

1 **APPENDIX J: COPIES OF TRANSCRIPTS OF 2009 BDCP**
2 **INFORMATIONAL MEETINGS**

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BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT (EIR)
AND ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS

MONDAY, MARCH 9, 2009

PUBLIC COMMENTS

6:00 P.M.

CHICO MASONIC FAMILY CENTER

1110 WEST EAST AVENUE

CHICO, CA 95926

REPORTED BY: LISA L. JONES, CSR 12982

<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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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>

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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.

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

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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.

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.

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

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1 alone." Now, that I have your vote, I'm running for
 2 assembly seat.

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.

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 Engring, U.S. Fish and Wildlife Service.

24 MR. JOHN ENGBRING: Thank you, Lester. Yeah, this
 25 indeed is an impressive turnout. I think I was at the

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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 Engring. 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 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 table's 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>

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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.

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.

25 MR. LESTER SNOW: Pam suggested that I very quickly

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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.

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.

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

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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.

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.

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

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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.

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.

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

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1 concise as you can. And then the other ground rule is not
 2 to be abusive or threatening.

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?

18 MS. JULIA McKEEVER: Correct.

19 MS. PAM JONES: Okay. And your name is?

20 MS. JULIA McKEEVER: Julia.

21 MS. PAM JONES: Okay. Julia is here from Supervisor
 22 Mike McGowan. Also, I would like to -- oh, yes.

23 REPRESENTATIVE OF MARIKO YAMADA: From Assembly Member
 24 Mariko Yamada's office.

25 MS. PAM JONES: Assembly Member Mariko Yamada's office.

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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?

9 DON: With the Madera Tribune.

10 MS. PAM JONES: Don is with the Madera Tribune. Anyone
 11 else from the press?

12 MS. PAM JONES: Okay. Julia?

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.

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

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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.

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

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1 issues that have to be addressed, if the proposals are going
 2 to move forward.

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.

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.

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 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 reniged 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>

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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

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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

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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

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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

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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

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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

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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

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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 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>

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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.

4 MS. PAM JONES: Did we miss Glen? Glen, are you here?
 5 Okay. Dominic. And then Sally Christie.

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.

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

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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.

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."

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

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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.

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

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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.

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.

16 MS. PAM JONES: Sally Christie, Don Fenocchio and Mark
 17 Pruner.

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.

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

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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

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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

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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

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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

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1 hard to understand -- those people will be making the
 2 decisions about whether the point we're starting -- whatever
 3 that point is -- and the changes are where we end up. Is a
 4 fair statement?
 5 MR. JERRY JOHNS: Well, sort of. Okay. Could I take a
 6 shot at that?
 7 MR. MARK PRUNER: You can. More than one, if you need
 8 to.
 9 MR. JERRY JOHNS: The starting point part is BDCP is
 10 looking at something differently than it usually has done.
 11 And it's looking at how do you deal with ecosystem and water
 12 supply at the same time. So their going to develop a
 13 starting point. But in the EIR/EIS process -- and one's
 14 federal and one is state -- really going to look at the
 15 alternatives. So they'll come up with a starting point that
 16 the evaluation may say, "You've picked a canal, but we think
 17 there's a lot of impacts and you're going to have to go
 18 through Delta with your strategy or you've picked habitat in
 19 this area but after analyzing, we don't think that's right
 20 location." So it's a starting point and then you evaluate
 21 alternatives.
 22 The point you're making about adaptive management is if
 23 we've learned anything about water supplies or ecosystem is
 24 what we know now will be slightly different in the future.
 25 That does bring out the governance issue. And there seems

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1 to be a general concensus that if your going to build a
 2 facility like that, which would have dramatic impact it
 3 probably shouldn't be the Department of Water Resources that
 4 operates it or the contractor that get the water out in some
 5 other organization and some mechanism that has broader
 6 interest then just the water supplies.
 7 MR. MARK PRUNER: With all that said, and this is
 8 really getting to one of my main points here. I'm running
 9 out of time already. But if the government structure -- the
 10 folks that are going to be making the real decisions down
 11 the road -- if, would you be in favor of the department,
 12 would the department be in favor of allowing one or more
 13 people from the Delta itself -- the people who have the most
 14 skin in the game -- to have a voice directly in the process,
 15 not in meetings like this where we give comment and then
 16 somebody goes into a back room and says, "Well, we just
 17 heard a comment but we're going to do what we want to do any
 18 way." But actually of direct voice, a voting voice and we
 19 think and hope a strong voice in the government structure.
 20 Is that something the department would support?
 21 MR. JERRY JOHNS: I have no problem with that. You
 22 probably are aware the legislature has bills dealing with
 23 this as we speak. And I think that's going to be a
 24 consideration of how you come up with the Board of Directors
 25 for whether it's a Delta conservancy or a utility or

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1 counsel, you know, there's a lot of different versions. We
 2 have no problem with that kind of configuration. But there
 3 will be a lot of debate in the legislature. It won't be a
 4 decision that we make.
 5 MR. MARK PRUNER: Absolutely but they're not here. And
 6 I'm just picking on you because you're here. I just want to
 7 say that what I've learned in the process, my conclusion is
 8 that what I observed is this -- if I can over simplify but
 9 still be -- I think it's real truthful to say at baseline
 10 this is a giant experiment. The canal, the fish, that even
 11 the experts like Paul from SAIC and Chuck who are experts in
 12 their fields say, "We don't know if this is going to work or
 13 not we just kind of think so. We got some data, and we know
 14 we're missing a lot of information" -- and correct me Paul
 15 and Chuck if I'm wrong here but -- we just -- this is a --
 16 you haven't used the word "experiment." But I remember from
 17 my science class what experiments are and this seems like
 18 it. I think you could see from people here that we're
 19 asking for a third leg in the process, not just conveyance,
 20 not just habitat. But also the people in the place because
 21 for the people that are here it's not just live and -- it's
 22 a data point on sheet of paper or spreadsheet. It's about
 23 lives and history. And we believe that as the Delta, we
 24 enrich the entire state of California as some of us brought
 25 out tonight. But we really enrich the state. And the state

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1 will suffer. And state will lose something, if the big
 2 project rolled through and we were depopulated. We lose a
 3 base to have schools, we lose a base to have fire
 4 department. We will suffer. And the state will suffer.
 5 And that's, I think -- sort of what I believe, I think that
 6 the great majority of folks believe here as well. Thank
 7 you.
 8 MS. PAM JONES: Peter Stone, Tim Waits and Linda
 9 Robertson.
 10 MR. PETER STONE: I'm Peter Stone. I live across the
 11 river, one mile from here and -- with my family. We lived
 12 here for a number of years. And I agree with so much that's
 13 already been said. But I don't want to repeat it. So I'm
 14 going to say some other things that are not nearly as
 15 important. But I want do make sure that they are brought
 16 forward. First of all, one of the things that hasn't been
 17 said about Clarksburg is it's the home of one of the oldest
 18 Boy Scout Troops in America. It is a troop that has 100
 19 eagle scouts. I have two of them myself in the Clarksburg
 20 troop and I consider it to be a privilege to be a part of
 21 this community. And when we start thinking of terms of
 22 wringing towns -- where's the town? If you haven't lived in
 23 the Delta you don't realize that -- "Well, let's see. I
 24 want to go to lunch. I'll go down to Walnut Grove. It's
 25 just a few doors down." You know, it's there's something

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1 different. I've lived in the city.
 2 Most people in California don't have a clue that there
 3 is a place such as this. I've also lived in New Orleans.
 4 There's one other Delta community in the United States and
 5 it's down south of New Orleans. But as I've been told, it's
 6 a Delta that flows out to the ocean. There's only one of
 7 these in the United States of America with an inland Delta.
 8 And we're here talking about its destruction -- or maybe not
 9 but as it was just eloquently just said an experiment to
 10 play in the backyard. The only one that exists outside of
 11 China. There is another inland Delta and it's in China.
 12 And if we were talking about something in terms of ecology,
 13 something in terms of anything else where this group of
 14 people was coming to the government to say that we wanted to
 15 do something to mess with the Delta.
 16 There is no way we would be able to do this. And yet,
 17 we are not dealing with the same things that we would be
 18 required to deal with. And so one of my themes here is
 19 consistency. Just simple things like when I go to the
 20 County Planning Department and want to find out if I can
 21 put something up on my property, "Well, as long as you don't
 22 place it within eyeshot of route 160 on the levee because we
 23 don't want to ruin the visual impact." And I'm going -- I'm
 24 looking at all these maps we're talking about we're going to
 25 put thousand foot wide canals. We're going to put

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1 powerlines all down the levee, one of the options. And I'm,
 2 saying, "Hmmm, it's interesting." Not one person in a
 3 yellow shirt in this room could get done anything close to
 4 any of what's going on here.
 5 And then I think about -- I just tried to -- you know.
 6 I don't know about all the big initials, and whatever, but I
 7 just kind of like to think about some simple things like one
 8 thing was really clear this evening. Is -- we are going to
 9 guarantee an EIR/EIS and whatever else we're going to do
 10 that we are going to make sure that every law associated
 11 with a fish is held to the "T." But if it has to do with
 12 human beings, forget it. If it has anything the
 13 constitution grants it's rights for people, forget it. Now,
 14 I don't know a whole lot about all of these other things. I
 15 don't know a lot about the routes and things. I was asking
 16 some folks very helpful explaining things. But we drive
 17 right by the Freeport intake for the East Bay MUD facility.
 18 So I just threw out one thought, "Wow. There's obviously
 19 going to be a pathway for water" -- which when they showed
 20 me, it's going to get right down to the south part of the
 21 Delta. Why couldn't we piggy back on a route that's already
 22 established that doesn't destroy the Delta. Now, I know he
 23 says it needs 50 times as much water. Well, we've got a
 24 route then run 50 times as much capacity that bypasses the
 25 Delta. Why do we have to destroy something -- I mean, I

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1 looked at the drawings out there. The architectural drawing
 2 with thousand foot canal. And it's like crazy to think that
 3 that's going to be a good thing for continuing what's going
 4 on here in this Delta.
 5 And other thing, I've been here long enough dealing
 6 with rising rivers -- when one gentleman talks about
 7 hydrology most people don't have a clue, unless you live
 8 here -- what in the world that means. And what happens --
 9 and they think quick little fixes to things can do things
 10 that just can't. Well, anyway, one other just sort of
 11 practical thing. I live right on the levee. I really love
 12 the Department of Water Resources guys. The guys who
 13 actually come around and try to keep those levees so that
 14 the squirrels don't eat holes through them, to make sure
 15 they're mowed. I really appreciate that. But I'm
 16 frustrated because if I stand at the top of the levee, they
 17 can help me on one side. But they can't help me on the
 18 other side because the fish and game folks won't let them do
 19 this, this and this that will help save the levee from
 20 flooding. Now, my point is a very simple one. If we are
 21 talking about something as complex as this and we have
 22 agencies that don't agree amongst themselves. How are we
 23 going to say that this is nothing but a grand experiment
 24 where each one is going to do in their side pocket what they
 25 want to do, hope it comes together in a document that makes

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1 everybody happy. But even, you know, filter the pumps, you
 2 know, why can't we figure out -- I can't believe we spent
 3 billions and billions of dollars to do all of this -- and
 4 maybe it's been thought of just as the gentleman
 5 said earlier -- but why can't we do something with modern
 6 technology to put things -- to keep the fish out of the
 7 pumps out of there -- and I'm sure that's really naive.
 8 MS. PAM JONES: Peter, could you wrap up, please?
 9 MR. PETER STONE: Sure. And finally, assuming this all
 10 goes through, I'm very concerned that if we wind up losing
 11 and having to lose our properties that we're going to have
 12 happen what happened to my grandparents. When they had the
 13 interstate systems take their property. They had them sold
 14 at eminent domain based upon the values after years of
 15 depression knowing that the properties were going to be
 16 eminent domain. So who's going to buy property that's -- as
 17 it's already been said here in town, if we look at value of
 18 what people will pay for 2, 3 years from now then that will
 19 be just flat out confiscation of property.
 20 MS. PAM JONES: Peter, could you wrap up, please?
 21 MR. PETER STONE: Yeah. So with that, I -- and the
 22 other thing is just, you know, decertification of levees.
 23 And I just can't see, you know, we just need to have some
 24 responsibility put into what's going on here. Thank you.
 25 MS. PAM JONES: Tim, Linda Robertson, and Gary Merwin.

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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

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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

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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

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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 style="text-align: right;">Page 82</p> <p>1 MR. LESTER SNOW: There's alternatives on the map. But 2 there's been no decision on this. And so there's no money 3 that going to be paid to anybody at this point. 4 MS. LINDA ROBERTSON: Not today. I'm talking when you 5 do this. Because Bradford Island cattle ranchers that have 6 been there 60 years have had you lien their property rather 7 than let you do the survey to take their property. How much 8 money are you going to give the county, when you put this 9 pipeline in? It's not if, we all know it. 10 MR. LESTER SNOW: Well, it's not in. We have not made 11 that decision. 12 MS. LINDA ROBERTSON: Why is it on your map? 13 MR. LESTER SNOW: Because it's an alternative that's 14 being evaluated and the issues that will be evaluated 15 include every thing that you've just raised. 16 MS. LINDA ROBERTSON: But why are you liening property 17 in Contra Costa County. 18 MR. LESTER SNOW: Getting access to do the surveys to 19 get the information that you're talking about. 20 MS. LINDA ROBERTSON: But why are you liening private 21 property for people that don't want to participant in this? 22 MR. LESTER SNOW: You're using a term I'm not real 23 familiar with liening but we're trying to get access to 24 property that is in those different corridors out there. To 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 2 all the flow for 3.65 days. But that is not what we're here 3 about. I'm going to do a lot of repetition because 4 everybody else is really made some awesome points that need 5 to be said again because I don't think they're getting 6 heard. Number one -- first one is, there should have been 7 three prong approach to this thing and everybody here knows 8 that. There's no -- there should've been a spot for a third 9 prong, for the social and economic wellbeing of the Delta. 10 And should be an economic impact that goes along with it 11 that has that same representation, that third prong, there 12 needs to be EIR needs to include the impact of building more 13 homes in southern California with increased water supplies 14 from the Delta. Any eminent domain property that gets done 15 around here needs to be valued at a minimum of the same 16 value of the areas that benefit instead of southern 17 California. My final comment is more of a question. I'll 18 start with comment part. Every time I look at a map in this 19 whole process. And I start asking questions usually I get 20 told this is just concept. This doesn't mean anything. 21 When are we going to be looking at something that 22 means something? 23 MS. KARLA NEMETH: Summer. This summer we'll have a 24 preliminary draft of the plan this summer with all the 25 details.</p>
<p style="text-align: right;">Page 83</p> <p>1 there's endangered species, what the soils are like, could 2 you actually build anything, could you actually put a 3 pipeline there, what kind of habitat is already there, 4 what's the water conditions? 5 MS. LINDA ROBERTSON: The water conditions suck now. 6 MR. LESTER SNOW: Pardon? 7 MS. LINDA ROBERTSON: The water conditions suck now. 8 When you get down like I said great white is going to be 9 swimming around my island. I have nothing left to say. 10 Thank you. 11 MR. LESTER SNOW: Thank you. 12 MS. PAM JONES: Gary, Russ and Tim Newharth. 13 MR. GARY MERWIN: I'm Gary Merwin, third generation 14 farmer in Clarksburg. I live in the house my grandfather 15 built before there was a Shasta, Folsom or Oroville dam. 16 We -- our family immigrated here from Sacramento because we 17 came in the gold rush. But before we get started, I want to 18 educate -- I know you guys are here to educate you guys on 19 one thing first. Can you step where you could see the 20 screen? And I know all you people -- all you people think 21 that little dot right there is Clarksburg but when you say 22 Clarksburg everybody back here is pretty much -- that's 23 Clarksburg. So I do want to make a comment on the east Bay 24 MUD Facility that was mentioned earlier you know that only 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. 2 MS. KARLA NEMETH: Yeah, July. I don't know. We're 3 working on it. But as soon as it's done, it's going to be 4 made available. As I mentioned we'll be back. I know folks 5 really want to get to those details and they're critical. 6 MR. GARY MERWIN: The economics of this area are just 7 hanging in the lurch, you know. 8 MS. PAM JONES: Russ, Time and then Richards Robertson. 9 MR. RUSS VAN LOBENSELS: My name is Russ Van Lobensels. 10 I'm fourth generation farmer. I'm farming some of the same 11 property my great-grandfather did in 1870. I speak to you 12 today as the president of the Sacramento County Farm Bureau 13 and Chairman of the Delta Caucus. I met with some of you 14 over the period and discussed some of the issues that we're 15 dealing with today. One point of order is the comments that 16 were received in the prior scoping session. Are they going 17 to be part of the continuing record? Yes. Okay. Very 18 good. The organizations which I represent have many, many 19 issues that they are concerned about. And we will be 20 sending you those in written form at some point. However, 21 I'd like to bring up 3 or 4 comments this evening. 22 The draft EIR must clearly show how each proposed 23 alternative is designed to operate within the multitude of 24 legal restrictions, water quality requirements and 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 2 priorities, Delta salinity standards just to name a few. 3 Second, the draft EIR must identify -- and this question has 4 been asked throughout the process and not answered or the 5 answer has been, "We don't know" -- must identify how much 6 Delta outflow is needed to maintain the health estuary and 7 how each alternative will be designed in order to maintain 8 the appropriate outflow and Delta water quality. That's an 9 absolute must and before you can go forward with any 10 alternative, you must know that.</p> <p>11 The EIR should compare and contrast water flow and 12 water quality from the two main rivers that run into the 13 Delta -- the Sacramento and the San Joaquin -- and compare 14 why the qualities are different. One of the reasons the San 15 Joaquin County does not have the same quality as Sacramento 16 is that major amounts of water are remove before it gets to 17 the Delta and here we're talking about doing the same thing 18 in Sacramento. Then again, you need to answer what flow 19 needs to be maintained in the Delta to maintain a healthy 20 estuary? Export alternatives cannot be developed or 21 evaluated without this critical information. The 22 appropriate size of facilities cannot be evaluated without 23 this information.</p> <p>24 Export quantities cannot be determined without this 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 2 nothing. Why propose digging a big ditch that you may not 3 even be able to use? Why do that?</p> <p>4 If the current system of exports has damaged the Delta, 5 then some of the proposed BDCP alternatives, I believe, 6 could devastate the Delta. Thank you.</p> <p>7 MS. PAM JONES: Tim Newharth, Richard and Dan Whaley. 8 MR. TIM NEWHARTH: My name is Tim Newharth. Resident 9 of the Delta and farmer of the Delta. Represent a family 10 that's been here in the Delta since 1948. Long time. Watch 11 a lot of water follow past the levees. But that aside, my 12 concern is the Delta, itself.</p> <p>13 The Delta as has been stated before, is a very unique 14 place, a very unique ecological estuary that is unsurpassed 15 in any place in the western hemisphere. And to think that 16 we are going to continue to tweak with it and mess with it 17 and take water out of it, and move it around with no real 18 assurances of the outcome, to me darn near criminal. How 19 effective -- and I have a couple comments along those lines. 20 How effective can this EIR and EIS be if we haven't a 21 specific plan with specific areas in specific parameters? 22 We've got a western conveyance. We got a through Delta 23 conveyance. We've got an eastern conveyance. And nothing's 24 really been settled as to what is going where and how much 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 2 information. The draft EIR must show a correlation between 3 tidal wetlands and wetlands and a fish abundance, if it 4 doesn't, we're going into an adaptive process that might try 5 one thing after another, after another and all of them may 6 fail. How do we establish a permit that doesn't have 7 certainty? I challenge the U.S. Fish and Wildlife Service 8 to look at this process and this plan to determine whether 9 it has certainty.</p> <p>10 Finally, the draft EIR must explain why the BDCP 11 isolated facility is designed to convey 15,000 cubic feet 12 per second. Is that volume based upon science to support a 13 healthy Delta? Or achieving maximum exports without regard 14 to the health of the Delta? Now, I understand that they're 15 governance issues that we're suppose to trust the governance 16 issue and so forth. If the maximum export capacity is 17 15,000 cubic feet per second and the preferred alternative 18 is a dual conveyance system, why isn't the capacity of the 19 peripheral part reduced by the conveyance capacity of the 20 through Delta part to give you a combined capacity of 15,000 21 cubic feet per second -- a smaller ditch, please. Wouldn't 22 it be more appropriate to size the peripheral part of the 23 dual conveyance system by starting with that critical amount 24 of water that must pass through the Delta subtract the 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 2 thoroughly examined without those specifics. What about 3 other parameters that are not in this scoping? What about 4 the impact of the Sacramento municipal intake that's taking 5 water of the Delta. What about the impact of the sewer 6 treatment plant that's putting high and very excessive and 7 detrimental amounts of ammonia into the system, which is 8 messing up with the food chain in the Delta already. Maybe 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 11 promoting such as you stated in your presentation about 12 restoring habitat. We have other agencies that say, "No, 13 you can't do that." "We don't want any trees on the levees. 14 We don't want anything on there. Spray it. Burn it. Do 15 whatever." "You know, we have to have a clean levee site." 16 I don't know how those two things get resolved when you've 17 got the left not knowing what the right hand is going. It's 18 a contradiction in terms.</p> <p>19 And I wonder how you can have such a narrow target on 20 species. You talk about smelt. Smelt, smelt, smelt. I 21 swear if I see one, I'm going to give it to the cats. You 22 talk about salmon, you talk about steelhead, and sturgeon, 23 and splittails. What about the other species that are out 24 there we've got striped bass, which is a huge sport fish? 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? 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. 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. 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>

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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.

14 MS. PAM JONES: Richard, could you wrap up? Thank you.

15 MR. RICHARD ROBERTSON: Thanks guys.

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

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1 agreed at the beginning end up at 9:00. So I'm asking you,
 2 will you stay? Okay. Thank you. Okay, Dan.

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?

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.

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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.

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.

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.

25 MR. PETER FINN: Good evening. My name is Peter Finn.

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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.

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.

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 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>

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1 improve water quality in the Delta.
 2 MR. PETER FINN: All right. So with that firmly
 3 established we're talking about salt water intrusion up at
 4 3-mile slough. We're not talking improved flows coming all
 5 the way down through to Pittsburg.
 6 MR. CHUCK HANSON: Yes, we are. We're talking about
 7 flows of the system that would come through the system to
 8 help repel sea water.
 9 MR. PETER FINN: So someone -- yeah -- someone else
 10 said it. Thank you. So why do we need those gates there?
 11 MR. CHUCK HANSON: Well --
 12 MR. PETER FINN: See this is my question. With all due
 13 respect to Karla. She's pointing down towards the Pittsburg
 14 area telling us how this going to improve flows down to
 15 Pittsburg area -- that is where she was gesturing. But
 16 we're going have to build salt water intrusion gates up at
 17 3-mile slough.
 18 MR. CHUCK HANSON: Okay. The flow part we're focusing
 19 on or flows down here in this area.
 20 MR. PETER FINN: Oh, I understand. This is what I've
 21 been saying about this. We're getting information that
 22 makes this look so great. But then bits and pieces of the
 23 truth keep coming out here. Why -- I mean, if this is
 24 improving flows down to Pittsburg, why do we need to
 25 mitigate salt water at 3-mile slough?

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1 MR. CHUCK HANSON: The issue of improving flows is one
 2 of the biggest problems that we have is what we're regulated
 3 on as reverse flows in this part of this system. And Old
 4 and Middle River, in fact, we have to curtail pumping
 5 because there's reverse flows that not only affect smelt --
 6 I know there's no popularity for smelt in the room. But
 7 also tends to bring in salinity. There's something called
 8 tidal pumping that occurs at 3-mile slough and that is that
 9 salt water comes up here more quickly on the tidal surge
 10 than it does here because the distance is shorter. But
 11 tends to pump salt water across. That's why this gate
 12 system that's been identified will go in no matter what
 13 happens with the canal because it will reduce the tidal
 14 pumping that not only moves salt water but can move smelt
 15 and then the issue of improved flows is getting channels to
 16 flow in the direction they were supposed to flow. And they
 17 don't currently. There's no question -- one of the issues
 18 that you've identified that -- we're not hiding from anyone.
 19 When you divert more water up here, you damn well better pay
 20 attention to what's going on with overall water quality and
 21 that's what has to be done in these studies.
 22 MR. PETER FINN: Well, and in closing, if you get all
 23 these farmers and all these people out of this area and
 24 remove them and inundate this area, water quality doesn't so
 25 much matter for the agriculture any more. It doesn't matter

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1 if we have salt water flows all the way to right here, if
 2 there's no one affected by it.
 3 MS. PAM JONES: Okay. Kathy Hunn, Mary Paula Carvalho
 4 and Jeff Merwin.
 5 MS. KATHY HUNN: First of all, I would like to say that
 6 I was rather appalled by one of the first speakers that
 7 spoke before we started. His statement was, "Tonight we're
 8 going to here about how a dumb idea we have, tonight we're
 9 going to hear about the people issues, the job issues. We
 10 were here a year ago and we're here again. And much of that
 11 appears to not have been heard.
 12 My name is Kathy Hunn, and I'm a resident of
 13 Clarksburg. My husband is a farmer in the area. I wish to
 14 speak to the human aspect of this proposal being brought to
 15 us tonight. Many more people -- or many people who are
 16 being affected are landowners. Far more people who live and
 17 work here do not own land. Our farming operation alone has
 18 35 employees, 15 of whom live here year round with their
 19 families. Once you have taken our land, or have created
 20 circumstances where the land is no longer farmable those
 21 families will be left homeless and unemployed. Multiply
 22 that by the fact that Clarksburg has 331 farming units.
 23 Then as you move on down the river you have all the farms in
 24 the towns of Hood, Courtland, Locke, Walnut Grove, Alton and
 25 further south. The human cost is immeasurable, not to

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1 mention the economic devastation to the area.
 2 In addition, there are many support businesses which
 3 will be gravely affected by the destruction of area farming.
 4 For example, equipment sales, repair companies, fuel
 5 delivery companies, seed companies, and the list goes on
 6 from there. My request and my prayer is that you will hear
 7 all the comments that were made tonight and will work to
 8 include the residents of the north Delta in the process to
 9 come up with workable solutions for all of California
 10 citizens. At the end of the day, you folks are all going to
 11 go home. You've got your home wherever that might be.
 12 You're going to experiment with our homes. And 20 years
 13 from now, when you look back -- 50 years from now when we
 14 all are gone and our children's children are looking back
 15 and this a barren area, you still have your homes. Your
 16 children will still have your homes. We will be relocated.
 17 Thank you.
 18 MS. PAM JONES: Mary Paula Carvalho, Jeff and Tony
 19 Silva Jr.
 20 MS. MARY PAULA CARVALHO: Good evening. Thank you for
 21 listening to us once again. And one of these T-shirts
 22 happens to be my notes and questions, when I passed them
 23 out. So scribbled on this piece of paper.
 24 The loss of tourism here in the Delta will be
 25 horrendous should this canal go through. I worry about the

<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>

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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.

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.

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

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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.

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.

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.

25 MR. PAUL CYLINDER: Sorry. I'm not the engineer.

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1 They're not my drawings.

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."

10 MS. PAM JONES: Jeff, can you wrap up?

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.

25 But I'd be far happier with that than ripping out

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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.

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.

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.

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

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1 whole bit. Why propose a station 7? And I want to call it
 2 BPF that's a ballpark figure. How much is all this going to
 3 cost? Does anybody have an idea? Does anybody read the
 4 newspapers? We have record furloughs, lay offs,
 5 foreclosures, car dealerships closing, corporation closing,
 6 and our state is at a 14 billion dollar deficit. Where are
 7 you going to get this money? And how much is it going to
 8 cost? Anybody? Just throw a number out there -- ballpark
 9 figure. You're taking up my time. I'd appreciate a quick
 10 answer. I've got another question.

11 MR. JERRY JOHNS: When we look at these costs -- maybe,
 12 if we have any -- we've been looking at these cost. And
 13 we're still refining the cost. I mean, last year -- well,
 14 because it's complicated, right?

15 MR. TONY SILVA: Well, a ballpark.

16 MR. JERRY JOHNS: Last year we estimated the cost for
 17 the western alignment that you saw at about 8 bill dollars.

18 MR. TONY SILVA: Is that if they give you the property?
 19 You're paying for property, also?

20 MR. JERRY JOHNS: That was actually both. Just a
 21 second. Let me finish. And the eastern alignment was
 22 estimated about 5 billion both of those estimates have gone
 23 up by quite a bit because we've gotten a lot more detail in
 24 it. So I would imagine that it would actually be closer to
 25 11 billion on the west and probably closer to 8 billion on

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1 the east right now.

2 MR. TONY SILVA: Thank you. Sounds like a lot. Can't
 3 even comprehend it. I've got another statement. In 1961 a
 4 little town called Freeport, Texas built a desalinization
 5 plant that's 48 years ago. They managed to produce 1
 6 million gallons of fresh water a day. During that
 7 dedication our then president John F Kennedy gave a
 8 dedication speech. And I'm going to read that again.

9 President JFK, "No water resouces program has a greater
 10 long range importance than our first to convert water from
 11 the greatest and cheapest natural resource, our oceans. And
 12 to water fit for our homes and our industry such a
 13 breakthrough would end bitter shovel between neighbors,
 14 states and nations." God what a bright guy. 48 years ago
 15 he had enough vision for that. And look where we are at
 16 today. I'm embarrassed.

17 And does anybody -- I would like to address this to
 18 you. Do you not understand the greatest and cheapest
 19 natural resource? Is there a question of what that means?
 20 I guess not.

21 You know, last time I spoke up here, I was very
 22 intimidated because I look up here and I see a bunch of
 23 bright people. People with masters degrees, probably MBAs,
 24 PHDs. I don't have any of that. I have common sense and
 25 love for the Delta and northern California. That's all I

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1 have. It may not mean much to you. But I want you to do me
 2 a big favor. I may not speak for everybody in this room or
 3 everybody in northern California but I'd like for you to go
 4 down to southern California and tell those people, all 25
 5 million of them that, "Hey, you chose to build homes in the
 6 desert. You chose to build businesses in the desert, now
 7 you're going to build desalinization plants." That's what
 8 you're going to do. How hard is it? The people in northern
 9 California are sick and tired of poor planning. We're not
 10 turning ourselves into a desert. We're not going to do it.
 11 And especially when you got two-thirds of the planet's total
 12 area, the ocean, in your back door. Think about it. What
 13 are you doing? I thought you guys were educated. Thank
 14 you.

15 MS. PAM JONES: Mary and George. Okay. George are you
 16 here?

17 MS. MARY McTAGGART: I have a question. I was reading
 18 the Notice Of Preparation. And the project area part says,
 19 "Any conservation actions outside the statutory Delta will
 20 be implemented pursuant to cooperative agreements or similar
 21 mechanism with local agencies, interested nongovernmental
 22 organizations, landowners and others. Okay. So that sounds
 23 like that would be willing participants outside the
 24 statutory Delta. Does that mean -- is the opposite true
 25 that inside the statutory Delta it's not going to be willing

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1 participants? Would you please answer that question for me?
 2 Because that's the way it sounds here.

3 MS. KARLA NEMETH: That's a good question, Mary. Right
 4 now part of the plan is to put together implementation
 5 structure to identify that, who implements the plan, how do
 6 we get input as it moves forward. So for conservation
 7 measures inside the statutory Delta we are going to identify
 8 a way in which we work with the local jurisdictions to
 9 implement the habitat restoration pieces of this.

10 MS. MARY McTAGGART: Well, yeah, but that's what it
 11 says outside the statutory Delta. So why would that
 12 statement be made if it weren't different inside? That's my
 13 question. I mean, it's an honest question.

14 MS. KARLA NEMETH: No, and I appreciate it. I'm not
 15 sure I fully understand that -- but Paul?

16 MR. PAUL CYLINDER: When the planning agreement was put
 17 together -- When an HCP is initiated there has to be a
 18 definition of what the planning area is. The planning area
 19 was defined then as the statutory Delta with the focus on
 20 the equatic ecosystem within the statutory Delta. When --
 21 but the program also recognized because of the species
 22 involved that may be necessary to look for opportunities
 23 outside the Delta -- the statutory Delta for -- to identify
 24 conservation measures to benefit fish. So at this point, we
 25 looked at two areas outside the statutory Delta and included

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1 concepts for conservation measures for fish in those two
 2 areas.

3 One is Suisun Marsh, where there's an active management
 4 conservation plan already under development that the Bay
 5 Delta program could enhance. And then the other is the
 6 northern part of the Yolo bypass because any proposal to
 7 improve habitat conditions for fish in the Yolo bypass would
 8 include both the north part and southern part. Southern
 9 part being the legal Delta.

10 MS. MARY McTAGGART: Okay. You still didn't answer my
 11 question. Does this statement imply then that if the
 12 conservation measures inside the statutory Delta would not
 13 be with the cooperative agreements or willing, you know,
 14 cooperative agreements because that's the way it reads like.

15 MS. KARLA NEMETH: I think I understand that. And no
 16 it does not imply that. For conservation measures that are
 17 inside the statutory Delta, we are required to identify an
 18 implementation structure as part of the plan.

19 MS. MARY McTAGGART: You're not answering my question,
 20 please.

21 MS. KARLA NEMETH: Yeah, that will outline how we
 22 interface with local entities under the implementation of
 23 particular conservation measures.

24 MS. MARY McTAGGART: Well, are you saying then that
 25 they could be -- they might be voluntarily or they might be

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1 not depending on what kind of implementation structure you
 2 come up with?

3 MS. KARLA NEMETH: We're working on a willing buyer,
 4 willing seller basis for the habitat restoration pieces.
 5 That's policy of the Department of Water Resources.

6 MS. MARY McTAGGART: Okay. Thank you.

7 MS. PAM JONES: Mary, could you wrap up because we need
 8 to have time --

9 MS. MARY McTAGGART: Yeah, one last thing. Except for
 10 the map at the end of the hall, it's the first map I've seen
 11 in all the year that I've been looking at Delta maps that
 12 lists this area, the names of the two districts that are
 13 here, the Netherlands district, which is District 999 and
 14 the Lisbon District, which is to the north. Those names are
 15 left off -- I'll tell you which maps they're not in.
 16 They're not in any of the Delta Vision documents. They're
 17 not in your Notice Of Preparation. They're not in the Delta
 18 overview document that the DWR has put out. Let's see.
 19 They're not -- they're not in either of the two PPIC
 20 reports, which lists 70 some Delta islands but not these
 21 two. There's a blank space on almost every map you have.
 22 Could you guys do something about fixing that?

23 This map down here does. I couldn't believe it when I
 24 saw it. Because it looks like nobody lives there. It's a
 25 blank -- that -- out of courtesy and out of justice to the

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1 people in this area, can't you give us the same courtesy
 2 that the people in all these other islands, which most of
 3 them are no bigger or smaller than where we live. Thank
 4 you.

5 MS. PAM JONES: Okay. And George, can you head on up.
 6 And then that will be our last speaker.

7 UNIDENTIFIED GENTLEMAN: I have been here for almost
 8 four hours. I put my name in that pile of crap you got
 9 there. My name is not in there so all I've got to say to
 10 you folks is, I feel sorry for you. I was in The Marine
 11 Corps for 20 years. The way you done your planning -- you
 12 would all been dead.

13 MS. PAM JONES: Sir, what is your name?

14 UNIDENTIFIED GENTLEMAN: You don't need to know it.

15 MS. PAM JONES: Okay. Go ahead George.

16 MR. GEORGE DALY: I assure you I'll be brief. Thank
 17 you very much for your consideration. My comments revolve
 18 around thinking outside of the pipe for the canal, if you
 19 will. Fresh water in this state as it is pretty much
 20 everywhere is a finite resource. You cannot keep taking it
 21 for whatever purpose. I'm for sharing. And I mean that
 22 sincerely. We have a great state we ought to share the
 23 resources. But it's finite. We cannot keep gobbling up
 24 more but we have to conserve. But I think more importantly,
 25 we have to look for alternative supplies. And as Tony

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1 mentioned, we have 1,000 miles of coastline. I mean
 2 southern California or northern California want more fresh
 3 water, why don't we take this -- a part of umpteen billion
 4 dollars and construct some desalinization plant? Why are we
 5 pumping water what four or five hundred miles down south,
 6 when if you look at a map probably 80 percent of the people
 7 from Bakersfield south to the Mexican border live within
 8 50-miles of the border. Crumb put a plant down there.
 9 Let's enhance. Let's improve desalination process, make it
 10 a viable option. You have certainly not, in the true sense
 11 of the word, an infinite supply of the ocean. But my gosh,
 12 we have far more water there than we have fresh water
 13 supplies and it's rapidly being eaten up with development in
 14 the south and in the north. So I -- not beating you people
 15 over the head with it -- but I encourage you to go to the
 16 powers that be and say, let's take another look -- Let's
 17 open our eyes -- like we do with energy. We're trying to
 18 get way to win. Let's do the same thing with our fresh
 19 water supply and the sources thereof. I really wanted to
 20 say this just to make sure it got on the record because we
 21 are all emotionally involved about what is being proposed --
 22 couldn't agree with all of you people more. But the point
 23 is, there is only so much fresh water. We need to look for
 24 other sources. And it doesn't appear like we're going to
 25 find it on the moon or Pluto or anywhere else like that so

1 let's develop what we have here. Thank you very much.

2 MS. PAM JONES: Thank you all very much. There is time
3 left to speak to the folks back there. This isn't your only
4 chance. If you have comments you want to write them down,
5 take a comment card, send an e-mail. Thank you very much.
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2 I, ANGELICA R. GUTIERREZ, a Certified Shorthand
3 Reporter of the State of California, duly authorized to
4 administer oaths, do hereby certify:
5 That I am a disinterested person herein; that the proceeding was
6 reporter in shorthand by me, ANGELICA R. GUTIERREZ, a Certified
7 Shorthand Reporter of the State of California, and thereafter
8 transcribed into typewriting.

9
10 ANGELICA R. GUTIERREZ CSR #13292

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BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT (EIR)
AND ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS

THURSDAY, MARCH 26, 2009
PUBLIC COMMENTS
6:00 P.M.

CLARKSBURG MIDDLE SCHOOL
52870 NETHERLANDS ROAD
CLARKSBURG, CALIFORNIA

REPORTED BY: HE SUK JONG, CSR 12918

<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
4

5
6 MARCH 18, 2009

7 BDCP PRESENTATION

8 7:00 P.M.
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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.</p> <p>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.</p> <p>22 So John, do you want to talk about the EIR process?</p> <p>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.</p> <p>6 Is there anybody from NMFS here? I don't know if -- 7 oh, there is. Okay. There's somebody from NMFS here.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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? 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. 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. 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. 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. 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. 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. 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. 24 Thank you very much. 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. 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. 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. 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 -- 17 FRAZIER SHELLY: Would you mind if I could 18 borrow that card, because I wrote some things down. 19 PAM: Here you go. 20 FRAZIER SHELLY: 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? 18 KARLA NEMETH: Yes.</p> <p>19 FRAZIER SHELLY: So the permit agency is within 20 the agency that's supplying the permit? 21 KARLA NEMETH: As is the permitter, yes. Fish 22 and Game and DWR.</p> <p>23 FRAZIER SHELLY: Right. Okay. 24 PAM: Frazier, do you have a lot more? 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>

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1 assessment will be there, and it will be in public forum
 2 formally, with that release to the public draft
 3 documents, as Karla said, at the end of the year. But
 4 we're also, as Karla mentioned, looking to release public
 5 release and drafts of the documents in the summer.

6 FRAZIER SHELLY: When do you expect to see a
 7 permit?

8 JOHN ENGBRING: There is no draft permit.
 9 There is no draft permit.

10 FRAZIER SHELLY: Right. I understand that.
 11 When do you expect to see one from the State?

12 JOHN ENGBRING: Oh, you mean --

13 FRAZIER SHELLY: When do you expect to see a
 14 draft from the State --

15 JOHN ENGBRING: -- we don't see an ITP from the
 16 State. We see the draft conservation plan. We issue the
 17 incidental take permit.

18 FRAZIER SHELLY: Right. And initially --
 19 (inaudible) -- when did that start?

20 JOHN ENGBRING: Right now. We're providing
 21 technical advice --

22 FRAZIER SHELLY: Okay.

23 JOHN ENGBRING: -- to these folks as they start
 24 crafting this habitat conservation plan. When they start
 25 moving into areas where we feel uncomfortable, we don't

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1 think we can issue a permit for that. That's going
 2 beyond what we believe these species can manage through.
 3 They're not going to recover if we issue a permit with
 4 those kind of -- so our role is to provide technical
 5 advice as that plan is being developed, but we don't
 6 actually issue the permit until after the record of
 7 decision is signed, the final, final document.

8 You have a lot of very specific habitat conservation
 9 plan questions, you know, no surprises policy, adaptive
 10 management policies, those are all -- those are in our
 11 regulations. Talk with me next door, and we can go over
 12 some of those things.

13 PAM: Thank you very much.
 14 Mary and then David.

15 MARY: Mary (Inaudible) from Clarksburg. I did
 16 have one question that came up with Mr. Shelly, and this
 17 has been on my mind for some time -- (inaudible). It's
 18 not exactly a question, but maybe it is. The adaptive
 19 management is predicated on trying things, seeing how
 20 they work. If they work, do some more of that. If they
 21 don't work, we'll try something else.

22 What happens when you -- first of all, what happens
 23 when you abandon something? In other words, you have
 24 measure, maybe you took somebody's land or somebody gave
 25 you their land, or they sold it to you, or whatever, now

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1 do they get their land back if it doesn't work, or is it
 2 left a lot -- kind of like -- (inaudible) -- sitting for
 3 a while then, you know, what happens there?

4 The Delta is an entity. It has integrity as it is
 5 now. It's degraded, everybody says that. But if you
 6 make small changes in the Delta, as I believe some of the
 7 early modeling was reported on when I went to one of the
 8 other steering committee meetings, they found out to
 9 their surprise big changes happened in remote areas they
 10 didn't expect.

11 So my question is, what happens when adaptive
 12 management measures are found not to work? That's my
 13 first question.

14 JERRY JOHNS: Well, one thing, you wouldn't
 15 want to do that again.

16 MARY: Obviously.

17 JERRY JOHNS: So I think that is part of this,
 18 we will do the best job we can to identify early on what
 19 we think the results are going to be before we take the
 20 action, that's the whole purpose of the environmental
 21 impact process and the independent review process, but
 22 we're going to do the best we can.

23 For example, you start a restoration program like,
 24 Cache Slough, for example, and you start that and things
 25 are just not turning out the way you thought. We're not

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1 going to go in there and restore the whole thing all at
 2 once. I don't think we can get the permits to do that
 3 all at once. And because you don't know, you might want
 4 to get your foot in the door first, do some restoration,
 5 see how it responds, and then move forward. Right now
 6 for example, we're doing some restoration, hopefully we
 7 get it done, we got a permit out on Dutch Slough, south
 8 part of -- in the Delta, and we'll learn from that as we
 9 go forward. So part of this is just to learn and then
 10 adapt and then implement. But in terms of just
 11 abandoning it, I don't think we would abandon it. I
 12 think what we would do is learn from that part. We may
 13 not want to do more of those, but we would probably keep
 14 those things -- (inaudible) -- unless we had a good path
 15 on how to undo it.

16 MARY: Well, your plans do say "abandonment,"
 17 that's why I asked the question. That word is in there.
 18 It struck me. That's why I'm asking it. It says that
 19 plans might be abandoned.

20 JERRY JOHNS: Well, the plan might be.

21 MARY: No, I mean adaptive management measures
 22 might be abandoned if it didn't work. That's my
 23 question.

24 JERRY JOHNS: I'll let Paul answer this,
 25 because he probably wrote this.

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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

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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

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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

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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 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>

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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.

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?

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.

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

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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.

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?

11 PAUL CYLINDER: No --

12 TIM NEWHARTH: Or is it one or the other?

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).

19 TIM NEWHARTH: So improving the stream by
 20 habitat restoration; is that what you're talking about?

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.

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1 TIM NEWHARTH: Do you have some written outline
 2 of that process at this point somewhere?

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.

11 TIM NEWHARTH: Thank you.

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.

16 Anyone else?

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.

25 Karla, did you want to --

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1 KARLA NEMETH: I just want to say thank you
 2 very much.
 3 (Whereupon the meeting was adjourned at 8:23 p.m.)
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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 --oOo--</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.)</p> <p>24</p> <p>25</p>

1 BAY DELTA CONSERVATION PLAN
2 ENVIRONMENTAL IMPACT REPORT (EIR)
3 AND ENVIRONMENTAL IMPACT STATEMENT PROCESS (EIS)

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6
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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19
20 REPORTED BY:
21 KIMBERLEE SCHROEDER, CSR, CCRR
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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 Engring. 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. ENGRING: Thank you, Keith. Again, my 11 name is John Engring. 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>

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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

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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

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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

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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 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. 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. 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. 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. 3 How do you implement conservation strategies 4 to enhance remaining habitats that remain? 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. 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. 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. 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. 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. 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. 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, neotropic 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. 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. 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. 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. 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.</p> <p>6 MR. CYLINDER: Thank you.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>6 MODERATOR JONES: June is going to speak from 7 her seat, and then Linda Schrupp.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 Potrero 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.</p> <p>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.</p> <p>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 Potrero</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. 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. 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. 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. 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. 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. 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? 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. 9 UNIDENTIFIED MALE: It's not by name. It's by 10 agency; isn't it? 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. 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. 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. 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. 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. 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. 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? 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 16 So that's my comment. I hope you'll keep us 17 in mind. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 16 Thank you. 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. 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? 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. 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. 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. 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. 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. 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 -- 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. 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. 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. 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. 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>	

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PUBLIC COMMENT MEETING
HDR ENGINEERING INCORPORATED
THURSDAY, MARCH 19, 2009

Taken at:
1209 L Street
Sacramento, California 95814

ANGELICA R. GUTIERREZ, CSR NO. 13292
JOB NO. 114785

1 MS. LINDA DORN: My name is Linda Dorn, D-O-R-N.
2 I'm with Sacramento Regional County Sanitation District.
3 I want assurance that all impacts to the Sacramento
4 Region caused by the proposed plan will be and must be
5 fully mitigated.
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2 I, ANGELICA R. GUTIERREZ, a Certified Shorthand
3 Reporter of the State of California, duly authorized to
4 administer oaths, do hereby certify:
5 That I am a disinterested person herein; that the proceeding
6 was reporter in shorthand by me, ANGELICA R. GUTIERREZ, a
7 Certified Shorthand Reporter of the State of California, and
8 thereafter transcribed into typewriting.

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10 ANGELICA R. GUTIERREZ CSR #13292
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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. 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.)
4 --oOo--

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

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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.

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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.

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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

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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.

Re: Stockton Public Comments

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

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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
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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.
License No. 8086

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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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PUBLIC COMMENTS:

MR. ALSPAUGH: Woody Alspaugh, that's A-l-s-p-a-u-g-h.

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.

(Whereupon, the meeting was adjourned at 9:41 p.m.)

CERTIFICATE OF REPORTER

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;

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;

That the foregoing proceeding, as printed, is a true record of the statement at the time of the proceeding.

Witness my hand this day of 2009.

CELIA A. ZARATE, CSR 10769