERREZ, a Certified Shorthand Reporter of the State of California, duly authorized to administer oaths, do hereby certify:</p> <p>That I am a disinterested person herein; that the proceeding was reporter in shorthand by me, ANGELICA R. GUTIERREZ, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.</p> <p>ANGELICA R. GUTIERREZ CSR #13292</p> <p>--o0o--</p>	

1 BAY DELTA CONSERVATION PLAN
2 ENVIRONMENTAL IMPACT REPORT (EIR)
3 AND ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS
4

5
6 MARCH 19, 2009
7 BDCP PRESENTATION
8 1:53 P.M.
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11 HYATT REGENCY
12 1209 L STREET
13 SACRAMENTO, CA 95814
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24 REPORTED BY: LISA L. JONES, CSR 12982
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<p style="text-align: right;">Page 2</p> <p>1 KEITH COOLIDGE: My name is Keith Coolidge. 2 I'm the chief deputy director of the Bay Delta Program 3 that involves Cal Fed and Delta Vision Process, part 4 of the development of the Bay Delta Conservation Plan. 5 As I know, looking around the room, many of you have been 6 through all of these as well. 7 We're here today really to focus on a couple of 8 things. This is a scoping session. It's part of the 9 environmental review process, so we are looking for 10 scoping comments to help with the contents and analytical 11 methods for the EIR/EIS. We are looking for comments 12 that will help us identify areas of concern, issues of 13 concern, we want to broaden and better focus potential 14 alternatives. And then lastly, we want to identify other 15 sources of information, so that as we go through this 16 process, we really cover the widest range possible. 17 And you've already been engaging in some of 18 that in the other room, going from station to station, 19 being able to talk with the people who are actually 20 technical experts in each of these areas, and they're 21 taking comments and making them a part of the record. 22 And then what we're going to do in here, is 23 talk a little bit about the broad overview of the Bay 24 Delta Conservation Plan, the development of the 25 conservation plan. And Karla Nemeth, who has been</p>	<p style="text-align: right;">Page 4</p> <p>1 after this presentation, get one of those cards, fill it 2 out, and get it back to Rebecca or Janet, so that we can 3 sort of better arrange how people are going to talk. 4 Again, my name is John Engbring. I am with the 5 U.S. Fish and Wildlife Service. I'm the assistant 6 regional director for water and fish. We, in fact, are 7 one of the agencies that will be reviewing this Bay Delta 8 Conservation Plan, the habitat conservation plan, to 9 eventually -- the desire is to eventually issue a permit 10 to go forward. And on the state side, the California 11 Department of Fish and Game, will also be reviewing this 12 under the -- what's called the NCCP, the state 13 counterpart to the federal process. 14 We are here to gather comments to the greatest 15 extent. We want to try to make sure there's 16 interactions. We want to try to answer questions, but 17 primarily we want to make sure that folks get their 18 comments into us, so that we can use those in the EIR/EIS 19 process. The stations next door is where you can go and 20 speak individually with folks that are familiar with 21 specific issues. 22 The reason we're here is that, as the water 23 projects in the Delta pump and move water through the 24 Delta, there are listed species, threatened and 25 endangered species, like the Delta Smelt and Salmon that</p>
<p style="text-align: right;">Page 3</p> <p>1 working hard on that, is going to go through that in more 2 detail. This is all an effort that's being led by the 3 Department of Water Resources, Bureau of Reclamation, 4 U.S. Fish and Wildlife and the National Marine Fishery 5 Service, they're doing it with the cooperation with Fish 6 and Game, the U.S. EPA, the Army Corp of Engineers, so we 7 are really loaded with lots of bureaucrats here today. 8 They're all representing agencies that are 9 trying very hard to make improvements in the Delta, both 10 for the ecosystem and for the reliability of the State's 11 water supply -- (inaudible) in the State of California. 12 One person who I want to introduce is the 13 Secretary for the California Natural Resources Agency, is 14 Karen Scarborough, in the back of the room. She has been 15 serving as the chair for this effort, and has devoted the 16 last two and a half years of her life to moving this 17 process forward and helping us get where we really all 18 need to be. With that, I want to turn the microphone 19 over to John Engbring. John is with the U.S. Fish and 20 Wildlife Service, federal partners in this effort to talk 21 a little bit about how they're engaging. 22 JOHN ENGBRING: Thank you, Keith. Actually, 23 before I forget, there are comment cards in the audience. 24 I think Janet has got some and Rebecca has some. If 25 anybody wants to come up and comment or ask a question</p>	<p style="text-align: right;">Page 5</p> <p>1 are actually killed by pumping actions and by other 2 activities. 3 It's illegal to kill and threaten our native 4 species, but there is a permitting process where a state 5 agency can apply to the federal agencies, the Natural 6 Marine Fishery Service and the U.S. Fish and Wildlife 7 Service, to get what is known as instant take permit. 8 What it does is authorize that agency to move forward and 9 conduct activities without the threat of lawsuits. 10 Before they can receive that permit, however, 11 one of the requirements is that they prepare a habitat 12 conservation plan, and in that conservation plan, they 13 have to describe the actions that are taken, the effects 14 of those actions on these threatened and endangered 15 species, and what they're doing to lessen those 16 effects -- (inaudible) -- conservation. 17 So we, the Fish and Wildlife Service, and the 18 Natural Marine Fishery Service for salmon, have to look 19 at those actions and we have to make certain that those 20 activities do not jeopardize the continued existence of 21 those species. Once we have gone through that review, 22 that analysis, we can then move forward and issue the 23 permits. So we're very early in the stage right now. We 24 haven't seen the conservation plan yet. We haven't 25 conducted all of the analysis of the plan.</p>

<p style="text-align: right;">Page 6</p> <p>1 I would like to encourage folks after this 2 presentation to move back into the other room, make sure 3 we gather as many of your comments as we possibly can. 4 I think that's -- anything else we need to go 5 over? Again, welcome here, and I'll turn it over to 6 Karla. 7 KARLA NEMETH: Thanks, John. Welcome 8 everybody. I'm glad to be here and glad to see so many 9 new faces coming out in Sacramento. 10 As John mentioned, my name is Karla Nemeth. 11 I'm with the California Natural Resources Agency. The 12 Resources Agency is the convener of a steering committee 13 that's helping to guide the development of the plan. 14 That steering committee includes water agencies that 15 provide water supplies to communities and farms from the 16 Bay Area down to San Diego and throughout the Central 17 Valley. It includes environmental organizations, 18 California Farm Bureau and other folks. 19 Every one around that table has acknowledged 20 that it's a major challenge to restore an ecosystem in an 21 environment such as the Delta. It's home to half a 22 million residences and businesses. It's home to a 23 vibrant agricultural economy, a recreational economy, and 24 we need to be balancing the restoration efforts and the 25 water supply reliability efforts with the needs of folks</p>	<p style="text-align: right;">Page 8</p> <p>1 there in the north, to the San Joaquin, coming in the 2 south and out to the Bay. Water supplies are conveyed 3 through the Sacramento River, through the Delta, down to 4 the state and federal water project pumps. The courts 5 have said, based on these record low populations of fish 6 species, they've identified that the flow of water, 7 moving through the Delta, impacts these fish species. 8 And as a result, for example, we are not allowed to 9 operate the pumps when the fish are in this vicinity here 10 in the Southern Delta. 11 Typically, when we have these kinds of 12 conflicts between water for human use and environmental 13 use, we propose a project and we try to mitigate, we try 14 to off set the damage to a specific species on a species 15 by species basis to meet Endangered Species Act and 16 California Endangered Species Act requirements. But what 17 these laws allow for is what's called conservation 18 planning, and under the Endangered Species Act it's 19 called a Habitat Conservation Plan. California has a 20 separate law, called the Natural Communities Conservation 21 Planning Act, that also allows for conservation planning 22 approach to endangered species compliance. 23 And at the heart of conservation planning, is a 24 conservation strategy, that's a suite of actions 25 implemented over time collectively that contribute to the</p>
<p style="text-align: right;">Page 7</p> <p>1 living in the Delta. 2 The secretary of resources is engaging with 3 elected officials from the Delta counties to get them 4 involved in a formal way in the process, to help keep the 5 counties whole as we continue to move through the 6 development of the conservation plan. Again, as John 7 indicated, the goal of today's presentation is to provide 8 an update on where we are in the development of the plan. 9 I'm not going to have all the details about it for you 10 today. Our expectation is that we will have a 11 preliminary draft of the conservation plan available this 12 summer. So I'm going to do my best to answer your 13 questions. 14 We've got folks who are working on the plan. 15 Paul Cylinder is a lead consultant on the plan. We're 16 going to try and answer your questions about it for the 17 purposes of helping to provide good input into the 18 EIR/EIS process. So why are we here today? As many 19 folks are aware, native fish species in the Delta have 20 experienced some record low populations, and that has 21 threatened the reliability for water supplies for about 22 25 million Californians and hundreds of thousands of 23 irrigated agriculture in the state. 24 Also, as many folks are aware, water naturally 25 moves through the Delta through the Sacramento River</p>	<p style="text-align: right;">Page 9</p> <p>1 recovery of species. It's based on the best available 2 science and allows opportunities for new science through 3 monitoring and adaptive management to inform the process 4 and to inform the implementation of the plan for the 5 betterment of the species. 6 There are lots of other elements that are 7 required in the conservation plan that are critical to 8 its success; that includes funding, how do we provide a 9 stable funding stream to implement the plan over time? 10 Who implements the plan? And again, this issue of 11 adaptive management in making sure that science is 12 continually informing the plan implementation. 13 So at the end of the day what is this going to 14 look like? It's going to look like a plan that outlines 15 specific actions taken over time and implemented in 16 exchange for the commitment and the funding to implement 17 that plan, permitting that John mentioned, would be 18 issued by the federal and state fishery agencies for the 19 take of endangered species. 20 In this plan we have two objectives and that is 21 stable and healthy fish populations and water supply 22 reliability. We're looking to balance the needs of -- 23 for human use with water supply and environmental use of 24 water supplies. The bulk of my presentation today is 25 going to be on what's the heart of the conservation</p>

<p style="text-align: right;">Page 10</p> <p>1 strategy? What's our thinking to date on it? That 2 includes this Chapter 3 up there, which is the 3 conservation strategy, that's one chapter of an entire 4 conservation plan.</p> <p>5 As I mentioned earlier, there's really critical 6 elements that still need to be developed, that will help 7 make the plan successful. The focus of our plan, it's an 8 aquatic conservation plan. The focus of our plan is on 9 several threatened endangered fish species. I'm going to 10 go into some detail on our approach to contributing to 11 the recovery of those fish species.</p> <p>12 We really based this plan on decades of science 13 that have been developed through the CALFED process, and 14 what we've done is, we've taken a look at what are the 15 measures by which we can determine the effectiveness of 16 the plan? What are our biological goals and objectives 17 that will tell us when fish species are actually 18 recovering as a result of the actions we're taking? That 19 includes things like measurement of their survival, their 20 distribution through the Delta system, their growth rate, 21 their mortality. What we've done is identify the 22 stressors on all of those things.</p> <p>23 I mentioned earlier, I had a graphic example of 24 the stress of water conveyance facilities and water flows 25 on the fish species, but science is telling us that it's</p>	<p style="text-align: right;">Page 12</p> <p>1 In the long term, we're looking at a canal. 2 We're looking at adding diversion points off the 3 Sacramento River, in the northern part of the Delta and a 4 canal with an eastern alignment around the Delta that 5 connects to the pumps.</p> <p>6 There are several ways in which we are looking very 7 intensely about how these facilities would be operated to 8 help support the recovery of fish species. And in a 9 general sense, in a conceptual sense, what we're looking 10 at is this north/south movement of water that is 11 currently dictated by the way we convey water from the 12 Southern end of the Delta.</p> <p>13 How do we create a situation that's more 14 natural, that more naturally resemble the flow pattern of 15 the estuary, and that's really an east/west movement of 16 water. There are a couple of key operational measures 17 that we're considering, which help us to answer this 18 question. How much water does the estuary need? How 19 much water do fish need? And the ways in which we are 20 thinking about that is, what's called bypass flows. So 21 how much water would we need to bypass a new diversion 22 point to transport food, to provide enough volume, to 23 maintain the right temperature of water, right salinity 24 of water, as well as appropriate levels for migratory 25 corridors for fish species.</p>
<p style="text-align: right;">Page 11</p> <p>1 a much more complicated process for the fish. If we want 2 to recover them, we're going to need to do other things, 3 and that includes some of the stressors that we've 4 identified, as a lack of suitable habitat for spawning 5 and rearing of fish species, lack of food for fish 6 species. Some of the other stresses include water 7 quality, toxics in the water, presence of invasive 8 species, all of these things taken together, need to be 9 addressed if we are to achieve this goal of contributing 10 to the recovery of species.</p> <p>11 Again, I think the important message here is 12 that we're looking at something that is more holistic, is 13 more comprehensive to achieve the goals of this plan. So 14 some of our ideas to date -- let's take the water 15 conveyance facilities and their operations first. In the 16 near term, we're looking at ways that we can help solve 17 this issue in the Southern Delta, where water is moving 18 through the Southern Delta and creating a problem for 19 fish in a way that the water is being pulled down to the 20 pumps. A couple of conservation measures that we 21 identified, include putting gates in the channels that 22 supply water to the pumps that can be opened and closed 23 seasonally, depending on the presence of fish. That's 24 something that we're looking at doing in the near term, 25 that means in the next 5 to 15 years.</p>	<p style="text-align: right;">Page 13</p> <p>1 We are also looking at out flows. How much 2 water needs to be moving out into the San Francisco Bay? 3 What's required to help fish species recover?</p> <p>4 We are also taking a look at habitat 5 restoration. As I mentioned before -- let me pause and 6 make the point that, the notion is with all of these 7 conservation measures, none of them individually will be 8 as effective as if we did them all together. So what 9 we're really looking at again, is a sweep of individual 10 measures that are implemented systematically through 11 time, together, to achieve this goal of recovery.</p> <p>12 So we're looking at three different kinds of 13 habitat restoration in the Delta. One is flood plain 14 restoration, the other is tidal marsh restoration, that's 15 growing cattails and tules, and the other is providing 16 some restoration along the channel banks in the Delta.</p> <p>17 What we're looking at right now is specific 18 conservation measures in the Yolo bypass area, putting a 19 notch in the Fremont Weir and diverting Sacramento River 20 supplies so that we can inundate more frequently the 21 flood plain in this area to provide spawning and rearing 22 habitat for fish. We're also looking at, in the near 23 term, in this 5- to 15-year time frame, tidal marsh 24 restoration in the Cache Slough, in the Suisun Marsh and 25 here in the Western Delta.</p>

<p style="text-align: right;">Page 14</p> <p>1 Over the longer term, in the next 15 years out, 2 we're looking at restoration in the eastern portion of 3 the Delta, here in the Southern portion of the Delta. In 4 terms of channel margin restoration, that restoration of 5 the banks along the banks in the Delta, we're looking at 6 Steamboat and Sutter Sloughs in this area, some along the 7 San Joaquin River, additional flood plane restoration in 8 the San Joaquin River.</p> <p>9 And common sense would tell us, if we're going 10 through all this trouble of trying to determine how flows 11 and habitat interact with events of fish, we sure don't 12 want to be doing it in a place where there's invasive 13 species that are either disrupting the food web or are 14 predators for the fish species that we're trying to 15 recover. So the key element of this is identifying 16 conservation measures to more aggressively remove those 17 species, for example, or address localized water quality 18 issues that are impacting the survivability of the 19 species. That will be -- those will be completed 20 strategically throughout the Delta as we continue to 21 identify the habitat restoration opportunities.</p> <p>22 So where are we in this process? We've 23 identified approximately 50 conservation measures that we 24 are conducting further analysis on. This information is 25 available on our website, that's www.resources.ca.gov.</p>	<p style="text-align: right;">Page 16</p> <p>1 plan. At the end of 2009, we will have a draft public 2 plan, conservation plan, that will include this strategy.</p> <p>3 Where we are in the process, today we're at 4 scoping meetings, March, 2009. We're doing some ongoing 5 outreach. We have steering committees, and every other 6 week, those are open to the public. We invite folks to 7 come and listen in on the discussion, make comments at 8 the end of those meetings so that folks can get engaged 9 and hear some of the ideas that are being considered.</p> <p>10 Our expectation is that we will have a 11 preliminary draft of the full conservation plan available 12 this summer. We will take that plan out into the 13 communities to help them understand what's in it and why, 14 get some input on that plan. In advance of our 15 expectations for a draft public plan, that we're required 16 by law to release that plan, provide opportunities for 17 comment and respond to those comments.</p> <p>18 Our expectation is that we would have a final 19 draft conservation plan in June of 2010. And as a result 20 of that plan, and the state and federal fishery agencies 21 would make decisions, permit decisions, to allow the 22 operations of the state and federal water projects, based 23 on the implementation of the conservation plan. And as 24 folks have been reminded, we are here in the 25 environmental review setting to provide scoping comments</p>
<p style="text-align: right;">Page 15</p> <p>1 There's several documents here. If you're interested in 2 further reading, if you catch me after, I can make sure 3 you've got all the right information.</p> <p>4 Where we are is continuing to identify and 5 analyze specific conservation measures that will make up 6 this strategy. There are a lot of additional evaluation 7 that we need to complete. We need to understand how cost 8 effective these measures are. Critically important is, 9 biological evaluations of these measures. What can we 10 expect to achieve to -- (inaudible) -- species recovery? 11 How sure are we that we can achieve it?</p> <p>12 Again, this process is based on the best 13 available science. We are going to have some 14 conservation measure where we have a fair amount of 15 certainty, that if we do these actions it will achieve a 16 particular level of recovery. Other measures we know 17 less, and we will need to approach slightly differently. 18 We also need to do an impact assessment. The impact of 19 the facilities that I mentioned, the impact of the 20 restoration, habitat restoration on endangered species 21 and terrestrial species in our planning area.</p> <p>22 Also, a key question is, how feasible is the 23 implementation? How practical is it? When we get on the 24 ground, can we do it? These are all critical questions 25 that we need to answer as we continue to develop the</p>	<p style="text-align: right;">Page 17</p> <p>1 on alternatives, what impacts we need to analyze, how we 2 need to analyze them.</p> <p>3 The expectation is that we will have a draft 4 EIR/EIS coming out at the same time as the draft 5 conservation plan, a final EIR/EIS, at the same time we 6 have the conservation plan. And the EIR/EIS will issue a 7 record of decision on the plan.</p> <p>8 So in summary, I just want to explain to folks, 9 we are here today to provide our updated thinking on the 10 conservation strategy, to provide some details and 11 understanding of the approach taken to date, answer your 12 questions about that approach, recognize in the process 13 we are -- we will have a draft plan available this 14 summer, and we want to get your input on that.</p> <p>15 So with that, I think I will turn it over to 16 Pam, she's our facilitator for today. And again, we've 17 got Paul Cylinder, Paul Marshall here, who are wanting to 18 take your questions about proposed actions. I'm sure 19 some folks will have some comments on alternatives of 20 those sorts of things. You're free to make them. We 21 have a court reporter in the room who is capturing them. 22 There's also an opportunity in the other room to provide 23 your comments, detailed in writing to folks who will be 24 capturing all of them.</p> <p>25 So with that, I want to thank you very much for</p>

<p style="text-align: right;">Page 18</p> <p>1 coming out today. I appreciate your time and attention 2 that folks are paying to the conservation plan. It's 3 pretty important for the State of California. Thank you. 4 PAM JONES: Again, my name is Pam Jones. I'm 5 an independent moderator. I don't work for any of the 6 agencies. And our goal for the Q and A session, is to 7 make sure that anyone who wants to either make a comment 8 or ask a question, has the opportunity to do so. It's 9 about 2:20 right now. Our thought is to go till about an 10 hour, to leave you time to make sure that once you've had 11 the opportunity to think about some questions, that you 12 make sure you go back in the next room and talk to the 13 individuals one-on-one and really make your comments over 14 there. 15 To get an idea of about how many people are 16 going to speak, how many of you would like to speak? 17 Okay. Go ahead and fill out the cards. I'm going to 18 call them in order. What we're going to do, we're going 19 to start with, if you're going to make -- or state a 20 question, ask a question, go ahead and ask your question, 21 and if you'd like to do a follow up, go ahead and do the 22 follow-up. 23 If you're going to make a statement, let's try 24 to keep it to about three minutes to start off with, it 25 forces you to be concise. Looks like we'll have an</p>	<p style="text-align: right;">Page 20</p> <p>1 to be imported into the Mokelumne Hatchery, so that means 2 the Mokelumne has to be self-sufficient. And we know 3 that based on coded wire tag studies by the Fish and 4 Wildlife Service, survival rates on that side of the 5 Delta are roughly one-third of what you would get in the 6 Sacramento River. And it's so much so that, you know, 7 the Delta cross-channel gates are operated to keep fish 8 from entering that portion of the Delta. 9 So we hope that you would consider some 10 structural fixes to keep salmon steelhead from the 11 Mokelumne River from being entrained in the conveyance 12 corridor that would include the South Fork of the 13 Mokelumne River, middle river to the Victorian Canal. 14 And again, I thank you for the opportunity to 15 make comments. 16 PAM JONES: Daniel Jordan, Hoopa Valley Tribe. 17 DANIEL JORDAN: Good afternoon. I have a 18 written statement, I'll leave for the record, if you'd 19 like. I'll just briefly go through it. The Hoopa Valley 20 Tribe is in Northern California on the Trinity River. We 21 have the luxury of being the only river system that 22 actually is diverted and into the Central Valley. The 23 Trinity River delivers several hundred thousands acre 24 feet to the Sacramento River. It affects the Sacramento. 25 It also affects the Bay Delta and water is ultimately</p>
<p style="text-align: right;">Page 19</p> <p>1 opportunity later to go through and have a second round 2 of questions or comments, if you would like to do that. 3 But we have the folks up here to answer your questions, 4 if they can't answer it, you have other folks you can 5 refer to or you're going to -- okay. So first we have 6 Joe Miamoto, East Bay Municipal Utilities District. Go 7 ahead and use the center mic there. 8 MR. MIAMOTO: Okay. Again, my name is Joe 9 Miamoto, East Bay MUD, and I want to thank you for the 10 opportunity to provide public comment. I had already 11 asked some questions during the webinar you had several 12 weeks ago. So instead, I'd just like to focus on my 13 comments based on my own observations of the public 14 participation process. 15 East Bay MUD operates a fish hatchery on the 16 Mokelumne River. For both -- (inaudible) -- salmon and 17 steelhead, and the river also has naturally produced 18 salmon and steelhead, which are covered species under the 19 plan. And we hope that the plan addresses ways to 20 improve the survival of salmon and steelhead from the 21 Mokelumne River. Because under the current situation, we 22 don't believe the run can be self sustained. And it has 23 become even more important recently with the change of 24 Fish and Game policies on egg transfers. No longer are 25 they allowing surplus eggs from say, the Nimbus Hatchery</p>	<p style="text-align: right;">Page 21</p> <p>1 delivered to the west side of the San Joaquin River. 2 The Trinity River Division was originally 3 authorized to divert only 56 percent of the flows from 4 the Trinity River into the Central Valley. The federal 5 government diverted 90 percent. As a result, about 80 6 percent of the Trinity River Fishery was destroyed. 7 Jumping ahead -- just summarizing these are written in 8 our document. 9 The CVPIA in 1992, had a provision -- 10 (inaudible) -- of Section 3406, that said that the 11 Secretary of Interior of the Hoopa Valley Tribe, should 12 work with Fish and Wildlife Services and other agencies, 13 work to establish a record of decision. We signed it in 14 December 19, 2000, and it provided a readjustment in the 15 flows by 268,000 acre back to Trinity River, as a trust 16 obligation, conditioned upon a -- and that basically 17 represented a 47 percent flow to the Trinity River, 53 18 percent continued to be going down to the Sacramento and 19 into the Delta and San Joaquin Valley, but it was 20 conditioned upon delivering a restoration program. Today 21 that restoration program has pretty much been a failure. 22 And we have court orders that say that the federal 23 government is in a breach of responsibility to the Hoopa 24 Tribe. 25 The Court of Appeals said that the restoration</p>

<p style="text-align: right;">Page 22</p> <p>1 of the Trinity River is unlawfully long overdue. I'll 2 get to my point. In 2007, we attempted to provide a 3 legislative financial fix for the Trinity River, which 4 was an alternative funding source. Unfortunately, the 5 San Joaquin contractors and the Department of Interior 6 opposed that, so we're back to square one. So the 7 Trinity, 323 of the CVPIA, says that the full funding for 8 restoring of the Trinity River shall be paid by the 9 contractors, that is not being enforced today. It's a 10 matter of basically putting a provision in the contract. 11 So anyway, jumping forward, the Hoopa Tribe is 12 faced with basically a dilemma for the Sacramento and 13 Delta and the water delivery -- water contractors in San 14 Joaquin, where we're going to -- and we're willing to 15 enforce our contract. We're willing to abide by the 53 16 percent of the -- (inaudible) -- provided that the United 17 States fulfill its obligation to restore the Trinity 18 River. Now, failing to do so, we expect our water back, 19 which is going to affect the Sacramento. It's going to 20 affect the Delta, and it's going to affect in the San 21 Joaquin Valley. We have a list of recommendations for -- 22 in our document -- the first four is basically to fully 23 implement the record of decision. The contract that was 24 signed with the Hoopa Valley Tribe, as per the 25 congressional mandate.</p>	<p style="text-align: right;">Page 24</p> <p>1 with the funding in the -- (inaudible). The Central 2 Valley Project Improvement Act Program Activity Report 3 clearly says there is insufficient funding to implement, 4 and that's why we have Delta problems. That's why we 5 have salmon problems, and the -- unfortunately, the San 6 Joaquin legislation that we're just -- (cell phone 7 interruption. Inaudible) -- the house has a provision 8 that will further reduce the availability of restoration 9 funds by about 25 percent. And there's nothing in the 10 Act that protects the funding base for any of the CVPIA 11 programs. 12 And there's also another provision to get past 13 this artificial payroll problem that the San Joaquin 14 agreement, the San Joaquin settlement, will provide -- 15 will trigger half a billion dollars of new federal 16 expenditures, new federal costs after 10 years, because 17 it's a 10-year window of -- so it just simply triggers it 18 in 11 years. 19 When we look at the Delta, when we look at the 20 Trinity River, we have a real financial crisis. It's not 21 just a water crisis. It's a financial crisis. And we 22 need to seriously look at how all this is going to be 23 dealt with, because to fix Delta Smelt there has to be a 24 funding program, to fix salmon -- ocean fisherman are 25 completely shut down at this point. We were shut down up</p>
<p style="text-align: right;">Page 23</p> <p>1 Another part of it is, that we don't know how 2 the federal government operates with the tribe, with 3 respect to CVP and the California Water Supply. We just 4 was in a meeting with the regional director of the Bureau 5 of Reclamation and Fish and Wildlife Service about two 6 weeks ago, and we specifically asked about this 7 subordination, and we didn't get an answer for it. 8 So one of the problems with California Water 9 Supply is that the 1937 CVP requires the delivery of 10 water to California Indian tribes, yet there is not one 11 contract. So when the United States starts abiding by 12 structural responsibility, those tribes are going to want 13 California water supply. And it's going to come out of 14 the Delta supply, and it's going to come out of 15 Sacramento and that needs to be addressed by the federal 16 government as a trustee, because it's going to affect the 17 water supply here. 18 There's another provision in the 1955 Trinity 19 River Act, that says that another 50,000 acre feet, that 20 over and above the record of decision posed, is 21 deliverable to the Trinity River. We expect the Delta 22 plan to consider that and provide that 50,000 acre feet 23 over and above and back to the Trinity River for 24 fulfilling that legal obligation. 25 Finally, we're all dealing with this problem</p>	<p style="text-align: right;">Page 25</p> <p>1 in the Trinity River. To fix these problems, we now have 2 to have guaranteed funding sources, along with 3 conveyances and all these plans, because there are other 4 parts of the funding, which CVPIA says it's a contractor 5 pay, user pay, but that's not in the process. 6 Just one last comment. We think that there 7 ought to be a tribal trust responsibility committee, or 8 within the federal agency, Fish and Wildlife Service and 9 Bureau of Reclamation, so that we actually have a 10 meaningful mechanism to participate in. We don't have to 11 go to Sacramento. It was San Diego last week or it was 12 Bakersfield the week before, and it was Fresno before 13 that, to comment on things that the federal government 14 has a trust obligation to deliver to tribes. Throughout 15 this process we think there ought to be a trust 16 committee, so that there's a mechanism that is meaningful 17 to Indian tribes, so that they can show up and 18 participate and have meaningful meetings with their 19 trustee agencies. Thank you. 20 KARLA NEMETH: Thank you for your comment. 21 PAM JONES: Can I have Rick Baker and then 22 Pierce Swan. Rick Baker a Delta resident and Pierce Swan 23 Irvine -- (inaudible). 24 RICK BAKER: I just have one quick question. I 25 understand that the State Water Resources Control Board</p>

<p style="text-align: right;">Page 26</p> <p>1 is responsible for the regulatory for all service 2 diversions in the State. What possible recommendations 3 or guidelines or suggestions are you planning to make 4 through this EIR/EIS process, with respect to operational 5 criteria or sustainable flood levels, as well as timing 6 of those exports with operation of that facility? 7 PAUL CYLINDER: One of the things that we have 8 to do in this whole proposals is come up with a set of 9 operational criteria, possibly more than one set of 10 operational criteria for the EIR/EIS process. What we'll 11 be doing is, we'll be looking at those operational 12 criteria, running them through the best models available, 13 and we'll be evaluating how well they perform in a number 14 of different criteria, everything from water quality, to 15 flow stages, and so forth. And we'll be presenting that 16 information to the State Water Resources Control Board 17 for their evaluation as well. 18 They have a, as you pointed out, they do have a 19 process that they have to protect the State water users, 20 and so they'll be looking at all of the information that 21 we present to see if we met that standard. 22 RICK BAKER: So do you plan to come up with a 23 ballpark figure or some sustainable amount of water to be 24 exported from the Delta? 25 KARLA NEMETH: Let me answer that question.</p>	<p style="text-align: right;">Page 28</p> <p>1 printed material. And I'm wondering if you got a little 2 bit in front of the cart, or the cart a little in front 3 of the horses, in doing so, and if you are, you know, 4 coming up with a BDCP that's predicated on an east side 5 alignment, assuming that the people who divert water want 6 to drink the sewage, you know, basically from the Sac 7 Regional Plant, because the intake is right below it. 8 I'm just wondering, so has the EIR/EIS process, you know, 9 come up with a preferred alternative that I'm not aware 10 of. 11 KARLA NEMETH: No, it hasn't. But it's a 12 really important question, and I'm glad you asked it, 13 because there's a distinction that I want to make. In 14 conservation planning one of the things that we need to 15 do is come up with an overall strategy, and we need to 16 assess the impacts of that overall strategy on biological 17 resources. It's more narrow. And so in order to do 18 that, as part of the plan, we need to have and have the 19 discretion to pick, the kinds of facilities that we think 20 we need to achieve the recovery of water supply 21 objectives of the plan. This, as a package, is part of 22 the environmental review process, as a proposed action 23 where all kinds of alignments -- if you go to the other 24 room, you'll see there's lots of different alignments, 25 and the EIR/EIS has not picked a preferred action, so</p>
<p style="text-align: right;">Page 27</p> <p>1 This plan is about how do we optimize water supply 2 reliability with ecosystem restoration. It's not about 3 new water rights. It's not about more water. It's about 4 optimizing the system under current water right 5 obligations to see what we can do to better balance water 6 supplier reliability with recovery. It's not about new 7 water. It's not about additional water, and there are 8 some key ways in which we are looking to help answer that 9 question. The few that I went over today, in terms of 10 what kind of flows are required in the Delta to help the 11 species recovery is a key part of the plan. 12 PAM JONES: Okay. Pierce Swan. And then do we 13 have some other cards, other questions from folks? It 14 won't be your last chance, if you don't speak here. You 15 will have the opportunity to speak one on one next door 16 and share your comments as well. 17 PIERCE SWAN: Yes. I'm Pierce Swan. I am a 18 director at Irvine Water District, but these are my 19 personal comments. I want the record to reflect that. 20 After 30 years in the water industry, also as a former 21 director of MWD and a number of other aspects and other 22 organizations. I was not aware right up front that the 23 EIR/EIS process has selected a preferred alternative for 24 the Delta, and yet you appear to be most certainly 25 planning on the east side diversion, and it shows in your</p>	<p style="text-align: right;">Page 29</p> <p>1 we're -- we're early in the EIR/EIS process, but that's 2 why you're seeing that on the map. 3 PIERCE SWAN: I just want to point out that one 4 of the concerns that my fellows from East Bay Municipal 5 Utility District did is, you know, when they're pumping 6 from their diversion -- their new diversion or new 7 planned diversion, that they wanted to make sure that 8 they were not pumping sewage back into their diversion 9 point, so they were very careful in that, and yet you 10 know, the east side thing, is -- takes it all. And if 11 that's the case, and you're doing the planning, I want to 12 know that you're looking at the impacts of introducing 13 that amount of ammonia, in all the east side tributaries, 14 you know, into the structure that you're planning on 15 doing the analysis of what that will do, what the 16 endocrine disrupters and all the other, you know, things 17 would be to all the fish and wildlife on the east side of 18 the Delta that don't necessarily get that flow at this 19 point in time; is that being taken into consideration? 20 PAUL CYLINDER: Absolutely. I'm not quite 21 clear what you're asking about introducing into the east 22 side. We're not connected to the east side at all in 23 this case. It's a facility that would -- that would be 24 isolated and convey water to the south Delta. 25 PIERCE SWAN: So the original peripheral canal</p>

<p style="text-align: right;">Page 30</p> <p>1 that I worked on back in the early '80s had the points 2 where they released water into each of the tributaries; 3 that is no longer in the planning? 4 PAUL CYLINDER: It's not part of the 5 alternatives that we've been looking at. Well, actually, 6 there were earlier scenarios that we looked at that 7 included all of these different scenarios that have been 8 looked at in the past, and we certainly worked through 9 discussions on a lot of those different approaches, but 10 the approach you see here does not include that. 11 PIERCE SWAN: And in your earlier comments you 12 mentioned that the two big diverters from -- and there's 13 no argument that there's two big diverters, but there's 14 also, you know, three others that are in that area and 15 then there's the Delta itself, and I'm sure all of those 16 in there -- discharges are being considered in the BDCP? 17 I have not followed it that closely, so... 18 KARLA NEMETH: Absolutely. Thank you for your 19 comments. That was very helpful. 20 PIERCE SWAN: Thank you very much. 21 PAM JONES: Okay. Ben Swan, CEM Engineering, 22 and then Tim Newharth. 23 BEN SWAN: Ben Swan, CEM Engineering. I'm not 24 representing CEM. I'm not related to Pierce Swan either. 25 I'm actually from Northern California, here in</p>	<p style="text-align: right;">Page 32</p> <p>1 TIM NEWHARTH: Can we put up your slide with 2 the conveyance and all that? I'd appreciate it if you 3 could. Do you have the bigger one? Yeah, I think that's 4 the one. There you go. That's close enough. My name is 5 Tim Newharth, Delta resident and farmer. My family is a 6 long-term people in the Delta. I brought this up before, 7 and I continue to bring it up. And I know you've all 8 heard me in front, but it's a new crowd and a new day. 9 You guys are doing the same thing, right? 10 (Audience laughter.) 11 TIM NEWHARTH: We're talking about a conveyance 12 system that's going to take water from the northern part 13 of the Delta, take it around the outside, and take it 14 down to the pumps down in -- (inaudible) -- and the 15 associates area. 16 Right now the river is flowing somewhere around 17 15,000 cubic feet a second. It was flowing lower than 18 that around 13,000 before we had this rain event that we 19 had in the last month. The system that you're intending 20 to build carries -- is designed between 15,000 and 25,000 21 cubic feet a second. So my question is, is that if we're 22 going to take -- and my comment -- if we're going to take 23 that much water out of the top of the Delta and take it 24 around and shove it down at the bottom, where is all this 25 water coming from?</p>
<p style="text-align: right;">Page 31</p> <p>1 Sacramento. We're actually fine with sending our waste 2 water to Southern California. 3 UNIDENTIFIED SPEAKER: Yeah, we've been taking 4 your shit for years. 5 (Audience laughter.) 6 BEN SWAN: I actually asked this question next 7 door, and they told me to bring it over here and ask you 8 guys. The San Joaquin River is on a restoration course 9 or a collision course restoration similar to the BDCP, 10 what's being done to coordinate those two efforts as you 11 move forward? 12 PAUL CYLINDER: You know in many ways, it's 13 been in separation of where we're focused and where the 14 San Joaquin program is focused, so geographically we're 15 not touching what the San Joaquin Program is dealing 16 with, in terms of habitat restoration. We're focusing on 17 the legal Delta as our boundary. In terms of flows from 18 the San Joaquin River, we're allowing that program to 19 identify what the flow will be. So it's basically a 20 matter of coordination through keeping ourselves as close 21 as we can, we try to look over to planning, but as close 22 as we can with regard to assessing the outcomes for water 23 supply and for fisheries from the activities. 24 PAM JONES: Tim Newharth, and then Linda Dorn, 25 Sacramento Regional County Sanitation District.</p>	<p style="text-align: right;">Page 33</p> <p>1 We've got other issues with takes from the 2 river, as far as these valleys are concerned. Sacramento 3 has just installed a new take system. We have issues 4 with the sewage treatment plant, discharging water that 5 is not of the quality it is supposed to be in the first 6 place, as it relates to ammonia is the big issue these 7 days. And the more water we take out of the Delta, the 8 more depleted and the more undiluted it becomes. The 9 Delta is a very precious ecological resource that has a 10 lot more to do with than just fish, and I understand 11 we're after the fish. Okay. Fine. But we've got flora 12 and fauna. We have bird species. We have all kinds of 13 things in the Delta that relate to the Delta. 14 The Delta is the Delta because of water. 15 Without the water, it ceases to become a Delta. It 16 becomes a dried up, or whatever, and we're tweaking with 17 the system that has been tweaked with and tweaked with 18 and tweaked with, and now we're going to do a big one. 19 And I don't think anybody really knows what the long-term 20 consequences of that is going to be. You can put up 21 whatever kind of models you want to put up, as the other 22 gentlemen said from up north, you know, they've got a 23 restoration project up there that has had no affect on 24 any restoration whatsoever. There's issues with 25 availability of funds to do these things, so on and so</p>

<p style="text-align: right;">Page 34</p> <p>1 forth, but we're assuming this is all going to work. 2 Secondarily, I've heard lately that we're only 3 going to pump this water out of the Delta, from the north 4 end, when there's adequate flows to do that. Well, last 5 year there weren't any flows to do that with. We're in a 6 drought cycle, and I think this drought cycle is more the 7 norm in the coming years, rather than the exception. 8 So if we don't have the flows to make this 9 system work in the first place, we're spending billions 10 upon billions upon billions on something that may or may 11 not work and may or may not be workable, depending on the 12 flows coming down the river in the first place. This 13 past rain event we've had, maybe a month of higher than 14 normal water, a month. So is this system going to 15 operate two months out of the year, at best, maybe some 16 years not even operate at all, but yet we're going 17 through all this to do that. This does not pass a common 18 sense test with me, personally. It just doesn't pass the 19 common sense test. 20 You talk about altered hydrodynamics, water 21 movement and interaction with canal beds and banks, and 22 it does not provide the proper nutrients, water 23 temperatures, water volumes, water speed, or water depth, 24 to support fish species. 25 So if we're going to alter hydrologically the water</p>	<p style="text-align: right;">Page 36</p> <p>1 as Tim rightly points out, is how do we operate these 2 facilities? What's the timing of flows? How much flow 3 can be moving through a northern diversion or a southern 4 diversion to help recover fish species, to provide water 5 supply reliability, to manage salinity in the Delta 6 against various hydrologic years, when it's critically 7 dry, dry, average year or wet? These are all kinds of 8 operational parameters for the system that the 9 conservation plan will lay out. 10 PAM JONES: Okay. Linda Dorn. 11 LINDA DORN: Linda Dorn with the Sacramento 12 Regional County Sanitation District, and I just have a 13 comment and also a question. And the comment really goes 14 to -- a few comments have been made about the ammonia 15 discharge, and I just want to be clear that it has not 16 been proven scientifically that that has an impact. I 17 know it's been portrayed publicly that it does. And we 18 are currently working with CALFED and the Regional Water 19 Quality Control Board to determine if there are impacts 20 to the ecosystem from our discharge. 21 And also, what I'd like to know, you said that 22 there will be the proposal out sometime in the summer, 23 and we're particularly interested in the conveyance and 24 from an operation's protective too. So do you have any 25 idea when in the summer? Are we talking later summer,</p>
<p style="text-align: right;">Page 35</p> <p>1 flows that are already going through the Delta, how is 2 that going to be a positive in regards to fish species, 3 or wildlife species, bird species, or anything else, not 4 to mention the people who live there and work there in 5 the agriculture element of the Delta? 6 All I see is this being a way to get clean 7 water down South and to make up for what the San Joaquin 8 River does not supply any longer and probably will not 9 supply in the future, unless you've got more water 10 storage. You've got to have water storage to put in this 11 canal and you've got to have water storage when it leaves 12 the canal, neither of which has been provided for. So we 13 build a ditch and we have no water to put in it. It 14 doesn't make sense to me. Thank you. 15 KARLA NEMETH: Thanks, Tim. I think Tim made 16 several good points that I do want to address. And 17 there's a first point of clarity. The canal that we're 18 contemplating, in terms of capacity, is 15,000 cubic feet 19 per second, and that's the existing capacity of the 20 pumps. The point of contemplating these kinds of 21 facilities is how do we operate them more flexibly so 22 that we can meet the demands, we can optimize the need 23 for water supply reliability with these fish species 24 recovery, so that we are -- let me just make another 25 point of clarification -- what will come out of the plan,</p>	<p style="text-align: right;">Page 37</p> <p>1 mid summer, early? 2 PAUL CYLINDER: We're working on, obviously, a 3 lot of things simultaneously and working with your staff 4 to provide information on -- (inaudible) -- in terms of 5 timing, we're looking at describing the project, the 6 program, what the HCP/NCCP will look like as a plan, in 7 terms of all these conservation plans that Karla has been 8 talking about. But we also have -- and we expect to be 9 developing that through the -- and through -- over our 10 process through the spring, and by summer, to have a full 11 description, not only of the features of the plan, the 12 conservation measures, as we call them, but also chapters 13 describing governance structure of the Bay Delta 14 Conservation Plan for implementation, a description of 15 the cost of the plan for implementing and the funding 16 sources for the plan, so there's a lot of pieces that go 17 into a full document. And we'd love to have that in the 18 summer. We say mid summer, that's the best we can 19 estimate at this point, but our goal is to have something 20 in the July time. 21 LINDA DORN: Thank you. 22 PAM JONES: Last call for any questions or 23 comments during this official part of the question and 24 answer session. Okay. 25 Karla?</p>

1 KARLA NEMETH: Thank you folks for coming out.
2 It's good to see you all here. Thanks again.
3 (Whereupon the meeting was adjourned at 2:48 p.m.)
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BUREAU OF RECLAMATION

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BAY DELTA CONSERVATION PLAN MEETINGS

PUBLIC COMMENTS ONLY

FOR:

STOCKTON

BUREAU OF RECLAMATION
BAY DELTA CONSERVATION PLAN MEETINGS
March 2009

STOCKTON:

Chair: We're going to have questions and comments. If you have a question, go ahead with your question and a follow-up question. We'd like you, if you can, to keep that to three minutes or so. And if you have a comment, again, three minutes or so. Our goal is to get through everyone who would like to speak at least once. If we have time left over, we're happy to come back and give you another chance to make a comment or a question. So what I'm going to do is I'm going to call your names two or three at a time so you can prepare. If you can come up to the microphone and state your name. If you choose to state an organization

Re: Stockton Public Comments

you're representing, that's fine. But if you can clearly state your name, that will help us. The first one is Blair Hake, and then Jane Wagner-Tyack.

Mr. Hake: My name is Blair Hake. I'm past president for California Delta Chambers, member of Village Race Yacht Club, San Joaquin Delta Power Squatters, and lifelong resident of the Delta. I just have a couple of comments. No questions. First off, I'll start, I look at this and I think it's a fraud. I don't even know why you guys are bothering. You pretty much have made up your mind you're going to build this canal and I see where you're going. I also don't see any representatives from the environmental or agricultural interest here in the Delta on your board. And I could be wrong. Just my observations. Let's get real. This attempt to take the water from the north and ship it south, you probably heard that

last night at your meeting. But that's the way it is and what you're doing. You think it's going to help the Delta recover. And I don't understand how taking water out of one area and shipping it to another area is going to help the Delta in any way. The -- I just look at the track record of the state and federal governments. And anyplace you've done this, be it Mono Lake, Owen's Valley, et cetera, your track record is dismal.

Anyways, I just -- in closing, like I say, I don't trust the government. The promises you made, you've never kept them. If we can go back to the water agreements originally made many years ago and they -- you know, we see what's happening to the Delta smelt today. It's because of that. If you look up ahead or upstream of us here on the San Joaquin, the problems we have there, you took the water. I guess we can go up to the

Trinity and we can look at that and where the salmon runs there nowadays too. Anyways, I think a more viable plan would be self-sufficiency for those regions that need the water. And thank you.

Chair: Jane, and then John Studarus.

Ms. Wagner: My name is Jane Wagner-Tyack. And I'm speaking here on behalf of Restore the Delta, which is a grassroots network of citizens committed to preserving the Sacramento-San Joaquin Delta. We want to express our dismay once again that the BDCP Steering Committee was formed to exclude representatives of Delta communities. You have designed a planning process in which the regulated bodies will, in effect, design the system that will regulate them. We have no confidence in your intention to provide for water quality for any except export purposes, even though a multi-billion dollar economy of

farming and recreational and commercial fishing, with the jobs that the economy provides, depends on ample clean water in the Delta. We have no confidence in the state's ability to plumb this intricate system in ways that sustain Delta habitat and human communities. We question the science on which you have based many of your decisions. We believe you moved precipitantly to consider only an isolated conveyance as a solution to the Delta's challenges. And we think it is a terrible mistake to invest time and resources in planning for more of the kind of infrastructure that has already created unrealistic expectations about water availability and reliability statewide. The state should be putting these resources and efforts toward regional self-sufficiency and the most flexible, resilient systems possible in order to confront unknown

conditions in the future. Thank you.

Chair: John, and then Dante Nomellini.

Mr. Studarus: First of all, I'd like to say that I agree completely with the prior statements.

Another statement that I would like to present to the governing boards, or whoever, is that in the Sacramento Bee and a lot of the other publications, we've been seeing a lot of statements about the dangers of the levees subsiding in the Delta. The numbers that I have seen are 50 levees failing, and 20 islands flooding if there's a 6.5 earthquake in the Bay Area. In almost 100 years of Delta levees, there's not been one levee that has failed due to an earthquake. That also includes the 1989 earthquake that was 6.9 to 7.1 on the Richter scale that was in San Francisco. Still no levees failed. The water in the Delta, the quality of the water in the Delta for the fish, the wildlife,

and for the humans cannot be improved by taking it out at a higher spot and making the Delta more of a cesspool.

Mr. Nomellini: I'm Dante John Nomellini. I'm one of the attorneys for the Central Delta Water Agency. I share this pessimistic view of your process. In my opinion, this is a preconceived objective to build a peripheral canal. And all of these studies that you've developed are all tainted. And they present a difficulty for any decision-maker to make an honest decision, because you've corrupted the science. Now, one of the basic premises on which water was shipped south in California was the promise that you would only take surplus water. The state water project, as I hope you all know now, was to develop 5-million acre feet on north coast rivers. It was not developed. The state water project today is still dealing with an

entitlement of 4 and a quarter million acre feet. You have no supply for the state water project. Similarly, there's a lack of supply identified for the San Luis unit. Those shortages are on top of the shortages that exist in Northern California watersheds. I think your studies ought to deeply investigate the availability of water. You can see what happened in February when the projects could not meet the X2 requirement. We were in the beginning of the third year of perhaps a six-year dry cycle. We couldn't even make it through this process. So I think you should look at the availability of water. Northern California has the right to recapture the water back from the projects. That's clear in the law. It's liable to happen as time goes on. And therefore, you should make a realistic determination of how much surplus water there is available for export.

Determine what type of mechanism you need to work with in a range of alternatives of what water might be available. There's not 15,000 cubic feet per second that's going to be exported through an isolated facility as time goes on. We support strongly the concept of self-sufficiency, particularly in the urban areas. The earthquake scenario that's been set up in your dream study, in my opinion, is not valid. It's an overstatement of what actually is the risk. The problem with it, it's only one part of the earthquake threat to your water facilities. You should recognize the aqueducts, the pumping plants, the pipelines are all more vulnerable to earthquake than the Delta. So self-sufficiency. Make our urban areas more reliant on their own resources. Desalting. Practice water recycling. Reclamation. That's the way we're going to have to go.

Because the water does not exist in this watershed. Thank you.

Chair: Thank you. David Hurley, and then John Herrick.

Mr. Hurley: Thank you. I'm David Hurley. I watched the movie Chinatown this last week, a 1973 film noir classic. And so I did a little study on the history of L.A. and water use. And in 1860, L.A. was able to -- with 6 percent of the habitable land in the state, but .06 hundreds of the available water, they were able to sustain themselves with diversions from their local canals. Within a generation, they pumped out all the artesian wells and the local streams were mined. So as we know, in 1900, a group of investors prepared a \$25 million dollar water bond and that was to take water from the Owens Valley. On the eve of that water bond, the city of L.A. went to rationing. Of

course, the water bond passed, and a 238-mile canal was brought from the Owens Valley. But it never reached the City of Los Angeles. It only made it to the edge of the San Fernando Valley. And so that water never made it into the city of L.A., and L.A. still was in a shortage. So the next step was to go to the Colorado River, which required a 400-mile aqueduct to be built. And that water made it to the city, but that wasn't enough. In the next subsequent period of time, there were two additional extensions of the Owens Valley up into Mono Lake. But that still wasn't enough. So in the 1950's, water became -- coming from the state water project. At first, it was 1-million acre feet, then it was 1.7, 3-million acre feet, 4-million acre feet, and currently, 7-million acre feet. I think we're like a squirrel on a treadmill that's running around. And all we're

proposing is to add more to the structure without looking at the history of where we've been. If we continue to do what we call now an alternative conveyance instead of calling it what it is, which is a peripheral canal, we're going to stay on that treadmill. And we can say that it's -- we're doing this for conservation. But conservation and exports have never been in conjunction with each other. It's either exports or it is conservation. So please take this into consideration. Look at the history of what has gone on. We know what happened to the Owens Valley. And we can see what would happen to the Delta if this was to take place. Thank you.

Chair: John, and then Dante Nomellini, Junior.

Mr. Herrick: My name is John Herrick. I'm the attorney for the South Delta Walter Agency. The prior commenters have expressed it pretty good.

But let me just make a couple of points. We don't think it's appropriate or legal to ask for scoping comments on a project that has not yet been clearly defined. The purpose of scoping is to get input on what people think you should examine for a specified project. Right now, the project is we want to move forward with investigations, and then decide on something later. So we think that's inadequate. The major problem with the BDCP process is that rather than seeking to develop habitat conservation plans to protect fisheries or the environment, it's an effort to protect species and the environment and having minimum amount of exports. Now, that's not my opinion. We all know that's the studies that have been done. The preliminary modeling. And if any modeling or studying results in, I don't know what it is, somewhere less than 6-million

acre feet average annual exports, then it is discarded and we move on to some other proposal. Now, the fact that the fishery agencies would be involved in a process that has as a starting point a minimum amount of exports before they have determined how much water is available in the system, as Dante recognized, is just inexcusable. Because the result of the process by which you determine what is protective of fish may result in you saying there's only 2-million acre feet available average annual. So if you have a starting process that is to protect exports in a habitat conservation plan, we believe you're in violation of the law. Dante briefly talked about the February incident. And I just want to highlight that. Because as you're examining the impacts of these proposed actions, you have to explain to us how future operations will be regulated. The

outflow in February was 4,000 CFS below the standard. The existing standard. Without any releases from upstream reservoirs, exports were 4,000 CFS. So the current process chose to violate the permits rather than protect the fish. So how do you model future operations if current operations are choices contrary to permit conditions and not even enforced by the State Water Resources Control Board? Finally, let me just remind you that 15,000 CFS canal assumes that you can use 15,000 CFS of the export pumps at the state and federal project. That's not permitted now. And federal law says you can only -- once you go up, increase in exports, the bureau has to have figured out how it's going to meet all of its water quality obligations on the San Joaquin River, and decrease its use of new Melones. (phonetic) that's entirely absent from this.

Let me just -- well, that's enough. Thank you very much.

Chair: Next, Dante Nomellini, Junior and Tony Silva, Junior.

Mr. Nomellini: All right. Dante Nomellini, Junior. You get a double shot with another attorney for the Central Delta Water Agency. And I have to say, every time I see you folks, I think, "These are nice people." You know. Chrisman. Jerry Johns. Karla. But this whole thing is whacked. And it's really a bad process. And I'm just going to mention a couple of things. Like John Herrick said, this is grossly premature. I mean, you made the case in your presentation, and you made it in your notice of preparation. But the BDCP is very much a work in progress. It says in the notice of preparation the BDCP will likely consist of certain elements. It may include. That's not appropriate for a notice of

preparation. It's premature. It was premature when you did it a year ago, and it still is. It talked about a draft being ready at the end of the year. That would be the first time that a notice of preparation could be legally issued. Alternatives, I don't know how else to say it other than it's a joke, like my father said and others. I mean, it's clear to all of us the powers that be, whether it's beyond you folks or what, have made up their mind that the project will be a peripheral canal. And I've asked Jerry Johns before. But I'd like -- it's question and answer. Ask you again. I mean, what's the likelihood that DWR will choose an alternative without an isolated facility? Are we talking a zero chance? Ten percent chance? What would you say?

Mr. Johns: Looking where we are now, we've tried -- in the Cal Fed program, we basically chose

alternative B in the Cal Fed program, which was a through-Delta conveyance system. And that simply isn't working. I mean, we have all the concerns we have currently with the fish agencies in terms of being able to move water and protect fish. So we've tried that for seven years, and it didn't work out well. And so I think we should go back and think about at least plan A, which was, in the Cal Fed program, some sort of isolated conveyance system to help move water across the Delta in a much more fish friendly fashion. Like we mentioned before, this system was designed in the 1940's and 1950's with both science and engineering capabilities at that time. We know a lot more about that, how to build fish screens. We should take advantage of that knowledge and help improve the system, and improve our water supply reliability at the same time.

Mr. Nomellini: So would you say there's no chance DWR

will --

Mr. Johns: I would say, based on experience, very low.

Mr. Nomellini: Very low. That's not good. Because alternative analysis, you're supposed to have an open mind. And if your preferred project includes an isolated facility, it's not very comforting to know that you're not going to look at other alternatives. But speaking about that, this is something that has bothered me for a long time. You talked about the through-Delta system not working. In 2000, Cal Fed tried to solve these same problems. And it said they were going to put state of the art fish screens on the export pumps. And my understanding is, they were supposed to be in place, operational by 2006. And I've never heard a good answer. So I'd like to ask, why aren't those fish screens in place? I'm guessing you didn't want the

through-Delta to look like it works so you can go for the peripheral canal. But --

Mr. Johns: Okay. There were some studies that were done about the fish screen designs and putting screens there. One of the problems we have is when we screen fish at the facilities now, we're at the bottom of the funnel. All the fish are coming to us. We have to separate the fish from the water, and the fish screens help us do that. The issue then is, what do you do with the fish once you've concentrated them? And classically, when you have a conveyance system, you get the fish past your screen, and the fish stay in the river, and they keep going down. And the system we have designed, or people designed before us, we collect all those fish species, all those fish at -- in our Tracy pumping plants, either the state facilities or the federal facilities, and we put them in a

truck. You know. Concentrate them down and put them in a big -- basically put them in a big barrel. A big tank. And then we pull the plug on that tank, much like you do the strainer in your sink. They concentrate down. Come into a little bucket. Pick the bucket up. Put the bucket in a truck. Pick the truck up and put it in the Delta and dump them back in the Delta again. Now, some fish like this ride. Some fish aren't too crazy about the ride up. So no matter what you do, you got a lot of what we call handling of these fish that takes place, and there's mortality involved in that. So you make a more effective fish screen, you still got to handle them and move them someplace. And the studies indicate that you could spend a billion, billion and a half dollars building a better fish screen, you still have all the problems with the

predation that takes place in Clifton Court fore bay because of fish eating other fish in the fore bay, and actually, the birds eating the fish. And you still have the problem of moving these fish back up into the Delta in a safe manner and putting them back in. This is not a very good place to put your pumps, in the south Delta. But that's what we have today. And there are better ways we can do this.

Mr. Nomellini: All right. Well, I appreciate that explanation. I know Chris Newdag, engineer, said he spent a lot of time working on the screens. And I believe they were designed to keep a continuous flow past the screens and be way beyond what the current fish screen, or the trash racks, whatever you want to call it, is. But I hear you saying that they didn't work. And it's interesting that you're talking about screening other intakes

in the Delta. But one of the biggest ones, you're not -- is it part of the current plan to put screens -- new screens on the export pumps? I didn't see it.

Chair: Let's answer that, and then Dante, looks like we're going to have another opportunity to come through once we get through the first round.

Audience: I'll give up my questions. Go ahead.

Chair: We have time.

Mr. Johns: We'll need to look at that as we move forward. But what the fish agencies have suggested to us would be even more effective than better screens would be better ways to decrease mortality on the fish on the way to the screens. Clifton Court fore bay is a place where there's a fair amount of mortality in there, mostly due to because of fish eating other fish. And they want us to concentrate on helping that be more effective as a way to

help protect fish. But the screens we have currently are pretty good for salmon. Not as effective for smelt. And there may be some things we can do there. And that's something we need to be looking at as we move forward.

Mr. Nomellini: I'll get back to you after I research.

I believe the screens that were proposed to be in place by 2006 were very high-tech. Able to handle smelt. Could have alleviated a lot of the problems. Okay. I'll leave with just one more thing. It's a question and answer. The Delta Pool Delta Protection Act of 1959 says that water shall be taken out of a common pool and given to exporters. That common pool concept is critical. It makes common sense, and it's something that we got to fight to hang on to. Because that means everybody who pulls water out of the Delta depends on the quality of that water in the Delta. So when you comes time to think

about how are we going to give assurance that the Delta is going to stay healthy, the best assurance is to make sure everybody who feeds off it has a stake in that health. And my question to you is, how is the Delta going to be protected in an emergency situation, such as just as what happened where the governor just says, "Nope. We're going to ignore all laws. You don't have to pay attention to anything." How are we going to be protected if you folks get a peripheral canal and there's an emergency? Are you telling me that they're going to let sufficient water flow through the Delta? Or are they going to overrule whatever water quality standards are in place? How are they -- I'm not phrasing this well. But let's say -- let's say there are standards in the Delta that preserve a certain level of water quality. You build your peripheral canal.

We have an emergency. What assurance do we have that you're not going to ignore those standards and bypass the water around us? Then I'll stop.

Mr. Johns: Okay. That's a very good question. And I think it's very important for us to be able to answer that. And a couple of things I want to correct is that previous plans for a peripheral canal didn't consider continuing to pump water out of the south Delta. When we look at the studies that we've designed, we're talking like this is dual conveyance. So it has an isolated component and a continuing diversion of the south Delta. And the modeling that we've done based on the proposals that we've looked at so far is about two-thirds of the water would be conveyed through an isolated conveyance system. But still about a third of the water would be pumped out of the Delta.

And what we found is -- so we're not abandoning the Delta. We're still using the Delta as a conveyance system. So the common pool idea is still in place, in my mind. Now, we're taking less. But what we found is that by taking a little bit of water out of the Delta in the summertime, we can improve water quality in the southern Delta at a time that the fish aren't there. So we can do that in a way that's protective of fish, but still helps maintain water quality. Now, on your question of emergencies. Jones Track levee failure. In 2004, the Delta broke. Those standards weren't met. We had water quality -- we had saltwater moving into the Delta. The Anders Island levee flood of 19 -- 1972. Same thing. These standards will not be met if you have a levee failure of that magnitude. That's just the way it -- saltwater comes in in a couple of hours, and

it's going to be there. Now, the question is, how do you operate during the time you're trying to get the saltwater out? And what we've found historically, we can't flush that saltwater out by putting more water in the Sacramento River. It helps if you have a lot of water coming down the San Joaquin. And in 2000 -- in the Anders Island levee flood we had, saltwater got trapped in the south Delta. The only way we got that water out was to pump it out. And we put a lot of that water in the San Joaquin Valley. So in a true emergency like a levee failure, a massive levee failure, we're going to have problems in the Delta. We're still going to be relying on the Delta as a water supply. At least partial water supply. And so we have an interest in helping maintain those levees and maintain that water quality. So we're not abandoning the Delta. The other

question would be in terms of who makes the standards long-term. And I think that's a big question we got to work through. Like Mike mentioned, governance is a big deal here. We're working on a governor's program currently for the BDCP aspects which deals with the water quality/fish concerns. And I think we have some ideas in that that will help satisfy some of your concerns. But I invite folks to look and see what we're doing in the BDCP process. We're going to have a document out pretty quick here that gives some outlines of what that governing structure might look like that includes the fish agencies and the Water Board and other folks.

Mr. Nomellini: Just a tiny ten seconds. Just let me clarify. In a drought emergency. Not levee failures. A drought like we just had where the governor said, "Forget about water

quality." In that situation, what assurance do we have that you're going to honor the water standards in the Delta? With the common pool, you have to keep the Delta fresh. Otherwise, you get bad water quality. But with the canal, you can let the Delta go to hell, and you can take your water from up north. So in an emergency drought situation, what can you say to us to say that that water won't be bypassed around us? That we'll get the water?

Mr. Johns: Well, we are a system of laws. And --

Mr. Nomellini: All right. That's it.

Mr. Johns: I'll leave it at that.

Chair: Tony, are you ready? Tony Silva, Junior, and then Roger Kelly.

Mr. Silva: My name is Tony Silva, Junior. And if I seem a little nervous, I am. I just got a couple of questions here. Don't need to be answered. Just listen. Who's going to pay for this

whole project? I asked a couple of people. Didn't seem to know. What's it going to cost? I mean, it seems like there's going to be a cost there. Anybody pick up a paper? Lot of unemployment out there. Everybody cutting corners. My wife. Furlow. Everything. It's just a mess. And also, where's the money coming for this portion of the process tonight? I mean, I'm sure there is going to be a cost. I have a little letter here I was going to write to the Sacramento Bee and I never sent it. So I just want to read it to you real quick. And maybe we can get something out of it. It's called the Delta Crisis. There continues to be a lot of talk about pumping our Northern California water to Southern California. Building a 43-mile canal to divert the Sierra runoff bypassing the Delta is an unrealistic solution. Over 25 years ago, this was

voted down by the voters. I think 1982 or whatever it was. It's time the governor, our governor there, and Robert Twist, who was -- he was an advisor of some sort from U.C. Berkeley that advises him, come to some type of conclusion. In 1961, Freeport, Texas opened up a desalination plant. We never talked about desalination. It seems to be a bad word around here. You can laugh all you want. It's our water. Anyway, at the plant dedication, they had a guest speaker. Well, that plant put out a million gallons a day. But the guest speaker at that time was President John F. Kennedy. And his statement to the the dedication was, "No water resource program is of greater long-range importance that are effects to convert water from the greatest and cheapest natural resource, our oceans, and to water fit for the homes -- fit for our homes and industry.

Such a breakthrough would be a bitter struggle between neighbors, states and nation.

Now, I was six years old when we lost President Kennedy. And I know there's more to him than Camelot and a good-looking wife. He was a man with visions. And I'm looking at everybody tonight. And I hope tonight before you go to bed you look into the mirror, and you can honestly say, "I have a vision," and you believe in that vision. Because I'm not getting any answers here that I like. Over 7 billion gallons of water daily are desalinated worldwide. Southern California, you do the math. Why do we have to ship large amounts of our fresh water to Southern California when they could pull it out of the oceans? Our large rivers, San Joaquin and the Sacramento, which you plan on diverting, have -- have an intrusion of saltwater that is rarely mentioned. This is due to the fact

that you're stealing nature's fresh water and shipping it to Southern California. Nature uses fresh water to hold back the saltwater. Governor, I don't -- this is supposedly for the Governor. Governor, I don't expect you to listen to my words. But you should listen to your wife's Uncle John's words of wisdom. Thank you.

Chair: Roger Kelly, and then Richard Slezak.

Mr. Kelly: Thank you. I agree with -- the Nomellini's, I think, have said it most eloquently. My name is Roger Kelly. I'm a life-long resident of Stockton, and a member of the Northern California Sea Ray Boat Club. I have a few questions. I really was hoping they'd answer the cost. Because I would like to know what the cost and the benefit is, to see if this is a sustainable project to keep watering the desert. And then next I'd like to know if there's been a study where

you want to make these conveyance dams that, you know, how much recreational boat traffic goes through those areas and how that's going to affect the boating. And some of these non-native species like they talked about wanting to eliminate, like the striper. That's a viable income for us. It's one of the only fish we can eat out of the Delta after you've destroyed it the way you have, you know, because it doesn't live here and doesn't get all the contaminants. And as far as the water that's going to come up north, how do you keep the fish out of there? Because once you get them in your tube, they're pretty much stuck, it looks like. And what happens to them when they come out the end of the tube if they make it? And maybe you can answer just one of those.

Ms. Nemeth: Sure. Sure. In terms of the cost for -- I think folks have probably seen in the papers

recently, but also in a study that DWR did last summer, some of the costs for a canal, depending on alignment, range between \$8 billion and \$14 billion roughly. The other pieces of the plan, we have not cost it out. We haven't identified them completely yet. But that will be part of the document that we'll have a first cut at this summer. So all of that will be included in terms of the cost of the plan.

Mr. Kelly: So we can pretty much call it 30 to 50, the way the state budgets things.

Mr. Johns: In terms of the who pays part, the conveyance aspects of this will be paid by the water users who get the water out of it. And they have said that they'll be willing to do that. In terms of who pays for this process, the current water -- the current process is being paid for by -- like the consultants, that are not cheap by the way, are being paid for by

the water interests. The fish agencies' time, because we're helping reimburse them for their time they're spending on this. The fish agencies' time initially for the first two years were paid by the water folks. And now it's being paid for by part of the bond that was passed. There was a provision in the bond to help pay for conservation strategy. So their time is being contributed to that. But the rest of the costs are being paid for by the water folks. You also asked about what do the fish do -- if they get in the pipe, how do you keep them out. Well, the kind of fish screens, and Chuck can talk about this in a little more detail if you want, and maybe off line would be good, but these are what they call positive barrier fish screens. They're fish screens with little teeny holes in them. And fish have a hard time getting into the holes. The

concern would be fish that approach the screen, are they going to approach it to the point where they get stuck against the side, or they stay against the screen too much. So there are criteria, what they call approach velocities you have to maintain and sweeping velocities you have to maintain past the screens. And we've included that in our proposals for what the standards would look like. But basically, the fish wouldn't get in the screens, because the holes would be too small. They couldn't possibly get inside. Now, maybe a little teeny larvae would. And the way to handle that would be, particularly for Delta smelt, maybe you wouldn't divert for a couple of days when the larvae went down. But for salmon, by the time the salmon get down to this location, they're big enough that they can be effectively screened by these screens pretty

well. Or actually, very well.

Particularly -- I mean, the GCID screen, Glenn/Colusa Irrigation District has a screen much like this and it works fine up there.

Mr. Kelly: So far you've done pretty good. How about the traffic where you're going to put up these little dams?

Mr. Johns: Oh, that is a huge concern for a lot of us. We have these temporary barriers in the south Delta. And the south Delta doesn't have much boat traffic. But we help people get around the barriers down there. That's a very valid concern. And we're definitely interested in how to address that.

Audience: You couldn't take either one of our boats over that barrier.

Mr. Johns: Pardon me?

Audience: You couldn't take either of our boats over that barrier.

Mr. Johns: Yeah. That's a good point. And that kind of

issue we've got to address head-on and make sure we address that effectively. And that may be one of the undoing for some of these barrier programs we're looking at.

Mr. Kelly: So you have no study, then, showing how much traffic goes through there?

Mr. Johns: Yeah, we do.

Mr. Kelly: Feasibility? You're just going to throw them up there?

Mr. Johns: No. No. No. We wouldn't do that. We would have to -- we've done -- for example, we've been thinking about a gate on Three-Mile Slough to help with solidity control. And the boat traffic there is huge.

Mr. Kelly: Huge.

Mr. Johns: Just huge. And that's got to be factored in to how we do that. And we've got to figure that out, or we don't do it.

Mr. Kelly: Thank you.

Chair: Okay. Richard Slezak, and then Bill Jennings.

Mr. Slezak: I'll try to make this quick. Bill is quite an authority on these ongoing water battles, And the Nomellini's are top-flight. One of the previous speakers mentioned about desalinization. Well, it's fine for a ship. But for a city, you're going to end up using lots of oil and lots of other resources to desalinize. So it's -- my best hope, as far as I've seen, is up here at the National Ignition facility. They may just take the first step towards nuclear -- controlled nuclear fusion. Putting the genie in the bottle. And if they can do that -- you know. Take your time. Because if they can do that -- I'd love to see fusion reactors at Pearblossom, 150-mile straw out into the Pacific. And that California aqueduct would be filled with desalinized water run by nuclear fusion. And that's my hope. That's my dream. Because this system

that you have here, it's -- well, I'm kind of neutral on it. It's a damned if you do and damned if you don't. Because the current -- what we're doing currently, as you're pointing out, we're killing a lot of fish. Thank you.

Chair: Bill, and then Mike Machado.

Mr. Jennings: Good afternoon. Good evening, I guess by now. A few things preface. Jerry, you know as well as I do that we're relying on '50's technology fish screens at the pumps because state water contractors refused to pay for the new ones and it was dropped. And you know as well as I do that after the Jones Track failure, exports resumed in a couple of days. And you know that while the state water project contractors have offered to pay for conveyance, they've been silent on the mitigation requirements which are likely to be -- approach the cost of conveyance.

Bill Jennings, California Sport Fishing Protection Alliance. We submitted oral and written technical comments during the first round of scoping last May. We incorporated those comments, as well as the comments submitted by NRDC Defenders, EDF, and the Bay Institute. We'll be submitting additional comprehensive comments in the second-round of scoping. And these remarks are more general in nature. As we observed last year, BDCP is essentially a massive water project masquerading as a habitat conservation plan in order to circumvent the Endangered Species Act. It is the most ambitious and far-reaching HCP ever envisioned in the history of this nation. Its proposed time schedule is absurdly truncated. No significantly scaled HCP has ever been completed within a time frame, let alone one coupled with a massive hydraulic modification

of an estuary. At its heart, BDCP is simply an illegal scheme to allow those in the south valley who own junior water rights to surplus water, water they understood would not be available in certain years, to take precedence over the senior water rights and the public trust needs of Northern California. The purpose of CEPA and CEQA and NEPA is to provide decision-makers with sufficient information to make intelligent, informed decisions. The proponents of BDCP have consistently refused to answer fundamental questions that must be addressed in this EIR/EIS. How much water does the estuary require to maintain ecosystem integrity? How much surplus water is available for exports? What are the economic and environmental consequences of various reduced or no export scenarios? How can a diversion point for junior water rights be

legally changed when it will harm senior water rights users? These must be answered. And unfortunately, BDCP remains a shell game. We still don't have a commitment to comply with the Natural Communities Conservation Planning Act. Evaluate the whole of the project, including upstream reservoir operation and in-stream water quality and flow. Establish a meaningful governance structure for the Delta. We still don't have an acceptable project description with specific details. Sizing, location, capacity, operational protocols, mitigation measures, the assurances and safeguards which are critical, considering the historical failure to enforce existing standards, and the fact that water quality and flow standards and environmental review requirements can be wiped out at the stroke of a pen, like the governor recently did in

the emergency drought proclamation. And who would pay for -- well, we still don't have an acceptable range of alternatives. A PPIC report as refined by Dr. Michael of UOP points out that elimination of all exports has less economic impact to California than from continuing exports. Two to 4 hundredths of 1 percent of the California economy. Three to six cents per day per capita. No export and reduced export scenarios must be evaluated as alternatives. We still don't have an analysis and time schedule of how alternative water supplies could replace Delta exports. California water plan reports by NREC, the Pacific institute of the Los Angeles County Economic Development Corps and others document the existence of viable alternatives that far exceed the present level of Delta exports. We still don't have quantifiable biological targets, objectives,

and consequences. Indeed, 50-year assurances and no surprises are fundamentally incompatible with such objectives. PPIC report points out that salmon and Delta smelt have only, at best, a 30-percent of survival with the old conveyance, a 50 to 40-percent chance of survival respectively with a peripheral canal. And that was based upon a 40-percent reduction in exports. That was based on our peripheral canal sized to -- on the average discharge or export between 1981 and 2000. Since 2000 to 2007, they increased substantially. Under no export scenario, survival is much, much greater. While lead agencies may pass overriding considerations that ignore extinction, responsible agencies such as the State Water Board cannot rely on such findings. New habitat cannot replace identified existing critical habitat. The

recent U.S. Fish and Wildlife Service of Delta biop for Delta smelt identifies outflow as critical habitat. The proposed and speculative habitat cannot replace the certainty of existing habitat. Adaptive management, by definition, does not allow for export assurances, given the history of mitigation. Failures in this estuary, no project can provide for export reliability. Water operations management team decisions must be driven by biological constraints. We still don't have an assessment of likely water quality impacts. Salt is an extremely conservative constituent. It's certainly an inappropriate surrogate for evaluating hydrology changes on the fate and transport of impairing pollutants. And I'm almost finished. Certainly diversion of low salinity Sacramento water in the Delta would increase salinity in the Delta, reducing

yields of farmlands. I know that they suggested that outflow remain the same. But you won't require the carriage flows and whatnot. Other than the horror story anecdotes, we still don't have a realistic evaluation of the effects of water supply on water supply reliability from levee failure due to earthquakes. I mean, all Delta levees have failed, and they will fail again. Levees can be raised and strengthened. Water supply was only disrupted several days following the Jones Track failure. Foundations of levees protecting Delta islands are largely on compacted soils from 150 years of compaction. And certain -- California certainly has sufficient storage to enable them to survive until salinity stabilizes and repairs are made following a breach of multiple islands. The EIR/EIS fails to -- that must address,

comprehensively address these and many other questions that we'll be submitting comments on. But this is a pig in a poke. You know, 15 years ago, we were in that room over there in the -- scoping for Cal Fed. And throughout the Cal Fed process, we saw exports increase and increase, and we saw Delta fisheries collapse. And now largely the same cast of characters is here again to try to finish the job. Thank you.

Chair: Mike, and then George Hartmann.

Mr. Machado: Well, I wanted to follow up with Bill. And I'm Mike Machado. I'm a private citizen. Fifteen years ago, we started hearing the same comments with regard to Cal Fed. And I saw through the development and the record of decision. And then I was part of the oversight of the Cal Fed process. Cal Fed attempted to do many of the same things. And Jerry, you mentioned that the isolated

facility or conveyance issue was one of the alternatives and was left off the table. We spent tens of millions of dollars as part of the Cal Fed process. I worked on several bonds in that process. But what we found in the implementation of Cal Fed, that there was a lack of accountability, there was a lack of matrix to be able to measure the results, and there was a lack of concurrence between the various agencies that sat -- or that had interest in the Delta, particularly between federal and state agencies. Part of the initial funding in Proposition 13 was the funding of tidal barriers on Old River, Middle River, and Grantline. That never happened. And the reason it didn't happen was because state officials and federal agencies couldn't agree on the operation. And what we came down to that led to the failure of Cal Fed was the lack of governance.

There was no accountability. There was no way to bring in concurrence between state officials and federal officials for a common objective. And that hurdle still hasn't been addressed. Until it does, how can we proceed forward and do what we did with Cal Fed and bumble again? And what -- questions have come to my mind at the time that I was in the legislature and you appeared before me and we talked about the accountability. We talked about the compliance with existing law and the inability of the state to do that. And it was that non-compliance with take that led in large part to development of this process. The question I have that goes back to the basics of this. And when you're talking about the considerations of alternatives in this process, in the alternatives being modeled, is one of the alternatives looking at the operation or the health of the Delta if the

Delta is managed under existing law?

Existing law in terms of implementation of water quality, existing law relating to take exports, existing law relating to species? Because it would seem to me that modeling under those circumstances would provide a baseline with which you can then evaluate other alternatives. But I have heard nothing mentioned in terms of the alternatives that we're taking a look at seeing how the Delta would operate if we operated according to the laws that are existing on the books that we have failed to operate by. So without that, how can you effectively look at the alternatives and draw the conclusion that that's better than what's there, particularly if we haven't engaged in the statutory changes that allow the latitude that agencies have been freed to take in the interest of the public good, which sometimes is

questioned, their interpretation of public trust.

Ms. Nemeth: I think that's a good question. Let's talk about the modeling approach taken.

Mr. Johns: Actually, you make a very good point. And the way the California Environmental Quality Act --

Mr. Machado: The point on Cal Fed, or the point on the modeling?

Mr. Johns: The point on the concern about looking at existing conditions. That's exactly the baseline we have to use in our CEQA document.

Mr. Machado: Have you done it?

Mr. Johns: Well, we haven't done it yet, because we haven't finished the CEQA document. But that -- in terms of the alternatives --

Mr. Machado: Is that one of the modelings that's been moved over from the brown and red and orange dots over to the bubble that was on the right-hand side?

Mr. Johns: Well, it will be one of the -- it will be -- we have to have that as a base alternative. Because the way CEQA works --

Mr. Machado: Jerry, you've told me that before. You've been up in front of me in committee, and you said, "We have to. We have to. We're going to." When will we do it, and when will there be a commitment that that exactly is going to happen? And when will you put it out of hypothesis that that, in doing so, will provide the baseline with which we can compare the other alternatives?

Mr. Johns: It will be in the draft EIR at the end of this year.

Mr. Machado: But it's not part of the scoping that was presented today by Karla as what they're looking at in terms of moving the alternatives from the left to the right side.

Mr. Johns: Well, those were conservation measures. We're trying to filter through that part of

it. But --

Mr. Machado: How can you talk about conservation measures and apply them if we don't know what the baseline is to which we want to apply them to?

Mr. Johns: Well, we know what the baseline is. We have that.

Mr. Machado: You just said you're in the process of trying to do that.

Mr. Johns: Well, we know what the baseline is. But in terms of the detailed studies --

Mr. Machado: How do you know what the baseline is? Because you've never followed and operated the Delta according to existing law.

Ms. Nemeth: Let's -- I think the question -- I think the question embedded here is a good one. And that is, in the BDCP process, in the conservation planning process, what has been our approach to modeling. Have we taken into consideration --

Mr. Machado: The operative word that you just used was if.

Is it?

Ms. Nemeth: That's the question I want to answer.

Mr. Cylinder: Paul Cylinder. I'm with the consultant team, SAIC, as a lead. The process that Karla was showing up there, we've been looking at all kinds of conservation measures, as she mentioned, including operations of facilities both with existing facilities and with a new facility. A peripheral canal facility. Dual operations. Different operations using the north Delta and the south Delta intakes. And we've compared them in our modeling runs with operations under existing standards. So that's been our basis of comparison as we've looked for what opportunities can we use with the existing exports in the south Delta and with dual exporting from north and south in order to achieve goals for fish, goals for water quality in the Delta, for agriculture,

and goals for water supply export.

So that's the approach that we've been taking in moving, as Karla was showing, the dots on the left through the filter to the dots on the right.

Mr. Machado: I would go back one step further. You've done it under existing. But we haven't applied water quality standard law to the extent that they should be applied. We haven't governed exports under existing law with respect to surplus waters. If we use -- if we had employed those standards, and if those were the operating conditions, what would be the result, versus taking what has been the operations of the -- the actual operations of the past? I mean, that's a hypothesis of what it would be like if we had applied what we were statutorily obligated to do, in the same way that you're saying, "I'm going to apply these methods to try to

address the problem as it exists today."

What you're saying is you haven't done that.

And so you have assumed an arbitrary baseline based on current operations, not on what would it be if we had --

Mr. Johns: It's not current operations. Whoa. It's not current operations. It's based on our current water right permits we have from the Water Board and the permits we have from the fish agencies on how to operate. That's what --

Mr. Machado: But are you meeting water quality standards according to the statute?

Mr. Johns: Yes. Well, we are. We're meeting them today. We've met them -- almost all the time we meet those water quality standards. Only in very rare instances --

Mr. Machado: Are you exporting from surplus waters?

Mr. Johns: Yes. By defined permit terms in our water right permit, and by the permit terms that

are issued by our take permits by the fish agencies. We're complying with those today.

Mr. Machado: I don't think that you'd have full concurrence on that. And it doesn't seem to me that you've taken a look at what the full -- what the extent of the application of the law would have been on the operations and what those results would be. And that is a baseline. And what I really am afraid of is that this becomes another form of Cal Fed. The only difference is it's become narrower in its application, it's become more focused in its funding, and it's become more directed by the interests who have a stake outside of the Delta rather than those involving the people in the Delta.

Ms. Nemeth: Fair point. Thank you. Thank you.

Chair: George, and then Katie Patterson.

Mr. Hartmann: Is this on? Oh. Good. Hi, Jerry. I'm back.

Mr. Johns: So am I.

Mr. Hartmann: I promise to be nice tonight. In fact, I'm going to do my Denny Crane impersonation with you. For those of you who don't watch Boston Legal, it's a great show. I just had a few simple questions for you. At the last meeting, you said that all the costs for this whole process and some future peripheral canal were going to be paid for by water contractors. State water project. Is that right?

Mr. Johns: Yes.

Mr. Hartmann: The answer is yes?

Mr. Johns: (Nods head.)

Ms. Nemeth: Yes.

Mr. Hartmann: Okay. Is there a reimbursement agreement in place now between any of those responsible entities and with DWR/BDCP?

Mr. Johns: Yes.

Mr. Hartmann: And are funds flowing from those entities to

you for this process?

Mr. Johns: Yeah. Yes.

Mr. Hartmann: And how can we get that information? Is it
on the website?

Mr. Johns: Rich?

Mr. Sanchez: Yeah. I would recommend you put in a
request -- I'm Rich Sanchez with DWR. I
would recommend you put in a request. You
can address it to me and we'll follow up with
that.

Mr. Hartmann: Okay. Thank you. So is it true, then, that
so far, the taxpayers have not incurred any
cost with regard to this project? The
taxpayers of the State of California?

Mr. Johns: Well, the water users that are paying for
this are taxpayers also. So --

Mr. Hartmann: That's a good dodge. But I mean the other
taxpayers.

Mr. Johns: The other taxpayers.

Mr. Hartmann: Me taxpayer.

Mr. Johns: Like I mentioned before, the only part so far that has been paid for by bond funds which would be paid for by the general taxpayers has been the last I think it's two years of the fish agencies' activities that they've been involved in this effort. Everything else has been paid for by the water users. Right?

Mr. Hartmann: Okay. And I can get all that information?

Mr. Johns: Right. We can provide that.

Mr. Hartmann: Okay. That's great. Next question. Do you have an authorized project that you're doing this for?

Mr. Johns: Authorized from a --

Mr. Hartmann: Legislatively authorized project for which you're doing all this?

Mr. Johns: Well, Burns Porter authorized the Department of Water Resources to build and complete the state water project. So we believe that we have authorization under current law to move forward with the kind of planning studies

that we're doing currently.

Mr. Hartmann: To build a new project?

Mr. Johns: Yeah. To complete the conveyance part of the system. That's correct.

Mr. Hartmann: Okay. So I understand your position. So this -- whatever it is you're moving toward is part of some prior authorization?

Mr. Johns: Yeah. Based on Burns Porter. Right, Dave? Yeah. Right.

Mr. Hartmann: Okay. Last question. BDCP/DWR recently filed about 60 lawsuits against landowners on the Delta.

Mr. Johns: Well --

Mr. Hartmann: At around -- along these alignments of these potential projects.

Mr. Johns: Well, I wouldn't call them lawsuits. I would call them more like trying to get temporary entry permits.

Mr. Hartmann: Well, they were filed in court, were they not?

Mr. Johns: Yes.

Mr. Hartmann: Okay.

Mr. Johns: Because we couldn't get the landowners to agree cooperatively, so we've taken the next step in terms of trying to get answers.

Mr. Hartmann: Okay.

Mr. Johns: And we're doing studies here.

Mr. Hartmann: That's fine. It's not a lawsuit. We go to court, but it's not a lawsuit. That's okay. And in the fact sheet that you put out for this meeting, you said, "We're out trying to get entry permits. But we're only going to do it voluntarily," et cetera, et cetera. There was nothing in there about the state filing lawsuits to gain entry. Are you familiar with that?

Mr. Johns: No. Refresh me on this part.

Mr. Hartmann: Oh. I don't know. I got it in the e-mail from BDCP. It just sounded like a very friendly process. So now we have 60

lawsuits -- non-lawsuits, sorry, that you filed to gain entry to lands. And my question, this is just the buildup to the question, is, is anything you're doing now with the scoping, and the future EIR, and CEQA compliance and NEPA compliance, is any of that in any way related to these non-lawsuits for temporary entry?

Mr. Johns: Well, yeah. Basically the surveys that we're trying to complete are directly related to our environmental document. That's what we mentioned last year or last fall when we came down and talked to you all. The idea of the entry permits was to gather the kind of data we need to support the environmental document.

Mr. Hartmann: And is any of the data gathering you're going to do in any way invasive? Are you going to dig any holes or bore any holes or dig any pits?

Mr. Johns: Some of it includes that. And we'd be more

than happy to sit down here and show you some videos of examples on the kinds of stuff that we're thinking that we need to get done in order to collect the kind of data you got to do to complete the kind of project --

Mr. Hartmann: Already seen them, Jerry. So --

Mr. Johns: Okay. You said you were going to be nice.

Mr. Hartmann: I am being nice. I'm smiling. George Hartmann. Denny Crane. So to the next point. In the aggregate, for all the miles that you're going to study, have you done any environmental review of the impact of those studies?

Mr. Johns: Well, classically under CEQA, you don't have to get -- there's an exemption process for doing studies.

Mr. Hartmann: Yes. For surveying. But for digging 60 or 600 pits?

Mr. Johns: Well, I'm not sure we're digging 600 pits.

Mr. Hartmann: Well, I don't know how many you're digging.

But you're going to bore holes in levees.

Mr. Johns: Well, I don't think we're boring holes in levees necessarily. We're looking at the soil structure of the lands in this area, which is usually digging holes in the ground that we then cover up again.

Mr. Hartmann: And so your position is that's categorically exempt?

Mr. Johns: I think that's what we've filed for in terms of how we've complied with CEQA.

Mr. Hartmann: No, you haven't. But that's okay. I just wanted clarity. And I thank you. I just want it on the record. Thanks, Jerry.

Chair: Katie Patterson, and Wesley Vierra.

Ms. Patterson: Good evening. Katie Patterson with San Joaquin Farm Bureau. Good to see some of you again. It kind of feels like we're at a roast here. And please don't take it personally. But it is personal for all of us here. There are a number of faces here that

I want you to look good and hard at. Because these are the people that are growing the food that you eat. These are the people that are stewards to your recreation sources out here. And these are the people that live and thrive in the Delta. And what you're telling them here tonight is that the Delta is not thriving the way it is because it's broken. Well, it hasn't been taken care of the way it needs to be. You were supposed to be giving us some promises here. To be stewards of our land here and our water system. And those promises have been broken. And there's been a series of that. You know. We've had plenty of people here talk about it this evening. And that has been the theme. And how do you as an agency, you know, sit up there and believe that, "We're going to come in with a brand new system here. We're going to work it," you know, "as we

tell you it's going to work" when you guys haven't done that in the past? It makes it really difficult to swallow. It makes it very difficult to believe every single one of you in each phase of this process. You know. Temporary entry permits was brought up. And there are 40 to 60 of them in court right now because that is part of the process. Because landowners were required to be a part of this process whether they liked it or not. And whether the ones that liked it or not, you know which ones they are. They're in court right now. And they are required to be a part of this because you guys are using eminent domain proceedings essentially. You know. The Civil Code that you guys are functioning under. So that tells us right now that you've already had that predetermined outcome. You know where you're going with this. Now, some of the

things that I heard tonight in terms of talking about the two-thirds of the water from the Sacramento River going through the canal, or the proposed canal, and leaving one-third of it in the Delta, that tells me that there's not going to be enough water in there for both habitat and for agriculture for the end use Delta users. And that's a very blatant point that was just glossed over. And that needs to be addressed.

Mr. Johns: Maybe if I could clarify that. Really what I was talking about was the water that we exported, two-thirds would be exported directly from the Sacramento River if -- from our studies we've done, and a third would be from the Delta. So I wasn't talking about the water in the Delta. I was talking about the water that would be in the canals.

Ms. Patterson: Okay. But we don't know how much water we need in the Delta yet to sustain. So we

don't know what this two-thirds number is.
We don't know what this one-third number is.
We don't know what needs to go out through
the estuary. But I'm hoping you'll answer
that.

Ms. Nemeth: And we do need to answer that question. But
actually, I want to give it to Chuck Hanson.
He's a fisheries biologist who's been working
on this issue continuously for the last
couple of years. And he'll have a
perspective to share on what our thinking is
at this point.

Mr. Hanson: And your point is absolutely valid. And it's
been one of the key elements of some of the
analyses that have been undertaken to date.
Not to lead to a final conclusion, but to help
form the foundation to inform our decisions
about what would be the effects of different
operational strategies, different amounts of
diversion from, say, the Sacramento River

versus the south Delta on the hydrologic conditions occurring within the various channels, as well as the salinity gradients. Because it's that combination of flow and salinity that really affects the quality of this estuary, not only for the fisheries' resources, but for the agriculture and the other land uses.

Ms. Patterson: And that's something that hasn't been operated as it should have been. And I think our Mike Machado here detailed that and delineated that well to the point that we have not seen a system that has been operated the way the law requires. And that's a very, very good point that needs to be addressed throughout this process. Additionally, one of your little posters back here kind of glossed over a question, Williamson Act lands. We had a nice conversation with the Department of Conservation. There are quite

a few lands that are going to be affected by that program there. And what kind of mitigation is going to take place for that? What type of mitigation are you going to do for your habitat conservation that's going to go out there? For agriculture? One of the few places in the world, you know, that we have unique soils, such as the Delta, and one of the few places that we can actually build is in the Delta. That's a primary place for agriculture to take place. And not all agriculture is depleting, you know, the soils, as it's stated, out there grossly. We have rice production out there. You know. We have blueberries. We have asparagus. We have things that are vital across this nation that come right out of that pocket and need to be considered. And there are other programs going on, whether it be USDA's environmental quality assurance programs and

things like that, that you're going to be affecting as you go through there. You're affecting more families than you know by taking a program and saying, "We may want to acquire this piece of land." That's part of their management plan. That's part of their longevity and sustainability of their business. And that needs to be considered as well. Thank you

Ms. Nemeth: Thank you. Thank you very much.

Chair: Wesley Vierra, then Richard Robertson and Tim Neuharth.

Mr. Vierra: My name is Wesley Vierra. I was just wondering. Could you explain to me what you said was a positive flow screen for the fish screens or your tubes for your canal?

Mr. Johns: I'll take a shot and have Chuck correct me here if I screw this up. But basically, they're fixed plates. Not so much with holes. But there are very, very small gaps in these

plates. And they're made out of, you know, good metals and that kind of stuff. But they're what they call a positive barrier fish screen as opposed --

Mr. Vierra: So they like stop the fish from going into the tubes, right?

Mr. Johns: It prevents them from going into the canals. Right.

Mr. Vierra: Okay. Didn't you say before about the south pumps, the fish nets, they weren't effective. Right? You said they didn't work, or that they had to be maintained. So who's going to maintain these fish nets?

Mr. Johns: Well, I didn't actually say that. But --

Mr. Vierra: You said they were ineffective.

Mr. Johns: Well, the difference in design is in the south Delta -- this gets a little geeky. So stop me here if I go too far. But in the south Delta, they're not really screens. What they are are louvers.

Mr. Vierra: Yeah. But they said they -- didn't you just say over here that they're designing new screens to help -- preventing the smelt and everything? And then they were denied that. And so now you're saying that you can put these new high-tech screens in for your canal, but you couldn't do it for the Delta.

Mr. Johns: Well, I did say that it's easier if you can get the fish past the screen and not have to handle them. That's -- the big concern we have in the south Delta is we have to physically collect the fish, put them in a truck, and truck them back into the Delta.

Mr. Vierra: And what are you going to do with the canal?

Mr. Johns: With the canal, all they do is -- once they get past the screens, they're good to go. We never touch them. They stay in the river.

Mr. Vierra: They stay in the river. Because you said that it, like, blocks them. Right? And then you had problems with fish eating fish.

Mr. Johns: Well, we have that everywhere, because fish do that.

Mr. Vierra: Yeah. I mean, I'm just trying to figure it out here. Because you said for the south Delta, it's not working. Even with the new screens, you'd have to, you know, handle these fish. But I mean --

Mr. Johns: No. We don't have to handle them with the new screens. The new screens we --

Mr. Vierra: Then why not just use them for the south Delta if you don't have to handle them? I mean, it's simple, I mean, if you think about it. I mean, it's screens or a canal. Which one's more cost effective?

Ms. Nemeth: I think we need to make some clarifying comments. And I think Paul's probably the best equipped to do that in terms of the approach and some of the differences and how we're looking at that.

Mr. Cylinder: Jerry could be doing it. But I think you're

confusing the answer here. The difference between the south Delta and the north Delta locations for intakes to export the water out of the system, in the south Delta, it's a dead-end slough. The water can only go one way into the pumps. And the fish get pulled to the pumps. And they're then salvaged there, whether -- they're filtered out, as Jerry was saying, put into a basket, the basket is then dumped in the truck, and they're trucked to the Delta. In the north Delta, where we've been investigating locations for intakes, it would be along the Sacramento River where there's flow in the river. And when you have -- so it's not a dead end. The screens would be on the banks of the river or in the river with water flowing by. And that's the big difference.

Mr. Vierra: Would there be like -- I assume there's pumps, right, that would pump it into the

canal?

Mr. Cylinder: Right. But --

Mr. Vierra: So wouldn't the pumps suck in the fish just
like the pumps in the south Delta would?

Mr. Cylinder: No. They --

Mr. Vierra: I mean, you're saying it's like a dead end.
But they can swim against the current. Or
else -- are you saying they're like powerless
to swim against the current?

Mr. Cylinder: Yes.

Mr. Vierra: Well, then wouldn't they be powerless to swim
against the current of the pumps for your
canal?

Mr. Cylinder: No. Because --

Mr. Vierra: Why not?

Mr. Cylinder: Let me finish. The river is flowing --
when a river is flowing past the screens, the
screens are perpendicular to the river. The
fish are flowing past the screens. So you're
pumping the water perpendicular from the

river. The river is flowing past. Okay?

Just the right angle. The fish, so long as the velocity of the river flowing past that screen, and the term that's used is sweeping velocity, they're literally scraping things off the screen. So long as the velocity of the river flowing past that screen is fast enough, even small fish that just behave like, you know, a particle floating in the water can get past that screen without having to swim, because the velocity of the water is enough to carry them past the screen before the pull of the pumps can drag them to the screen. That's the difference between having a screen on a river, the Sacramento River, and the north Delta, which is where we're talking about looking for opportunities to put the screens to intake for the canal, versus where the intakes are now on the south Delta, which is a dead-end slough.

There's no river sweeping past that. It's just -- it's reversing the flows of all the little rivers of the San Joaquin and pulling that water down to the pumps and pulling fish with it. That's the difference. That's why the north Delta is a better location in order to develop a conservation plan for fish is because you can avoid a lot of that loss of fish by your pumping.

Mr. Vierra: I can see what you're saying about the conservation of fish. But, I mean, we've had all this talk about, you know, saving the environment with all this, blah blah blah. But, I mean, point out the elephant in the room. You guys are building a canal to go down to So. Cal., Southern California, to supply them with water. And it just seems that you guys are using this as kind of an excuse. Kind of a by the way. Kind of like a, "Oh. We're saving the environment, so

we can go build this canal. And all you guys here, you guys can go against it, but it just makes you look even worse." Now, I know you guys are trying to make, like, kind of like an estuary in its own way. But wouldn't you guys be concerned about the saltwater intrusion when you guys are pumping out of the Delta? I mean, you guys are saying it's like perfect leverage and everything. The perfect level. But when you're pumping out of the Delta, it's going to suck seawater into the Delta. Wouldn't that hurt the fish? Wouldn't that hurt our community? Our farmlands? I mean, you guys are saying something about how you're going to take a third out of the Delta. We're already being rationed right now for our water. We're looking at zero percent of our annual water coming in for us for our water rights. And you guys are coming in here and saying,

"We're going to take a third of it now." And then what's next? Next thing you know, there's another population boom in L.A. And it's, "Now we got to take two-thirds of it." I mean, where's the end of this? You guys are just trying to plug holes with your Finger. You guys are like, "Oh. Desalinization plants are too expensive. Nuclear reactors are too -- are just too. dangerous." I mean, they can go off. Everyone likes to point at Chernobyl. But everyone likes to do this one. "You know what? How about we screw two, three, four, five communities to go and go pump water down to L.A.?" And is this really cost-effective? You guys are making a huge canal. I mean, there's got to be workers. I mean, there's going to be intrusions. You guys are going across the main channel, as I can see that. What are you guys going to do? Put locks in

to stop the flow or what? You guys are flooding over by where I live. And how are you guys going to control the mosquitoes? There's going to be tons of them. Everyone's worried about West Nile and all this. And I just don't see this as being a very valuable resource. And I'm young, and I'm a voter. And you guys are telling me, "We may do this. We might do this. This might happen if. If That. We don't even know the cost of it yet. But don't worry. The people that are stealing your water are paying for it, so don't worry about it." I mean, that's like me saying -- I mean, I can understand why they want to pay for it. I would pay for someone to steal your car. Your hands don't get dirty. So, I mean, you guys, you're all sitting here and you guys hold the velvet glove. But no one really -- these people here aren't stupid. They know what you're

doing. You guys are sitting there -- I mean, I'm looking at all these maps, and I'm asking questions. And I get this one. "So you guys are planning to flood that. What are you guys going to do?" "Well, we're looking into vector control." "Oh. That's cool. So what are you guys going to do?" "Well, we're looking into it." All right. My question never got answered. And they go, "Oh. Write me a letter and I might e-mail it." And I write them a letter, and they say, "LOL. Screw you." Or I never get one back. I mean, you guys are always like, "Oh. Write in a letter." That's funny. Because then you just tell me. Why not just tell the public? I mean, these people -- I mean, we're busy just as much as you guys are. I mean, you guys are out trying to save the world and California. We're just trying to save ourselves here. I mean, let's face it.

People down there in So. Cal., they got more money than us. I know a lot of people don't want to think about it. They got more money. They got more voters. So you guys aren't really worried about it. Because we're going to get screwed anyway. You guys will just be like -- well, this is a formality for you guys, isn't it? I mean, you guys have to do this. You guys have to do a scope program and all this. And you guys have to, I don't know, basically tell us you're taking our water. And, "What do you guys want to do about it?" "What about you don't build a canal?" "Well, we're looking at alternatives. How about we move the canal?" I mean, that's all I'm hearing is canal, canal, canal. I hear desalinization, and it's like I just crucified someone. I mean, I say nuclear power -- I say, "Hey. Why don't we use the ocean?" And then a lot of people,

"Well, if we do a desalinization plant --"
This came from one of your helpers. "If we
do a desalinization plant, it is more
effective capitally. But energy
cost-wise, it's just not efficient enough, and
it doesn't have enough --"

Audience: (Unintelligible)

Mr. Vierra: Thank you for whoever said that. I feel the
same way. Seriously. You guys have an ocean
right next to you. You guys can't build
desalinization plants? You guys can't -- you
can't invest your money -- because we're in a
deficit. You can't invest your money into
something else rather than come up here and
bother us for our day jobs and everything?
And have us come out here so you guys can
just tell us that, "We're either going to
build a canal here or we're going to build a
canal there. And you can vote on whether you
want it on the east end or you want it on the

west end. But we're pretty much just going to take it from the Delta." And then you guys are saying Sacramento River. So you're just -- I mean, what are you going to do when you're taking all that water? I mean, it's got to affect the environment. I mean, even if you do all those floods --

Chair: Wesley, I'm going to ask you to wrap it up now. And I'm also going to ask you -- we have five or six -- five -- three or four more. We're about twenty minutes overdue. Will you stay until 9:00 and answer these questions? Okay. So I'm going to ask Richard Robertson, and then Tim Neuharth.

Ms. Nemeth: You know, I do want to respond to some of the issues raised, because I think there are some misconceptions. And I get that there is a ton of skepticism in this room. I mean, that's to put it mildly. I do understand that. But there are a couple of things that

I think we all need to remember. That this isn't about water simply for Southern California. There's a lot of folks up and down the state -- there's a lot of folks up and down the state that rely on water that's currently conveyed through the Delta. And it's important that we recognize all of that.

Audience: We were here first.

Ms. Nemeth: Fair enough. Fair enough. I just want to explain that it is water for folks throughout the state, Bay Area included. So it's not simply a north/south issue. But I appreciate the sentiment and the skepticism absolutely. The second piece of it is, absolutely flow issues are important. And when we're considering a canal as part of this plan, as part of this conservation plan, we are looking at a couple of aspects of it that are essential to helping species recover. And that is simply reducing fish that get trapped

currently in the pumps. Folks mentioned fish screens. And there are ways to do that with fish screens. The other piece of that is flows and how flows move through the Delta in terms of bypassing any new diversion to keep -- to deal with that issue of fish getting trapped in the screens. But it's also about how water moves through the Delta in terms of several aspects of its quality, in terms of its turbidity, in terms of its solidity, the direction that it's moving, its temperature, its volume. All of those things are key parts to the puzzle, and they are things that we are examining as part of this plan. And again, I appreciate the kinds of comments and the skepticism. But I do want to make sure that folks understand that all of this is a part of the analysis moving forward.

Mr. Robertson: Hi everybody. I'm from ground zero.

I don't talk real well until I get going.
Okay? Okay. We know this pipeline is going to go in. They're talking about how much saltwater is in the Delta. I brought this up last time. I was at the Brentwood meeting. It was interesting. Anyway. Sherman Island. October. Week before duck season. Jellyfish in Sherman Island. How about that? That's a saltwater species. Okay. Walnut Grove. December. No water coming into the Delta. Everybody who lives on the water knows that. Flounders. Two days, three days of three and four-pound flounders at Walnut Grove. Another saltwater species. These are all environmental little guys that aren't supposed to be here. That's how bad the water is in the Delta right now. No flow coming into the Delta. Zero. Behind our docks, I have a harbor. We saw three feet of water of no water. We still see two feet of

no water. Some water come into the Delta. We got a little bit of rain. This water quality is crap. The east bay, East Contra Water District is moving their pumps to beyond Disco Bay. The water coming into Rock Slough is bad. They know it. And they supply a lot of water to -- East Contra County, Diablo Water, East Contra Costa Water District, these all are impacted by this bad flow of water. And they're going to be taking the water out of the Sacramento River before it even gets to the Delta. Impact on islands. Water is going to -- the pipeline is going to be underground that we're never going to see how much water is going down. It's going to go by the Deepwater Channel, come across Twitchell, come across Three-Mile Slough, come across Bradford, come across Bethel Island, come across Jersey Island, and go all the way to

the Byron pump without us ever seeing that water that's in that pipe. The one that's going to go on Highway 5 that you guys are going to see, we're going to see the water in that. We're going to get an idea. But we're not going to see that other water. We don't even know how much water is going to go down. They're not going to tell us. I asked them how much fish were in the Delta in the '50's. There were six to seven million stripers in the Delta at one time. Salmon. It's probably exaggerated. But a lot of them. You could walk across the river. You hear the stories. You run the salmon up the San Joaquin River. How many fish? They say maybe 100,000. There's not even 1,000 salmon going up the San Joaquin River right now because of the pumps. They decimate -- the water diversions, the pumps, everything goes through them. Everything

gets ground up. And they -- "Oh. Wow. We got too many fish." They could put screens on the intakes or that flow that comes into the Byron fore bay. That's possible. They don't want to do it. So this is what's happening. I'm not going to address all of the stuff I talked about last night, because you guys are somebody different. But I'm ground zero. I see what's going on. These people have never been in the ditches. They've never been on that estuary in the places they need to look. They look across the thing and see your beautiful pictures. "Oh. We're going to do this and we're going to do that." But they need to get out and to see what's there. How many of you guys have spent like an early morning out there in the Delta and walked across that and seen what's there? The ducks, the geese, and everything that's going on. You don't do it. You've

never been there. The fishery guy, he's a joke. These other people are jokes. Everything's going to Southern California. Look at the guy picking his fingers right there. He doesn't want to hear what we're saying. They've already got this plan worked out. But when they start taking that water out of the Sacramento River before it even gets to us, before it gets to you -- you guys don't see that water. We do. But all the way up and down. And they want to build more on the Shasta dam. Los Vaqueros reservoir is next. Eighty percent of Los Vaqueros was paid for by L.A. Power and Water. And that's -- they're going to be expanding that within the next few years. So this is what's happening. It's a water grab. Everybody knows it. And we can't do anything about it. Because they took that peripheral canal apart. That agreement we had with them, they took it

apart. And they probably found one word. How bad can that be? What's the difference between may and shall? Huge difference. And that's what it takes to throw an entire agreement out or a vote. They took it apart. Took them 30 years. This year they found that out. And that's why this is happening, because they found it out. It was a closed-door, back-room deal. They took it apart and they found out how to get around it. And this is what we're going through now. And we can't stop it. I'd like to say we can. They're going to put it up for vote for the funding. And we may or may not vote it in. But they're going to pay for it anyway. So I don't know what we can do about it. All we can do is try. And that's what this is about. For us to try. Because they're going to kill us.

Chair: Okay. Tim Neuharth and then Chris Neudeck.

Mr. Neuharth: Could you put up your power point slide that said identify conservation --

Ms. Nemeth: This will take a few seconds or minutes.

Mr. Neuharth: -- identifying conservation measures on your power point? My name is Tim Neuharth. I'm a Delta resident. Delta farmer. Been there a long time. Represent a family that's been there since 1848 and watched the river go -- or watched the water go down the river a lot of times, and watched as I've irrigated over the years from a little kid to the present age, and watching how water flows through my ditches and through the canals and into my furrows and so forth. And although that may be a smaller scale hydrologically, it's the same principle. First of all, I want to thank this crowd. I heard a lot of good things tonight from a lot of different people. A lot of good stuff. A lot of good questions. A lot of good observations. And you really

need to give yourselves a round of applause for being vigilant and being inquisitive. And I thank you for that. Well, while they're getting there, one of the issues that was brought up, or one of the things that were said was public trust. And I think all of these meetings that I've gone to, there's a huge, huge question about public trust. We're being asked to believe that all of this is going to work without a lot of positive facts or figures or whatever. For instance, we have fish screens that supposedly are state of the art, but they don't work. So we're going to use fish screens up on the north end of the Delta to pull two-thirds of the water out of the Sacramento River, if I have that quote right. Two-thirds. That's -- I think that's what you said, Jerry.

Mr. Johns: Let's make this clear. We're talking about the water in the canal. When you look at

how much water -- at the water that's exported, not water that's in the river, but the water that's exported, about two-thirds would be from the Sacramento River, and about one-third would be from the south Delta. So just water that's exported, that's the percentage. What's in the river is way -- is a whole different question.

Mr. Neuharth: Okay. Okay. So we're going to use fish screens up there to screen out fish as well. But the fish screens that we have down here don't work even at this point. So we've had all these years to figure out that technology, and we haven't evidently got there. Because if they did work, we wouldn't have this problem, evidently. Which brings up an interesting point. The easy fix for all this thing is to take the pumps and the screens that go with them out, and we wouldn't have a problem with the smelt to

begin with. That's a pretty cheap fix, if you ask me, rather than building this big canal and doing all this other stuff, blah, blah, blah. So back to the public trust. We've been asked to trust. Well, from the beginning, we've been getting a snow job. One was if we -- when we have this catastrophic earthquake, all the levees, or 50 levees or whatever it is in the Delta, are going to fail. As one gentleman pointed out earlier, there's never been a levee failure due to an earthquake in the Delta ever, historically. You can put your computer models out there all you want to. But if you're just looking at the facts of history, that doesn't pan out. If it did, I think repairing the levees and the water quality issues is going to be the last thing on anybody's list. If we have an earthquake of such a magnitude that the levees are going to

collapse in the Delta, you're going to have city problems and you're going to have freeway problems. You're going to have problems beyond anything that even remotely applies to the Delta. That will be the last thing on the list they're looking at. Number two, we were told that, you know, we have to fix all these levees, and we have to do all this work because look what happened in Louisiana and Katrina. Well, guess what? We don't have hurricanes in California. We don't have 20-foot storm surges in California, and neither do we have a U.S. Corps of Engineers built -- engineered and built wall that failed. We have levees. We don't have a wall that failed. And it wasn't a levee that failed in Louisiana either. So all along this process -- and by the way, I raised this point earlier a long time ago at some meetings in the Delta. And one of the

gentlemen that sat at the tables up here admitted to me that, "You're right. Katrina doesn't really have anything to do with California. However, it does keep it in the public's eye." In other words, it's an emotional issue. So, you know, it's the fear thing. And then -- so now we're being asked to trust that -- now we're getting there. To trust that all of this stuff that we're talking about is going to work. And I don't see it. We're focusing on the smelt, and we're focusing on the splittails, and we're focusing on the salmon. Well, what about the other things that go along the Delta? What about the striped bass, which may be an invasive species, but I don't think you're going to get rid of them. Are you planning to eradicate them totally? I think they're here to stay. When do they become native? In essence, they are native. They're here.

They're not going to be taken away. So what about the catfish? What about the hawks? What about the owls? What about the otters? What about -- I mean, go on and on and on with other species that are in the Delta. So what I'm seeing here is a robbing Peter to pay Paul. We're going to take water out of the north end of the Delta. We're going to ship it south to make up for deficiencies in the San Joaquin River and mess with the flows that traditionally come. And if we're taking that much water out of the north, what happens with the rest of the north Delta? What happens to the flow from there? Where is this water coming from to make this system work? Do we have additional storage up north? Have we raised Shasta dam? Have we built a new dam? No. All of this stuff has been predicated on studies and ideas that were supposed to be put in place in the 19 -- in

the 1940's and '50's. That hasn't happened. But yet we're going to dig this ditch knowing not where the water is coming from, nor are we knowing exactly where it's going. I've been told recently that we're only going to do this when we have excessive flows. Well, we're going to build all this. There's billions there, and billions there, and billions there. And we're going to build all this, and only pump this water when we have excessive flows. Well, last year, that means that we wouldn't have pumped any of this water. Because we didn't have any excessive flows last year. This year, we've had about a month. So, you know. Billions and billions and billions not only on something that's only going to work part time, is what I've been told. I haven't seen that in writing. But it's been verbalized with people here at these different stations.

And plus, no hard data that all of this is really going to work. But we're going to do it in the hopes that it's going to work. We heard from a guy in Sacramento who's from the Hoopa tribe. You know. He was very adamant that the restoration that was supposed to happen on his river, the Trinity, and the funds that were supposed to be provided to make that happen by the users of that water have never materialized. Nobody's ever held them accountable for what's going on up there. And so what I'm saying is there's a whole lot of open questions here. And I just ask that we, as taxpayers and residents and water users and recreationists and so forth, continue to be vigilant, continue to be questioning, continue to be pointed in our remarks. And, you know, they've got to prove it. This isn't our idea taking this water out. You know. It's what they want to do.

And they want to ship it south. So they've got to prove their points and they've got to make this thing work. So I just encourage you to continue to be vigilant and questioning. And, you know, let them prove their points. Thank you.

Chair: Okay. We have Chris Neudeck, then Mary McTaggart. And just before you begin, Chris, I want to invite you, after we break up here in just a few minutes, to stay and talk to the people in the back of the room, particularly those that have spoken here. You had many things that were great questions that would be best utilized if you make sure that they get down in writing for the technical staff there. So Chris?

Mr. Neudeck: All right. Thank you. Just real briefly, I want to clarify something that Dan -- Dante, Junior brought up earlier in the discussion. And it was regarding the fish

screen project that the department undertook around the year 2000 to move the screens out of the dead-end portion of the Clifton Court fore bay. Up on Byron Tract, we went through a very similar process. The department came out, threatened eminent domain on our client. I happen to be a civil engineer that works with the reclamation districts down there. And we were well into schematic design for a fish screen on a live river. On Old River. Now, Paul Marshall in the back of the room give me some general explanations as to why that screen didn't work. But the Reclamation District and the local landowners were told the reason that project failed was the contractors were not going to pay for it, because it was a very expensive screen, unless they got certain assurances out of the project. So after almost two years worth of study and

schematic design and environmental consideration where the screens were on a live channel, we thought it failed just because of cost and not getting a commitment out of the contractors. Does anyone have an explanation why that project isn't being considered or doesn't work? Because it's a screen on a live channel similar to what's being designed on the Sacramento River. Now, Paul indicated to me that the sweeping flows by it weren't enough. But is that the reason why that one is not being considered? Because it's not in the dead end any longer. And it was something that the department proposed and put an awful lot of money and effort into it. Because I was involved in it for several years.

Mr. Johns: You probably ought to talk to Paul. He's probably our best source on this. I don't know if you want to do it now or if you want

to talk to him afterwards.

Mr. Neudeck: Well, I think it's worth clarification.

You've heard a lot of discussion around -- tonight about the screens. We're moving this all because of the screens. Well, here was an alternative screen in the south Delta on a live channel that had flows. Old River is a river that runs up technically north, but it runs typically south.

Mr. Johns: Yeah. And part of the problem with that part of the Delta, of course, is it's tidally driven. So you get fish that move this way past the screen, then they move back. And they move this way and that way.

Audience: Why don't you have the expert answer the question so we get a straight answer?

Mr. Johns: Okay. Paul, you want to -- as Paul's coming up, one thing I might want to indicate. It's not just the screens that are the issue. We have these -- in Old and Middle River, those

two rivers in the middle part of the Delta, that's really what's controlling our operations currently. So even if we had better screens, the fish agencies are still concerned about the fish that are coming into those rivers. And that's -- even if you had better screens, they would still be concerned about the fact that, well, you might bring more fish into the interior Delta, and they would then stay there until the Delta got hot and they would die. So even if you screened it better, they would still be concerned about Old and Middle River flows, even with better screens. I'll let Paul answer the other question.

Mr. Marshall: Yeah. Either way, whenever we're dealing with the screens down in the south Delta, we're looking at a terminal screen. It's like a fish sampler. It's actually pulling in the fish from all around. Our modeling

shows that if we -- when we have the exports going, during the springtime especially, we have a zone of influence that goes out to San Joaquin River and goes up well past Victoria Canal up on Old River. And all of those particles in that area start heading towards the screens, whether they're the State water project or the Central Valley project. Either way. So the facility that you're talking about where we're actually putting screens on Clifton Court fore bay on Old River basically --

Mr. Neudeck: No. They were on Byron Tract. They were outside the fore bay up on Byron Tract levee. We were redirecting Italian Slough. I mean, there was a lot of effort put into that design. This was not just a hocus pocus throw the --

Mr. Marshal: Okay. But we're still bringing water past on Old River. And that water was actually

heading for the CVP pumps. Okay? So that was actually creating that sweeping velocity that Paul was talking about earlier. Some other pumps were creating that sweeping velocity. So you're making it good for some fish but worse for others. You know?

Mr. Neudeck: Because of the Central Valley projects?

Mr. Marshal: So no matter what, you're still -- you still have a terminal screen.

Mr. Neudeck: But wouldn't that be the fed's problem and not the state's problem? I mean, in regards to --

Mr. Marshal: You know, it's the fishes' problem. And that's the whole issue.

Mr. Neudeck: But that sweeping velocity -- you and I started talking about this. That sweeping velocity was adequate to sweep them off the fore bay or the state water project screens. And it's -- because the Central Valley project is sucking them, wouldn't it be the Central

Valley project's screening facility that
needs to take care of them --

Mr. Marshal: Yeah. But here again --

Mr. Neudeck: -- and not relocate the screens all the way
to the north?

Mr. Marshal: Here again, they have a terminal
screen at that point. So they have a
terminal end.

Mr. Neudeck: But we're moving -- we're building a
peripheral canal because the Central Valley
project doesn't have screens.

Mr. Marshal: No. No. In fact --

Mr. Neudeck: I mean, but that's -- you're just telling me
that that's why the 800 or the 800 screens
didn't work, because we'd be sweeping them
down into a terminal facility. I'm telling
you, the reason they told us is because the
contractors didn't want to pay for it. None
of the information you've shared with me in
the last ten minutes was ever expressed to

the landowners at the time. So this is all news to us. But from what I'm hearing is you're saying, "Well, the sweeping velocity is there. But we're sweeping them down into another set of screens."

Mr. Marshal: Actually, the sweeping velocity still isn't enough. In that kind of an area up on the Sacramento River, the sweeping velocity is pretty good --

Mr. Neudeck: More water in the river.

Mr. Marshal: -- especially for salmon. And if you look at the location of the proposed intakes, that's pretty well outside of a lot of the influence of the Delta smelt. And so we actually wouldn't be affecting smelt hardly at all, especially if we're only pumping more on the ebb tide. So we can actually avoid a lot of our impact, by pumping on the Sacramento River, on the Delta smelt entirely. That coupled with the flood plain and tidal

habitat that's up there in the Cache Slough area would grossly benefit the Delta smelt, the Sacramento splittail, the Sacramento River salmon, the steelhead. It really helps out a lot of these fish. So we're avoiding the conflict between habitat and conveyance by taking our water up there. Plus we're providing habitat that adds food to the system that they desperately need.

Mr. Neudeck: So what velocity sweeping flow do you need by the screens? I'm still a little unclear.

Mr. Marshal: That is actually --

Chair: Chris, after this one, I'm going to ask if Paul will stay and continue.

Mr. Neudeck: Okay.

Mr. Marshal: That's actually something that the biologists have been working on. They're looking at anywhere from 5 to 11,000 CFS of flow going past these screens on the Sacramento River before we can actually start

taking any of the water. So that's the sweeping velocity.

Mr. Neudeck: Okay. Thank you.

Chair: Okay. Paul, you're here afterwards if people want to follow up on that. Last speaker, Mary McTaggart.

Ms. McTaggart: My name is Mary McTaggart. I live in the north Delta near Clarksburg. My first question is about this diagram here that's the second page of your handout. The proposed action is the BDCP. Then it lists some other alternative projects. What are those? Have they already been discarded, or are they going to be evaluated, or --

Ms. Nemeth: Those are the ones that are -- that we're scoping on tonight. Again, the point is to get comments on the range of alternatives that need to be looked at. How we look at those alternatives. How we measure those impacts. All of that. They're not decided.

Ms. McTaggart: Okay. But are these real alternatives that have been put out there, or are they ones that you might make up from hearing from us? The ones that --

Ms. Nemeth: We've got some. We've got some out there that are on some of the boards. But also, we're taking input on a reasonable range of alternatives. So the expectation is that we'll get some alternatives here tonight that will go into the EIR/EIS process.

Ms. McTaggart: Was one of the alternatives the one that was proposed by Tom Zuckerman early in the Delta process? Was that considered an alternative?

Ms. Nemeth: Which alternative is that?

Ms. McTaggart: Was proposed by Tom Zuckerman from down here in this area early in the Delta vision process. A whole alternative to this idea was called -- he focused on self-sufficiency. Regional self-sufficiency and conservation.

Was that being -- has that been considered in your process?

Ms. Nemeth: I think we want input on all those kinds of alternatives.

Ms. McTaggart: No. The question is, has it been considered?

Ms. Nemeth: It is being considered. Absolutely.

Ms. McTaggart: Is it?

Ms. Nemeth: It is. Absolutely.

Ms. McTaggart: Okay.

Ms. Nemeth: That's why we're here tonight.

Ms. McTaggart: I'll look to see it somewhere, then, in print. Maybe you can give me that.

Ms. Nemeth: Yeah.

Ms. McTaggart: Secondly, I'm kind of worried about the science here. I'm looking at the adaptive management section of chapter 3, conservation strategy. And here it says that conservation measures can be discarded if they're found not to work. My question is -- now, they can

be revised. They can be added to. Okay?

And it says that. It says, "Then the marsh --" For example, it says, "Then the tidal marsh restoration may be reduced or discontinued and its funding diverted to additional contaminant reduction actions," et cetera, et cetera. So what happens to that land that is -- that is not going to be used for a conservation measure anymore?

Ms. Nemeth: Great question.

Mr. Cylinder: The habitat -- the physical habitat restorations -- the restoration of marshes -- as you all are, I'm sure, aware that the Delta was almost entirely marsh in historic times. And so we're looking to restore areas back to marsh habitat contributing to food supply for the fish. Marine habitat for the fish is the purpose of it. But it's certainly not 100-percent understood science in terms of how these marshes will be -- come

back as we flood areas. So the conservation measure will be written in such a way as you start small and you work up. And with the restorations that you do do --

Ms. McTaggart: How small is small? Excuse me. Someone said 5,000 acres earlier in another meeting.

Mr. Cylinder: Yes. 5,000 acres would be a total within one of those large shaded areas. Somewhere within -- those areas are huge. They're much more than 5,000 acres. So somewhere within that, we would identify 5,000 acres. But any given restoration project might only be several hundred acres in size. And certainly initially, in order to -- to study the outcomes of restoration. So when we talk about discontinuing habitat restoration, it doesn't mean that we abandon a site. If we've restored a site, we would adaptively manage that site to get the most out of that site. But it might turn out that we're not

getting as much benefit to fish as we anticipate. We might get more benefit to fish than we anticipate. At this point, it's not an exact science. We have the best science, and we've been using the best science available. But if we don't seem to be getting enough results for the fish, and it's the purpose of the plan, the purpose of restoring habitat, then we might discontinue doing more restorations. Not give up on that one. We'd get the most out of that one that we could. But we would discontinue doing additional and divert the money then to other conservation measures that are proven to be more effective over time as we implement.

Ms. McTaggart: So my question is, when does this process stop? We live here. We're trying to make livings here. We're trying to make a, quote, viable or vigorous agricultural economy here. And if you're just -- if there's no end to

this adaptive management -- you know. "Well, we'll try this over here. We'll try this over there. Oh. Meanwhile, we've lost some of our funding." And by the way, are the water contractors paying for all of this? Is that part of this too? Or are they off the hook for this once they get their permits?

Mr. Cylinder: The way you described adaptive management is not how adaptive management works. The focus is, first of all, setting the objectives for the plan. The plan has to identify what the eventual goals are in terms of -- and objectives in terms of amounts of habitat restored, how the system would be operated, but with contingencies for adaptive management to allow flexibility. But there has to be some limit to where the plan begins and ends. And that limit is set in terms of --

Ms. McTaggart: Where are the limits?

Mr. Cylinder: Well, that will be described in the
document.

Ms. McTaggart: So will it be there?

Mr. Cylinder: And we've been working on those --
describing those limits for different aspects
of different conservation measures over this
past year as we've been working. Yeah. So,
yeah. We'll have a full document.

Ms. McTaggart: Okay. I'll look for them. Secondly, I
think on other stressors -- no. I will.
I'll look for that.

Mr. Cylinder: Can I answer your question about the
funding?

Ms. McTaggart: Well, I -- I don't know. No.

Mr. Cylinder: Did you want me to answer the question about
the funding?

Ms. McTaggart: Yes, I do.

Mr. Cylinder: Okay. The way these conservation plans
work, because this plan includes mitigating

the impacts of the water exports as well as going beyond mitigation, contributing to the recovery of these fish species, the funding for implementing a plan, paying for actually doing what -- if this plan comes to be, and permits are issued, and it becomes -- and it starts to become implemented, the funding for that would be shared in terms of the water contractors. Those who are benefiting from this permit by being able to export water. They will be paying for all of the mitigation and some of the contribution to recovery. And any additional contribution to recovery, the state and the federal government would be responsible for some of that also. Because we're working under state and federal laws. Endangered species laws. And the responsibility for recovery of the species goes beyond any given entity or group of -- or individual in terms of offsetting

their impacts on that resource.

Ms. McTaggart: So how will that --

Chair: Mary, could you make a concluding comment,
and then you can carry on the conversation.

Ms. McTaggart: Okay. Well, then my last comment is I
wondered if it would be possible to get more
than 90 days for the public comment period
when the EIR comes out. I know 90 days is
probably a long time. But I would think this
document is going to be huge. And you keep
telling us that's the time when we really
need to say what's what. We're not going to
even have time to read it, let alone think
about it if there's only -- you know. Ninety
days isn't very long if it's several thousand
pages. That's all. My request is for longer.

Chair: Thank you. And with that, I'd like to thank
all of you who participated either by
speaking or by listening. And I'd also like
to invite you to remain. To the extent that

you would like to speak to the folks in the
back to get your comments in writing, they'll
be here until 10:00. Thank you and goodnight.
(The proceedings concluded at 9:20 p.m.)

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CERTIFICATE OF REPORTER

I, JAMIE LYNNE GUILLES, a Certified
Shorthand Reporter of the State of California,
License No. 8086, do hereby certify:

That said proceedings were recorded in
stenographic shorthand by me, a Certified

Shorthand Reporter, at the time and place

herein stated, and were thereafter reduced to

typewriting under my direction, and that the

transcript is a true record of the proceedings;

That I am not of counsel or attorney for

any of the parties hereto, or in any way

interested in the event of this cause, and that

I am not related to any of the parties hereto.

WITNESS MY HAND this 17th day of April,
2009.

JAMIE LYNNE GUILLES, C.S.R.
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BAY DELTA CONSERVATION PLAN
EIR/EIS PUBLIC SCOPING MEETING
PUBLIC COMMENTS
TUESDAY, MARCH 24, 2009; 6:00 p.m. to 9:41 p.m.
STOCKTON CIVIC MEMORIAL AUDITORIUM
525 NORTH CENTER STREET
STOCKTON, CALIFORNIA

REPORTED BY: CELIA A. ZARATE, CSR NO 10769

1 ATTACHMENTS:

2

3 BDCP Speaker Card - EIR/EIS Scoping Meeting:

4 Name: Woody Alspaugh

5 Affiliation: "Citizen" Alspaugh Foundation

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<div>Page 3</div> <div> <p>PUBLIC COMMENTS:</p> <p>MR. ALSPAUGH: Woody Alspaugh, that's A-l-s-p-a-u-g-h.</p> <p>I've been to many of these meetings, including the BDCP, and spoken at many times at many meetings and as a landowner, property owner, former fireman and dockworker, longshoreman, being that Stockton is an inland seaport how could or would they propose a solution to the ship traffic via the canal if a peripheral canal was built cutting off the ship channel -- shipping channel.</p> <p>(Whereupon, the meeting was adjourned at 9:41 p.m.)</p> </div>	
<div>Page 4</div> <div> <p>CERTIFICATE OF REPORTER</p> <p>I, CELIA A. ZARATE, LICENSE NO. 10769, State of California, certify that the foregoing statement was taken before me at the time and place herein set forth;</p> <p>That the statement made at the time of the scoping meeting was stenographically recorded by me to the best of my ability and thereafter transcribed by the use of computer-aided transcription;</p> <p>That the foregoing proceeding, as printed, is a true record of the statement at the time of the proceeding.</p> <p>Witness my hand this day of 2009.</p> <p>CELIA A. ZARATE, CSR 10769</p> </div>	