APPENDIX J: COPIES OF TRANSCRIPTS OF 2009 BDCP INFORMATIONAL MEETINGS
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
Bob Vanella, V-a-n-e-l-l-a. Private citizen, local farmer. One comment, the publication of this meeting was next to none. I don't know how far north it is, but there was only the Enterprise Record one time, buried. We have several other counties around here that use District water, I'm going to call it, out of the river. They knew nothing about it at all.

Then my comments would be, along with this, I think some of it was answered in the meeting next door, that there is some desalination plants being proposed. I haven't heard anything about them, but it's probably been down south, so again the people of the State should know this stuff, and we're not told, at least it's not in our local paper. Things like this, because water is so important, everybody in the State should know.

Reservoirs, I believe we need more reservoirs. And we've got, I understand -- I don't know eight million more people, or something like that, I've heard in the State since the last reservoir has been done, and there have been no more. And everybody wants more water all the time. So I think in this whole proposal, they're dividing the State by little pieces and they're trying to put a peripheral canal type, that's what I would call it, a new canal system through the State, and so because they couldn't get it before, the whole piece, they're putting little pieces together, called -- I would call it divide and conquer, so you don't do the whole thing. You just do a little piece here and a little piece there.

I am a user of the canal system, for my water for my orchards. We are at zero today, water. And I asked the question: Well, if I'm at zero, and I am a tax payer, and a water user, why aren't maybe some of the cities put on zero water, such as the Capitol, so maybe they can wake up to the fact, that we do have a water problem. And maybe we ought to do this in Los Angeles, San Diego, some areas of the State buildings, put them all on no water. So that they can see what's it like to have no water, not the People, but all the government facilities. You know, the Capitol and courthouses, places like this that people will say hey, there's no water, and we're not doing anything about it.

In the meeting next door I went to, they were talking about the fish and stuff that they want to preserve and at what cost do we want to preserve these fish versus the people of the State, and they had said that in the Yolo Bypass they have little dark areas on this map. They have that they want to increase the flow into those areas for the saving of the fish another 30 to 45 days.

My question was to them: Where are they going to get the water? Well, through the river systems from up north. Well, if we have zero water today, I can almost guarantee you, if we have zero water, and we have water next year, at let's say 20 or 30 or 40 percent, but they need this water for this 30 to 45 days, they will say oh, well, we can just make the farmer be, instead of at 30 or 40 percent, we'll make him take another five percent of his water to save these fish.

So now, the farmer is down again. So in this whole project, everything I see in here, when you talk to these people, is coming from the farmers, all the water. It's not coming from the people any place. It's all coming from the farmers. And I think this whole project needs to be looked at in more detail, not just this little plot here, that's what I mean when I say, "divide and conquer." You need to start up north and go to the center and then go down south. What is the whole plan? I think I'll stop there for this time, but I'm hoping we'll have more input.

That's all I have for now. Thank you.

Ed Coffin, C-o-f-f-i-n. Just the pitiful manner with which this meeting was broadcast, letting us know it was going to happen in the first place. So hardly anybody really knew this was going on tonight. Just really too bad. They need to let people know in a lot better fashion than they did when they're going to have something like this.

(Whereupon the meeting was adjourned at 8:40 p.m.)
IN RE: BAY DELTA CONSERVATION PLAN

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
MS. PAM JONES: My name Pam Jones. And I'm the moderator for this evening. I am not an employee of any of the agencies who are here this evening. Some of you may actually know that I have spent 25 years working with the agricultural community. That's said, I would like to not only say welcome -- we've said welcome to other communities. But this is the 12th -- of 12 communities and certainly the community that actually gives evidence that it does care, so compliments to the community that cares. The purpose of tonight is two-fold.

Number one, to give you an update about the status of the Bay Delta Conservation Plan. The second one, is to give you the opportunity to have input into the environmental review process that once that plan is completed -- or at least the first draft -- will be handed off to the environmental team, which is staff and consultants of the agencies for them to review in the context of what does the proposed plan do to the ecosystem, to the communities, to the agriculture, to the economy, and to the entire system, not only in the Delta but throughout the water delivery system that the Delta depends on.

Many of your comments tonight will be best utilized if you can remember when you leave here -- and there will be time at the end -- to speak to the folks out in the hallway who will take your comments in writing -- and we will also have a court report -- or you can fill out a comment card because it's the comments in writing about your concerns and what you would like this environmental team to consider when they're doing the environmental review that will actually constructively guide that environmental team. So that's the official, legal purpose of this meeting is to generate those comments. And I think you will probably have some because of the unique character of Clarksburg and the surrounding area.

The format that we'll follow tonight is we're going to go about half an hour with some presentations, with the update to the plan. And then we're going to turn it over to you for your questions and your comments. Right now I have almost 30 comments. And my goal is to make sure that each of these 30 people who want to speak get the opportunity to do so, that's my primary goal. And in order to do that, we're going to need some -- to follow some ground rules. So as you're thinking about your comments -- and I have, you know, 30 people here who want to make comments -- the ground rules that we will follow is that you may ask a question and a follow-up question. You may make a comment. We'd like those to be limited to three minutes so that the last person gets the same opportunity as the first person. Again, if you can write your comments about the actual environmental review, write them down, we'd appreciate that. Even if you express them here. And third, is kind of rules of the ground rules here. We would like your comments to be constructive. And we would like your behavior to be constructive and not abusive and not illegal. The illegal we kind of have the guidelines. Abusive is a matter of judgment. It's kind of like pornography you know when you see it. With that, I would like to introduce our team up here, our speakers.

Starting with Lester Snow, Director of the California Department of Water Resources. John Engbring U.S. Fish and Wildlife Service that's one of the federal partners here.

Karla Nemeth, she's with California Natural Resources Agency. She's the BDCP, the conservation plan liaison.

Paul Cylinder, is with SAIC, technical consultant. Chuck Hanson, is with Hanson Environmental another environmental consultant. Jerry Johns Deputy Director Department of Water Resources. Who else is going to speak? Keith Coolidge Natural Resources. And we also have some other folks here that will be resources.

If you don't get all of your questions answered, these people will be around, they will take your questions as will the staff in the hallway there the technical staff. The staff out there is there to listen not so much to answer the questions because as the official part of the environmental review process, they're trying to get your questions and concerns. These people will answer your questions. Okay.

With that I'd like to turn it over to Lester Snow.

MR. ESTER SNOW: Thank you, Pam. There's a couple of things I noticed about Pam's comments. One the first sentence was to identify herself as not part of the rest of us, which is probably a good move. And then I also noticed that her last sentence had before introducing me had pornography in the sentence. I'll try not to let that affect me. First, I want to reiterate what Pam said how impressive the turn out this is. It speaks well of the community, and it speaks well of your interest in your community and wanting to understand on what's going on and the issues that it may effect -- and also, the T-shirts I don't know -- the person that designed them here this evening. I mean, they're a wonderful T-shirt. And it shows the kind of solidarity that's intended. There's a lot of people standing. And it looks like there's still people in the hallway. And we have looks like maybe even ten seats still available. Yeah, four there. There's three over here. Another one there. So maybe some of you in the back want to move up here and more people in the hallway can come in.

As Pam has already indicated, you know, we have a number of people that can respond in detail to the issues that are before us right now, in terms of the Bay Delta...
Seeking legislation to codify that so when we get to the future our urban areas are using less water than they are today on a per person basis.

The second piece of the strategy for the state's future water apply is what we call integrated regional water management. And what's that? It means that each region of the state needs to become more self-sufficient through local conservation through waste water recycling through ocean desal through local ground water storage projects and ground water development -- and we have to invest heavily in that. The third element is storage -- statewide storage. You probably heard the governor and members of legislation and Senator Feinstein talk about needing more storage north of the Delta and more storage south of the Delta to capture the peak flows that we have and use then in drier years.

And then the fourth element, of course, is fix the Delta and that means a lot of different things to a lot of different people. But fixing the Delta means fixing ecosystem in the Delta and fixing water conveyance in the Delta. So those are the basic elements that are cued up to deal with California's future. Now, very briefly. Some are at a high level the kinds of issues that we're running into. I think the first uniting theme that we hear from people is, "You shouldn't be doing this at all." "You haven't thought about it." "Stop doing that." "Leave us alone." Now, that I have your vote, I'm running for assembly seat.

And then what tends to happen in the next level is, "If you have to do something, we're not convinced you've thought it through very well. In terms of where you're going to put habitat or exactly where you're going to -- how you're going to change conveyance." And in the third level it's kind of a refinement of that, "If you're going to have to build a canal, why are you doing it there?" "That's stupid." "You need to do it in this fashion." And then at that third level of concern -- and we'll hear that tonight. "If you have to do this, you need to think about the impacts you're going to have on communities." "You need to think about what you're going to do to preserve the lifestyle in the Delta." And we know we're going to hear all of those levels. "Don't do it." "You're doing it wrong." And, "If you are doing it, you need to take care of the impacts that you're going to have." So we look forward to hearing that from you tonight after the presentations.

So I'll come back right before the presentations and try to summarize some of the more specific issues that we've seen or heard from people. So at this point let me turn it over to John Engbring, U.S. Fish and Wildlife Service.

MR. JOHN ENGBRING: Thank you, Lester. Yeah, this indeed is an impressive turnout. I think I was at the earlier pre-scoping -- early meeting that we had. And there's a lot more people here tonight than there were then. And I also heard there's another meeting going on up in Sacramento. So a lot of interest aren't even represented here tonight. So this does represent a huge display of the -- this does represent a huge display of the interest in the Bay Delta Conservation Plan. Again, my name is John Engbring. I am with U.S Fish and Wildlife Service. I do -- I spent most of my younger life baling hay and hoeing soybeans, so I know what it's like to make a living off the land. I am now the Assistant Regional Director for Water and Fisheries with the U.S. Fish and Wildlife Service here in Sacramento. I'm going to try to explain as simply as possible why the U.S. Fish and Wildlife Service is here, which isn't an easy thing to do because the Endangered Species Act and these environmental review processes are very complex. But I think everybody knows that water is moved from the north of the Delta to south of the Delta through two very large water projects, the federal and state projects. As that water is moved through and pumped out, there are endangered species -- endangered fish in particular winter-run chinook and Delta smelt that are actually killed when these pumps are operating. Now, that's not legal under the Federal Endangered Species Act. But we do have way to permit that kind of take -- that kind of...
Conservation Plan -- this Bay Delta Conservation Plan. We will have to review it and make a decision about whether or not we issue a permit. In that process, we have to complete an environmental review. Now, we're here completing -- beginning the process of this environmental review. Part of the environmental review process is listening to the public to see what you have to say about how this project -- as much as we know about it now and later when we get actually to the draft environmental impact statement, we'll know more. How that project will affect you, ideas you might have about issues, ideas you might have about different alternatives -- "why don't you do this instead of that." Those are all the kinds of comments that we like to hear from you tonight. So I think with that, welcome here again. The table's are out there. They are staffed with individuals that can answer specific questions. So if you do have specific questions, go check out those different tables and stations. There's one on biology. There's one on culture stations. There's one on engineering. There's one on process. So all of the different areas are covered out there. And that's where you should go to provide comments. So with that, again, thank you very much for coming. I'll turn this over to Karla. And she'll give you more information on the Bay Delta Conservation Plan itself.

MS. KARLA NEMETH: Thank you, John. As John indicated is to really provide you an update with our current thinking on the plan in the context of this environmental review process. So that we can support with the most up-to-date information as possible, support this scoping session. I'm not going to have all the details for your tonight. But I've got some great folks here.

Chuck Hanson, he's a fisheries biologist, who's been working very closely on the plan. And Paul Cylinder over there he's got a lot experience putting these conservation plans. And I really want folks to take advantage of them and ask questions when I finish this presentation.

So why are we here? What is the problem that this conservation plan is attempting to solve? As Director Snow mentioned, many folks are very aware that several native species in the Delta have experienced record low population numbers and that is threatening the water supply reliability for about 25 million Californians.

Essentially, what the courts have said is that how we convey water through the Delta that is through the Sacramento River down through the heart of the Delta to the state and federal pumps here creates a reverse flow situation that pulls fish into the pumps and under the Endangered Species Law, you cannot operate those pumps to provide the reliable water supplies because of the presence of those fish. So the courts have said you need to reduce
So we’re building this conservation strategy, this holistic comprehensive strategy around nine fish species. That includes Delta smelt, longfin smelt, Sacramento splittail, chinook salmon, green and white sturgeon, Central Valley steelhead. And our approach has been to use the decades of science that came out of the CALFED process to start identifying how we might measure the recovery of fish species what are the biological goals and objective of the plan? How do we know they’re actually recovering?

There are a couple of ways that we’re taking a look at this. That is the distribution of these fish throughout the Delta, their mortality rate, their fitness as a fish species. We’re also identifying all the things that stress these fish species. I already showed a slide that showed how the operations of the state and federal water project stress fish species with those flows moving through the southern part of the Delta. That’s a key issue we need to address in this plan. There are other things that are also stressing the fish species. And that’s a lack of adequate habitat for spawning and rearing. It’s a lack of food supply for food species.

As I also mentioned water quality methylmercury production. The presence of invasive species that compete with native species. It’s all of these things that we are working to address collectively with the notion that any one of these things addressed individually would not be as effective as if we’re able to address them all together all at once because our goal is to contribute to the recovery of the fish species over time.

So I want to say a little bit more about flows and water conveyance in a conceptual way before I get into some of the details of things that we’re considering. And that is -- as I mentioned earlier -- water supplies as they’re conveyed through Delta now come in through the Sacramento River through the Delta to the state and federal pumps. The San Joaquin River also feeds the system and water is pulled from the San Joaquin River into the pumps there. There are a couple of areas in which we have these reverse flows that affect fish as I mentioned already in this area there are reverse flows. But also water that comes down the Sacramento River and that would otherwise go out to the Bay is also subject to the pull of pumps and comes back into the system here. Also subject to the pull of these pumps are fish species moving down the San Joaquin River. They get pulled into the pumps through these channels here.

So what we’re looking at to help this flow situation with the fish is a few things -- and as Director Snow mentioned, we are looking at a canal as part of this conservation plan and in terms of the flows and what we think it will do to change the fish in this system is that essentially by diverting water north -- at a system is that essentially by diverting water north -- at a...
northern point in the Sacramento River down to the pumps, it
relieves the reverse flow pressure in this part of the
Delta. It also allows for greater outflows to the Bay
because the pumps aren't working so hard and allows some of
that water to go out into the San Francisco Bay. It also
allows the San Joaquin River to come in through the Delta as
well without the pressure of those pumps. There's a lot of
important details about how this kind of system would be
operated, some of which we have, some of which we have not
developed. They're absolutely essential, critical issues.
Everyone's concerned about that.

So some of the ideas that we are thinking about that
make up the conservation strategy -- remember I was
mentioning the specific actions that we're considering -- in
the area of conveyance and flow, in the next five to 15
years we're looking at installing gates in the southern part
of the Delta to help manage that flow issue that I was
describing earlier. Gates that could be opened and closed
seasonally depending on the presence of fish in that area.
In the long term that is 15 years and out, we are looking at
northern diversion points off the Sacramento River and the
canal that connects to the pumps here. They're critical
aspects to how we determine how water is diverted out of
diversion point or the pumps here, and there are couple
of things.

One, it's limited by how wet a year it is. Is it dry,
critically dry, average or wet. But also key indicators for
fish species needs. How much water needs to be flowing by
this kind of a diversion point so that fish have enough
water in the system to migrate so that there's enough force
for food to be transported into the Delta. They're all very
important pieces of information that we need to pull
together about how we might operate this kind of a
dual-conveyance system. The other important measure is how
we operate a northern diversion point or a southern
diversion point to manage salinity in the Delta for
agriculture uses here in the Delta.

As I mentioned, we also have a need to address the lack
of habitat for fish species in the Delta. And we're looking
at three different kinds of habitat restoration. One is
floodplain restoration. The other is tidal marsh
restoration that's growing cattails and tules to create
spawning and rearing habitats in food production for fish.
The other is restoring the banks of channels to make them
safer for migration for fish less subject to predators. And
we're looking at doing that in a variety of areas. I know
some folks have kind of been around this block before, they
seen these green blogs, they're a little frustrated they
want us to get more specific about habitat restoration. And
what we're really looking at is identifying areas where

restoration could occur in a bigger area but of much smaller
target, which would determine how much we need to make the
plan successful. And that essentially gives the plan some
flexibility in working with public lands and working with
willing buyers and willing sellers to implement the habitat
restoration piece.

But I want to point out a couple of specific areas that
we are considering for habitat restoration in this five to
15 year time frame. And that is in the Yolo bypass area.
Essentially, putting an operable gate on the Fremont Weir
and allowing Sacramento River water when available to come
in and flood a little bit more of the bypass every couple of
years for the purposes of creating spawning and rearing
habitat for fish. We are also taking a look at tidal marsh
restoration in the Cache Slough area and then Suisun marsh
and then portions of the West Delta. Also in the near term,
that is, the next five to 15 years we're looking at some
canal restoration in Steamboat and Sutter Slough area.
We're looking at about potentially ten miles of restoration
in that area. Potentially deepening the channels and making
it safer for fish to migrate through. And Chuck can answer
questions about design and how we might be approaching that.

In the longer term, we're looking at restoring habitat
in this eastern part of the Delta here down in the southern
Delta and then along the San Joaquin River here. As I
mention before, the purpose of this plan is to do a whole
suite of actions that we think will contribute to the
recovery. What we don't want to do is change the flows and
develop habitat that -- but do it in a place where the water
quality isn't so good. Or where we know there's invasive
species. So we're looking at strategically throughout the
Delta, supporting programs that can remove invasive species
such as Quagga mussel or water-hyacinth, Egiria those sorts
of things -- also addressing water toxics in the Delta.

Where we are in the development is we've put together
about 50 conservation measures -- ideas that we're
considering. It's all available on our website, which is
www.resources.ca.gov/bdcp. But I would, again, point you to
that summary document that's in your packet. There's a lot
of good information in there that really represents some of
our latest thinking and why we're approaching it this way.

In terms of where we are, we're here on the left with a
lot of different potential conservation measures that we
need to evaluate. We need to evaluate them for their
biological effectiveness. We need to evaluate them for their
practicability. How feasible is it? You know, once we're out in the ground to actually do them, how cost
effective they would be? A lot of other measures that we
need to think about know that we're getting a sense of
scientifically what we think would be the best approach to
help fish species recover. We expect to have a draft plan available by the end of 2009 in a public draft form. But we're going have a draft of the plan -- a preliminary draft of the plan available this summer. Where we've got all those pieces, not just the conservation strategy but all those other elements that I mentioned in terms of the adaptive management, governance, of funding all these kinds of elements of the plan will be available in a preliminary plan this summer and expect to bring it out and talk to communities about it, get their input on it in advance of the public draft, send it out for public review and comments, respond to those comments.

Our expectation is that we'll do that by the end of 2009. And then we would have a final conservation plan by mid 2010. And then as Mr. Engbring mentioned, the outcome of the plan is the state and federal fish agencies decide whether or not it passes muster. And they can issue a permit for taking endangered species act, pending the implementation of the conservation plan. It's moving concurrently with EIR and EIS schedule. And the environmental review process will actually issue a Record of Decision on the conservation plan. So I will now open it for questions and comments. I think Director Snow is going to make some summary comments as well. Thank you.

MR. LESTER SNOW: Pam suggested that I very quickly summarize -- since this is the 12th of 12. We've heard a lot of comments. I'll take less than 60 seconds and go through some of the issues that have come up at the other meetings. And certainly one has been -- one theme has been the whole issue of access per surveys and getting on property -- temporary entry permits and what happens in that process. A longer term issue of land purchases -- land acquisition what happens if you're going to acquire land, whether it's for canal or for habitat.

Certainly a theme of opportunities for input and dialogue -- and not just waiting for government to make a decision, but what are the opportunities. And I think Karla -- go on the website and you can see when the meetings are taking place and there are forms that provide more information on that. Certainly a theme in the Delta region in the concern that this is all predecisional, decisions have all been made and kind of going through the motions on this and that's been a theme that's come up in a number of places.

Concern that the steering committee, the group that's guiding the conservation plan, does not adequately include Delta interest and specific Delta agriculture salinity you change the flow patterns in the Delta you have to ask the immediate question what's going on with salinity? And how's that going to be dealt with? Impacts on recreation -- you put barriers gates in whatever they are, how does that change recreation patterns in the Delta. Issue of striped bass has come up in a number of fashions. It's a predator to the endangered species, but it's also an important game fish in the Delta.

Alternatives -- and I kind of hit that in very broad way in my initial comments -- "Can't you do more conservation -- and I don't have to worry about this stuff." Project cost. "Who's going to pay for this?" "Big price tag." "Are the water users genuinely going to pay for this fix as has been committed to?" "And how do we assure that they do?" Concerns that a canal will lead to abandonment of Delta issues and Delta priorities. One broad one, of course, is a lack of trust and confidence in government to make commitments and follow through with you. Let the record show, I made a lot of applause tonight. You know, I mean, that issue of confidence and trust -- I mean, that's not a Clarksburg issue or a California issue. It turns out to be a kind of a national issue right now with the economy and the condition that it's in.

That leads to this issue of governance. I don't know if you've been hearing that term. But there's an assumption that if you do something like this the existing institutions can't govern this. There has to be some other kind of structure that will govern facilities and how this gets done. Mitigation for land impacts, mitigation for economic impacts in the region. And one issue that's a theme for -- and it's maybe more so central and south Delta.

You probably have seen some of the studies that have been done on earthquake risk and the high risk that there is for some of the subsided islands and there's a response that people don't believe that. That that's just not true, that the risk is not that high. So those are the kinds of themes that we've seen from people. And it sounds like we'll hear some of those themes here this evening. So with that, let me turn it over to Pam.

MS. PAM JONES: Right now we have 35 people who have indicated that they want to speak. That's about 105 minutes. So I would like to ask the speakers if you will stay until 9 o'clock up here officially answering the questions. And then we'll return to a more informal discussion. They'll stay, you can speak to them. And you can also speak to the folks, specifically, about your questions and concerns out there. To get through 35 to 40 is going to take your cooperation. There's no way we can do this, if we have people running on over three minutes. And it means that the people at the end of the line will not get the attention they deserve. So I'm asking you to, please, when you make your comments or questions -- out of consideration for the people at the end of the line be as
Okay. So when you get close to your three minutes, I'll kind of wave to give you an idea to wrap up. If you're past three minutes, I will ask you to give the microphone up to the next person. In order to get through this fast, I'm going to call three names at a time to give you time to kind of get your thoughts together and get up to the microphone right here. So there will be people going in and out, if you could just help them get through the system. Before we start, we do have some representatives from elected officials here. Can you identify yourself, if you are here for an elected representative? Back in the back -- and you know what, on the left-hand side over here, if you could just move forward. There are a few people back there. Keep moving forward. Okay. I think it is a representative from Mike McGowan; is that correct?

MS. JULIA McKEEVER: Correct.

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

MS. JULIA McKEEVER: Julia.

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

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

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

Anyone else? Okay. I'll call on you in just a minute. What I wanted to ask is there anyone here who has to leave early due to taking care of children or parents or whatever and that would like to speak up front? Is there anyone with a real time constraint? Okay. Then I'll go ahead with the list as we have it. Julia, did you want to start out?

Anyone here from the press? Don, and you're representing who?

DON: With the Madera Tribune.

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

MS. PAM JONES: Okay. Julia?

MS. JULIA McKEEVER: Good evening, Julia McKeever(Phonetic). I work for Yolo County. I'm here representing Supervisor Mike McGowan, who's the chair of the Yolo County Board of Supervisors and also represents the 1st district, in which we're all standing -- or sitting as the case may be. He's very sorry he couldn't be here tonight.

He's at a meeting at the Delta Protection Commission so he asked me to speak on his behalf. I apologize for not bringing enough copies to have one for everyone. So maybe you can share with your neighbors. But I'm distributing a couple of things.

One is a letter that I would like to submit -- I gave the copy to somebody back here -- I would like to submit into the record as our comments on the EIR/EIS process. This is a letter that actually that we've already sent to Secretary Chrisman and to Secretary Scarborough and members of the BDCP Steering Committee. And it has attached to it a Board Action by the Board of Supervisors of Yolo County regarding Delta related policies, which I won't go through in great detail. But I wanted to highlight some of the concerns that the board has. We feel like Yolo County is in the crosshairs of BDCP's current conservation strategies.

The January 12, 2009 draft of the BDCP contains some core elements that -- for example, proposed to inundate -- to modify the Fremont Weir it would inundate the Yolo bypass to the point where we're concerned that we're going to lose agriculture in the bypass entirely. Some of the proposals also would obviously stand to cause significant changes in the Clarksburg area. We feel this deserves direct written assurance from the BDCP Steering Committee that the full impacts of these actions will be completely addressed.

Wanted you to know that the board has appointed Supervisor McGowan as it's lead on Delta issues. He's also the board appointed representative to the five Delta County Coalitions. And though the board and our constituents, feel like returning to work with the Bay Delta Conservation process, I will say that lately hope is fading that our efforts to are generating the respect for the important issues that have to be addressed, if the proposals are going to move forward.

We would like to respectfully request that everyone remember that the Delta is more than an ecosystem problem. People live here and the proposals for fixing the Delta are going to have huge impacts on their lives. We believe that there should be a third co-equal goal to the Delta vision, which is sustaining the intrinsic values of the Delta as a place. The scope of change being proposed is far reaching, but nobody is going to be as affected by the results as those who live here. Thank you.

MS. PAM JONES: And you're welcome to clap in between.

It does take up a little more time so however you want to use your time. Steve Heringer, Brett Baker, and DJ Andriessen.

MR. STEVE HERINGER: Thank you for the opportunity to address questions to the BDCP plan this evening. We request herewith, that you make all of our comments and questions tonight part of the record. And address all of them in the final EIR/EIS. I'm Steven F. Heringer, fifth of six generations of the Heringer family to farm Clarksburg soils. At the Clarksburg meeting one year ago I requested economic analysis intended environmental mitigation cross projections and intended economic mitigation on the following issues of immediate concern to residents in the north Delta.
Mr. Brett Baker: Hello. And thank you for coming to Clarksburg. I'd like to thank you in advance for taking the time to hear my comments, questions and suggestions. My name is Brett Baker. I'm a graduate of Delta High School and UC Davis where I received my degree in Wildlife and Conservation Biology under the guidance of Doctors Peter Moyle and Jeffery Mount, two gentlemen who helped craft the Delta Vision Report. In addition, I'm a lifelong Delta residence. The sixth generation in my family to live and thrive on Sutter Island. I would also like to thank my fellow community members who stood and will stand to make our voices heard. I like to open my comments with an excerpt from Cadillac Desert. Every knows there's a desert somewhere in California, but many people believe it is off in some remote corner of the state, the Mojave Desert, Palm Springs, the eastern side of Sierra Nevada, but inhabited California, most of it, is by strict definition a semi-desert. Los Angeles is drier than Beirut. Sacramento is as dry as the Sahara. San Francisco is just slightly rainier than Chihuahua. And about 65 percent of the state receives under 20 inches of precipitation a year. California, which fools visitors into believing it is "lush," is a beautiful fraud much like this conservation planning effort we're here this evening to discuss. That last bit was me.

Speaking with Karla, she hoped I could provide you folks with a bit of insight as to why us Deltans are so upset and disturbed with this BDCP process. My life experience thus far has given me the opportunity to gain a bit of insight and understanding of your mindset and the way you work. Having been an employee of the resources agency with the Department of Fish and Game and having spent the last year as the Water and Agricultural Policy Analyst for the Lieutenant Governor, I have listened to and observed considerable amount of discussions with agency staff, the likes of Lester Snow, a man whom I respect and admire, and my personal. And the undersecretary of the resources agency Karen Scarborough. I -- and I typically refrain from using first person examples but this one too good to make an exception -- I shall never forget the first time I met with Mrs. Scarborough regarding Bay Delta Conservation Plan. As I entered her office, I was greeted with and I quote, "You must be here about us flooding Clarksburg." To which I respond, "I don't find that amusing. I went to Delta High in Clarksburg." She then apologizes her comment may have come off a bit catty. To which I respond, "Amongst other things." The rest of the conversation went -- well, it went. I was greatly troubled by a staffer's response to my
inquisition regarding the incorporation of south Delta water
agency funded independently engineered alternative, noting
it was mentioned but not in great detail. To which she
responded. And again, I quote, "We have to at least make
them think we're listening," followed by a thud, which I'm
pretty sure was Karen kicking her under the table. I just
want to make sure that made it's way into the public record.

We've seen this before. You are striving for a
transparent public process. And I commend you on
accomplishing this goal, if only one. It is transparent,
all right. We see right through it. We didn't fall off the
sugar beet truck yesterday. We see this for what it is, a
blatant water grab, and attempt to trump centuries old
senior water rights with junior water rights because of a
temporary appointment to a position of power of a man who is
married into the Kennedy's. Take this message back to him,
I don't care how much lipstick you put on this pig or how
you dress this mutton up as lamb, we're not buying it. All
these pretty colored handouts, maps and dog and pony shows,
for what? To grow lawns in southern California. David
Nahai, Executive Director of Los Angeles Department of Water
and Power, the man in charge of giving Los Angelinos to
ration their water usage last summer was found to be one the
biggest violators of his proposed policy with a daily
household water use of up to 2,900 gallons.

---

MS. PAM JONES: Brett, could you wrap up, please?
MR. BRETT BAKER: Yes. Here he was asking regular
citizens to reduce their consumption and he hadn't even
bothered to check the timer on his sprinklers in his
backyard -- or drain his pool. I google earthed it. He's
got a pool along with everyone else on his block. As for
State Water Resource Control Board, I've been told they will
be the regulatory agency in charge of canal operations.
Don't worry Jerry, I'm not bringing up the February
scenario. I think Mr. Nomellini did enough the other night
in Stockton. I'm just going to give you this one example --
MS. PAM JONES: Brett, I'm going to ask you to give up
the mic to DJ. Or if someone else -- if they would give
their time? Could we have someone who is willing to give up
their time?

UNIDENTIFIED PERSON: I will.

MR. BRETT BAKER: Just one example State Water Resource
Control Board incompetence though there are many. Assembly
Bill 885 was passed in 2000 requiring the State Water
Resource Control Board to develop and implement a statewide
standard for onsite waste water management systems, septic
tanks. This year they finally got their draft EIR
recommendations out, which were met with great public
dissaproval. They have opted to go for a new rewrite. The
project manager at State Water Resource Control Board says
we're looking at taking a new direction. Basically, we're
starting again from a ground up, not much process for nine
years work. And you're telling us we're supposed to trust
our future to a regulatory agency that can't get shit
together -- literally. I apologize to the children in the
audience and my mother.

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

MS. PAM JONES: Do we have someone else willing to give
up their time for Brett?

UNIDENTIFIED GENTLEMAN: I will.
MS. PAM JONES: And your name is?
systems. Storage, you haven't build any substantial storage in the state since the last time you tried to pass this vote. You folks are going to have to bite the bullet and build storage somewhere. The truth is this project adds no new water to the system. A system now over allocated nearly four fold, which was originally design to have 5.5 million acre -- a million acre feet of additional storage than what we have today. And you squabble over three dams sites, Sites reservoir, Los Vaqueros and an addition to the Millerton reservoir complex.

What about building Shasta dam to their original design capacity? And rest-in-peace Auburn dam. Why don't you finish the project you started over 50 years ago? It was Arnold's uncle-in-law John F. Kennedy who said in 1962, "If we could ever competitively at a cheap rate get fresh water from salt water than it would be a long range interest of humanity, which would really dwarf any other scientific accomplishments." Try not to think of the progres that could have been made in the past 30 years were the attention focused on this ditch put to work developing sensible desalination practices or how much purple pipe could have been laid during the last population development explosion in southern California. How much water could have been recycled with the dollars spent on the sham of a process. The public will soon have to get over their problem with recycled water.

Honestly, how much kidneys do you think the water has gone through from the time it leaves Redding until it arrives in Tracy? Our focus should be constructing facilities like the wastewater treatment plant in Orange County that received the Stockholm Industry water award this past year, the equivalent of the Noble Peace prize in the world of water. The reverse osmosis used at this plant is the same process that can be utilized to desalinate brackish ground water, which causes no conflict with marine mammals and has been shown to be less energy intensive than conveying water through the State Water Project over the Grapevine. Don't take my word for it. Ask Dr. Robert Wilkinson of UC Santa Barbara. These are imbedded costs that will continually burden the tax payers and water users of our great state. These are things that should be taken into consideration throughout this decision process.

In closing, I would like to support the concept of regional self-sufficiency and would like to request an extension of the 90 day public comment period upon the completion of this EIR/EIS. My final suggestion -- and I would like to preface this by saying that I respect this man in the upmost. However, I will not give him the advantage of misunderstanding his abilities, craftiness or his political clout. I realize you folks have a propensity for getting ahead of yourselves in this planning process. I am curious if you already have names picked out for your facilities? May I make this suggestion? As I'm sure this propaganda in our local paper crossed his desk more than once -- if it did not get its beginnings there, Arnold's partner in crime, who held Jeffery Knightlinger's job prior to him and holds Don Zea's leash. As he is the Harvey Banks of his day. I suggest you name it the Timothy Quinn Pumping Plan for your Schwarzenegger Canal. I will be back.

MS. PAM JONES: Okay. DJ Andriessen, Andy Wallace and Steve Hiromoto. And who was it over here that gave up their time? And what is your name?

UNIDENTIFIED PERSON: Nikki.

MS. PAM JONES: And we need one other person.

MR. MARK MOORE: I'm Mark Moore, and I volunteer to give up my time.

MS. PAM JONES: Thank you, Mark. Okay.

MS. DJ ANDRIESSEN: Good evening. I appreciate the opportunity to speak again on this issue. I'm a little nervous so bear with me. My name is DJ Andriessen. And I've only lived here 21 years. I plan to spend the rest of my long life in Clarksburg. I'm a survivor of West Nile Virus. Although I suffer from some of the effects of it, I feel fortunate because I did survive. They're many who did not. Since I was diagnosed, over 9,000 people have been diagnosed in the United States with West Nile Virus. Of that 344 were fatalities. Since 2006 West Nile Virus has increased in California by 25 percent, creating any sort of a water refuge in our area would not only affect us but the Sacramento Valley entirely by creating a West Nile Virus incubator.

I don't believe this project is to protect the smelt unless we're talking about the smelt that live in southern California. But even if it were -- and we use the processes that we're using now to eradicate the mosquitoes that process also kills the phantom midge, which is the main food source of the smelt. So we'd be basically breeding fish to watch them starve to death. The last time we met here, I asked you to take these plans to the drawing board and come up with a better solution to your problem. Tonight I'm here just to say shame on you. Shame on you. In what ethical society -- what democracy is it okay to take any number of homes and any number of livelihoods from people for an experiment about fish. My only consolation is that you weren't around when the dinosaurs were dying out because I know you would need a lot more land to keep them alive. It's evolution get with it.

MS. PAM JONES: Andy and -- please do repeat your names. Andy, Steve Hiromoto and then Steve Heringer.

MR. ANDY WALLACE: My name is Andy Wallace. And I live...
Invasive species are likely to require tens of millions of dollars in management and direct control and require these efforts in perpetuity. Where is the endowment for these activities. Number six, if West Nile Virus increases in the Delta, it is expected to have significant impacts on native birds such as the Yellow-billed Magpie. How are these impacts analyzed and mitigated for? Number seven, converting fresh water habitat to brackish water habitat will have negative influences on the ecosystems of the upper Delta, leaving this area as one of the last reservoirs of species such as listed turtles and birds. Now, the state wants to reduce their habitat for fish. It is largely eliminated by southern California’s water intakes. The sole purpose of this document is an attempt to commingle the issues of habitat restoration and water supply.

Some engineering issues, number one, what is the technical basis for proposing the flood bypass downstream below the city of Sacramento and how is this not accomplished more efficiently by using the existing deep water ship channel? What is the one difference -- I'm sorry -- what is the difference in cost between using the ship channel and creating new bypass? Number two, creating a new bypass in flood areas -- flooding areas within the existing reclamation districts will constrain or eliminate existing water management through water elevation changes and underseeapage. This will require redesign and operation changes throughout the region causing tens of millions of dollars of infrastructure modifications and loss of agricultural use.

Number three, the project minimizes the engineering requirements to achieve and maintain water quality in the Delta and ignore the considerable engineering required to establish new flood routing and manage tidal influence wetlands. To realistically achieve what is being described, would require an engineering feet equivalent of the entire country of the Netherlands efforts of reclamation and a management system beyond the capabilities of the Bureau of Reclamation and the Department of Water Resources.

MS. PAM JONES: Andy, could you wrap up?

MR. ANDY WALLACE: I’ll wrap up. Instead the engineering and water management is being treated simply as a conveyance problem needed to maximize water transfer -- some social issues. Number one, by improving habitat for Delta smelt other listed species could be using the area and potentially be creating new legal issues for the community further reducing our ability to exercise our property rights. How will the community be protected from the consequences of this likely impact? Number two, loss of farmland in the Delta will have ripple effects with Ag equipment, suppliers, truck dealers and etc., where good
<table>
<thead>
<tr>
<th>Page 46</th>
<th>Page 48</th>
</tr>
</thead>
<tbody>
<tr>
<td>paying, stable jobs will be directly impacted and lost. How will this plan mitigate for the loss of those jobs? And finally, who is running the economic analysis? On what basis will the analysis be completed? Which models will be used and why? Thank you.</td>
<td>conditions in the Clarksburg area enabled growers to produce high quality Dichondra seed on a consistent basis. Safflower seed is another important crop in the Clarksburg area. Most of today's commercially grown Safflower seed were first developed and reproduced in the Clarksburg area. Because of the unique soil and high water table, Clarksburg area farmers are successful and prosperous today because they have learned how to adapt and to stay on the cutting edge. Cal/West and its growers fear that the plans may develop by the BDCP and the Delta Vision Committees will destroy this region of the Delta and its growers way of life.</td>
</tr>
<tr>
<td>THE COURT: Steve Heringer, I'm sorry, I reshuffled you back into the deck. But after Steve Hiromoto is Peter Hunt.</td>
<td>Question number one, have you considered or studied the changes to the Clarksburg region hydrology that would result from the proposed conveyance or habitat restoration projects? Question number two, what will be the effects to water quality in the Delta or the north Delta on a year-round basis from the proposed conveyance or habitat restoration projects? Will the salt water intrusion ultimately make the north Delta a region where agriculture will no longer survive? And then I'd like to concluded by reading two quotes. And I apologized to Steve before this. The first quote, &quot;I can run wild for six months, after that, I have no expectation of success.&quot; The second quote, &quot;I fear all we have done is awakened a sleeping giant and</td>
</tr>
<tr>
<td>MR. STEVE HIROMOTO: Thank you for the opportunity to speak this evening. My name is Steve Hiromoto fourth generation farmer and resident of the Clarksburg community. My family had witness the building of these levees and were instrumental in the reclamation of many of these acres. My great-grandfather's diligence and hard work paved the way for the following generations to reap a livelihood from these soils. Each generation took pride in providing food for our country's tables. And a prosperity ensued for us.</td>
<td>filled him with a terrible resolve.” Both these quotes are by -- were made by Emperor Yamomoto. The first quote was made a year before the attack on Pearl Harbor. The second quote was made immediately after the attack on Pearl Harbor. I would wish you would heed those fears and resolves from us. Thank you very much. And I wish you would direct these questions and answers to the EIR/EIS. Thank you.</td>
</tr>
<tr>
<td>We generously gave back to our community. Only during the years following the outbreak of World War II and of course the evacuation of Japanese American citizens was our family away from Clarksburg. We assumed that taking care of this land would take care of us later. My folks are aging now. And the time is now when that land needs to be liquid. Simply put it out for sale and cash out? Well, when this fiasco about flooding our homes and farmland began, all hopes of simply selling came to a dead halt. Realtors were suddenly saying to me, &quot;Hey, who wants to buy land that's going to be under water?&quot; For whatever reason you give, for this to take place, it's just not the right thing to do. You're just telling me that my family just wasted 100 years for nothing? In closing, Arnold, before you swipe that card in your wallet issued by L.A. Metro Water, think about the families like mine and what you'll be doing to them.</td>
<td>MS. PAM JONES: Dave VanMartin and Dave Kopp. MR. DAVE STIRLING: Good evening members of the Bay Delta Conservation Panel. I'm Dave Stirling, a 23 year residence with my family in Walnut Grove. I'm proud to wear this Delta Care shirt tonight. I'm actually representing an organization called Save Our Delta's Future. And it's an organization of homeowners and property owners and business people, many of whom have lived and worked in the Delta for several generations and many of them are here this evening. Yolo County Board of Supervisors Chair, Mike McGowan, speaking for the board of supervisors of the five Delta counties recently wrote in a Sacramento Bee commentary -- and I quote, attempts to address Delta issues will be unsuccessful without local involvement and ultimately without relying those at the local level to help make it happen. We want the entire state to understand that the Delta is not a blank slate. People live here. People work here. We are those people. While we recognize that the Delta and Delta</td>
</tr>
</tbody>
</table>

California Deposition Reporters
<table>
<thead>
<tr>
<th>Page 50</th>
<th>Page 51</th>
<th>Page 52</th>
</tr>
</thead>
<tbody>
<tr>
<td>waters can be improved and we support that, we're not prepared to see the Delta completely rearranged so as to return it to its natural state. As some hardcore environmentalist groups clamor for. The time is long ago passed for the restoring the Delta to what it was before the hundreds of invasive species made the Delta their home. We're not prepared to see the public trust doctrine expand it so as to alter or abolish presently held water rights. We're not prepared to see a government stucture imposed on our Delta region that's made up of appointed and unaccountable political appointees, similar to the coastal commission with no effective locally elected representatives with equal voice in Delta affairs. We support that third tri-equal goal to protect and enhance the social, economic and physical viability of the Delta as home for the sake of maintaining good relation of all regions and people of the State of California. Please, don't throw those of us who call the Delta home under the bus. If you do, as a member of -- many members that are attending these meetings in the Delta demonstrate, your mission may become so embroiled in regional, political and legal ill will that nothing positive comes out of this effort and that would be a shame. Thank you all for being here.</td>
<td>Hill. First of all, I'd like to thank you for taking the evening in our beautiful town that we would like to keep this way. I was thinking about this country that we fought for over 200 years and the blood that's been shed for the right to speak as we're doing tonight. It also came to mind that we're able build this country with our labor and our own businesses and pay taxes and profit from the fruits of our labors. What I do not understand is that we have let the government get so powerful that they can come to our land and tell us that they're going to start surveying and possibly take our land from us. What has this country become? I would like to think that our friends and family members that are overseas fighting and giving up their lives are not giving up their lives for a false sense of security. That we're seeing right here and right now. And nothing is yours, if the government decides they want it. I know that it would be a better idea for this community, if this whole project were moved further south into the deep water channel. For us, these are our homes and businesses that are being affected. And the projects being affected are not an issue of not being addressed. Some of the problems here are that the local fire department, which I'm a part of is losing a portion of their operating expenses. They keep this community safe. And also keeping our insurance down on a personal level. By bringing this project into our community and not only taking our land and our businesses away there are a lot of things that I don't think have been addressed. So I think it would be wise that you move this. I'm a dad. I'm a husband. I'm a firefighter, and a good neighbor in this community. And I urge you to take a second look in moving this south and pulling this from our community. Thank you.</td>
<td>bringing this project into our community and not only taking our land and our businesses away there are a lot of things that I don't think have been addressed. So I think it would be wise that you move this. I'm a dad. I'm a husband. I'm a firefighter, and a good neighbor in this community. And I urge you to take a second look in moving this south and pulling this from our community. Thank you.</td>
</tr>
<tr>
<td></td>
<td>MR. MICHAEL MORRIS: I gave up mine.</td>
<td>MR. BOB KIRTLAN: Good evening. My name is Bob Kirtlan, fifth generation Delta farmer, landowner. I'm proud to say 7th generation of my family is walking the land for ancestors. Life, liberty and pursuit of happiness. Is hollow, is without meaning and is subject to interpretation of a few now. 159 years ago many of the ancestors of people in this meeting tonight voted on a State Constitution that granted us inalienable right to acquire, enjoy and protect property. 159 years ago, when we became a state, all our public lands were granted to the federal government as a condition of acceptance. In 1856, the Arkansas Swamp and Overflow Act was enacted, giving all the swamp and overflow lands back to the state under the condition that these lands will be reclaimed for productive agricultural purposes and become economic viability for the counties and the state they were within. These lands then came told the state and under our own government resource code, had a way of selling them to us. Under conditions and under a contract that we would reclaim these lands and make them productive and agricultural lands. It is in the resource code that the common law of public trust was passed to us without it -- without reservation in commence navigation and fisheries. I was told that the California Coastal Commission has determined that you cannot give away the public trust on tidelands. Tidelands are very different. It's in the resource code. But I would like to say too that in the resource code -- let me go back a little bit. I was told I couldn't give it away. Arkansas Act was signed by the President of the United States, passed by congress. Our resources code was passed by the state legislature. Everyone of our patents, which is the foundation for ownership of the land was signed by the governor. Now, I do realize that we are one nation under God. But if the president, the legislature, congress and the governor cannot grant these away, I have not seen an 11th commandment saying, &quot;Though shall not give away the public trust.” I am saying to you folks, if you go ahead with this project, you're not only in violation of federal law, state law -- but you are in breach of contract with all of us in this room. It's a mass breach. I would like to</td>
</tr>
</tbody>
</table>
MR. BILL WELLS: Good evening. My name is Bill Wells. I generated farmer in the Clarksburg area. And I'm no where near as eloquent a speaker as all these other folks we've had. I think they've done a great job. But what I'd like to do is going to make another comment or two but after listening here this evening at the beginning we've heard all them concern about all these species and how concerned you are about them. How does taking water from the Delta help with recovery of all these species that your so concerned about? We're in a drought right now. And before that canal and those pumps were put in down south, we were still in pretty good shape. But now it's -- the burden is on us to provide water for southern California. And my belief is that the species are very low on the totem pole and the main thing is the transfer of water from our backyard to someone else's so they can fill their swimming pools. Thank you.

MR. BILL WELLS: Good evening. My name is Bill Wells. I'm the Executive Director of the California Delta Chambers and Visitors Bureau. I would just like to say a few things. That Delta agriculture in 2001 was about a $2 billion...
business. California's sport fishing is about a $2 billion per year industry. As Karla mentioned, the Delta is home to about 500,000 people. The Delta also attracts about 12 million visitors per year. And the Delta there's approximately 95 marinas and about 11,600 permanent boats, which is a huge industry too. So these are all going to be impacted by these plans, specifically, the canal. You hear all the time that the California Delta is the largest on the west coast. It's 750,000 acres. That's true. The Colorado River Delta was once 1.9 million acres until water was diverted and was destroyed and turned into a desert in the early part of the 20th century. Some of that water taken by Metropolitan Water District who was a recipient of some of the Delta water. So nobody can predict what the outcome of a canal will be. But you have to look at examples. They mentioned here tonight Mono Lake and some others. I'd just like to mention the current National Geographic April issue has got a big article about the Australian drought and they talk about OGA. And the water was diverted from there for agriculture thousands of fish killed and quote, unquote, the economy was left high and dry.

The Aral Sea in Eastern Europe shrunk 10% of it's size over the last 50 years. Now, it's quote, unquote it's too salty to support fish and vegetation. The water is diverted to grow cotton. In -- just a few weeks ago Jean Fuller Assemblywoman in Bakersfield introduced Bill AB1253 and that's game restrictions on stiped bass because they prey on the endangered smelt and salmon. So that's great they're trying save the smelt and the salmon. That's wonderful. Okay. The striped bass has co-existed since 1879 with the smelt and the salmon. The only thing that's changed since then is more water has been diverted from the Delta and just coincidentally the U.S. Court had thrown out a lawsuit earlier by the Modesto Irrigation District to eliminate federal protection of steelhead. And coincidentally, the bill that Jean Fuller introduced is actually sponsored by the Modesto Irrigation District and supported by the Kern County Water Agency.

I left the Westlands Water District which was another huge recipient of Delta water if you look on their own web page you hear these water folks saying they're going to pay for the canal, whatever it takes to provide the solutions. Okay. On their website they say the absence of drainage resulted in harm to district lands. Westlands more than 200,000 acres of saline ground water within ten feet of the surface. Many farmers have drainage impacted lands have been able to keep their land in production by improving irrigation efficiency. Okay. If they're willing to pay for a solution, they should be willing to pay right now for a desalination plan to fix their own water down there.

Anyway, I would just like to leave you with another quote from Albert Einstein. "I don't know how big the universe is but human stupidity seems infinite."

MS. PAM JONES: Okay. Rick Hennes, Glen Berry, and Jayne Alchorn.

MR. RICK HENNES: Good evening. I'm Rick Hennes. I'm the Superintendent of the River Delta Unified School District. Our district covers from the Clarksburg area south to the Rio Vista area. We have ten schools. We have 2200 students, and we have 300 employees that I represent tonight. And due to the fiscal irresponsibility of the government we're already in a fiscal crisis with our school district, which is making our board and myself makes some very difficult decisions regarding employment and possible school closures. And I urge you and I want to be very proud of our schools. And we have students anywhere from five years old to 18 years old that aren't here tonight that can't speak for themselves. But they want to go to the same schools as their parents and their grandparents and four or fifth generation. And you'd be doing a great disservice to them if we wouldn't be able to keep our schools. Thank you.

MS. PAM JONES: Glen, Jayne Alchorn and then Dominic Dimare.

MS. JAYNE ALCHORN: Good evening. You already heard about West Nile Virus this evening. I think each and every one of us here is part of an endangered species. I will never walk again, without aid. I now wear a brace from my toes up to my hip. Because of one mosquito bite. Tell me that we should really flood areas. The first meetings, there was absolutely no discussion of public health issues until I opened my big mouth. And it really irritated me because for two years I was a spokesperson for Vector Control. And they have been absolutely wonderful. But their resources are stretched to the limit. They simply do not have the trained personnel to take on anything like these areas that we're discussing having flooded. Come on. Is that what we want? Yes, we turn it to its natural state. Think about it. We are being taught or told that it will be all right. It will be just fine. However, it's going to change our lives. We are going to be part of the endangered species. So think about it carefully. I don't want anybody else that I know or any of these river towns to end up the way I am. To go to bed one night in extreme pain and to find when you get out of bed -- or try to get out of bed the next morning to go to the doctor that you can't stand up.

You fall to the floor. And that's what it has been for the next morning to go to the doctor that you can't stand up.

MR. RICK HENNES: It will be just fine. However, it's going to change our lives. We are going to be part of the endangered species. So think about it carefully. I don't want anybody else that I know or any of these river towns to end up the way I am. To go to bed one night in extreme pain and to find when you get out of bed -- or try to get out of bed the next morning to go to the doctor that you can't stand up.

You fall to the floor. And that's what it has been for the next morning to go to the doctor that you can't stand up.

MR. RICK HENNES: It will be just fine. However, it's going to change our lives. We are going to be part of the endangered species. So think about it carefully. I don't want anybody else that I know or any of these river towns to end up the way I am. To go to bed one night in extreme pain and to find when you get out of bed -- or try to get out of bed the next morning to go to the doctor that you can't stand up.

You fall to the floor. And that's what it has been for the next morning to go to the doctor that you can't stand up.
Ok, Dominic.  And then Sally Christie.

MR. DOMINIC DIMARE: Hi, good evening. Thank you folks for coming down here. I'm Dominic Dimare a resident here in Clarksburg. I live about 120 yards down a little further. These are my neighbors. I’ve been here about five minutes compared to many of the people in this town. So I've been here about three years. I have three sort of general themes. Theme number one, no good deed goes unpunished. Yolo County has a very open space in agricultural preservation component to this general plan process.

I'm on the -- I’m the President of the Advisory Committee for the general plan advisory to our supervisor. Mike McGowan. I’ve been reading through the updated general plan that we are on the verge of approving after 100 years. And so far for about 100 years -- but a long time. And this county has made a commitment to its detriment in many instances, particularly, when it comes to generating revenues through sales tax in preserving agricultural land. And making this -- the county the region's open space of Ag land leader. And for that good deed, it just so happens that we have a lot of attractive open space to site facilities at. And so what I would ask the resources agency and the Department of Water Resources and all the people who deliberate over this is please take a look at the economics of this particular part of Yolo County and what it means to the county and region. You heard earlier some of the very successful winery operators and wine grape growers here. The plan is to build this into a very viable, successful world renown -- and we’re already there actually. They’re using grapes grown here in Clarksburg in Napa Valley wines all the time. So think about the economics associated with slicing up large chunks of land here in this particular region of Yolo County and what it means for the entire county. Issue number two, let's bring back an old favorite. Lester will remember this. "Let's get better together,” which was the theme from that hit show CALFED, which is now off the air. And not even in reruns actually. Well, actually that's not true. A lot of what's going on here has somewhat of a CALFED feel to it. I’m sure that the EIR that will be produced will be very CALFEDish. So "Let's get better together.”

Personally, this is not my professional opinion. This is my personal opinion. I've been working in government -- in and out of government for almost 20 years and for that entirety I've heard, you know, "We're not going to do a dam or resevoir this year let's just do this bond. Sign out of this bond. Will give you some conservation money. We'll give you some money for ground water recharge. We'll do these -- all these nice things. We're not going to do storage this year. Well, I'll argue that if you go back and look at the climate action team's report on what's going to happen to snow pack, there's no stronger evidence in science today and in state public policy then what’s going to happen as a result of climate change if the scientists are right in what happens to snow pack and that's crying out for storage. It ain't necessarily crying out for a canal. But it is absolutely crying out for storage. So I would submit to you that that is somewhere for DWR to go and look at that report.

And then lastly, the third theme is don't screw up my town. I really like it here. I got here in December of '05. And by the 10th of January of '06 I was conspiring with the locals to put together a charter school and because we had a difference of opinion with our school board and they shut down the elementary school here. So we started a charter school. It’s darn difficult to get students because this isn’t a growing area. Because we as people through our representative elected representatives made a decision for open space and agricultural preservation, we don't have a lot of development opportunities here and my great concern is no matter what we do in terms of facilities, however that turns out happens is that metropolitan and the other large sponsors of the BDCP and those desires of the canal will wash their hands of the actual consequences that come from those facilities and not think about the long term viability of the communities in the Delta and sustainability of these communities. I think that's a very real threat to the communities in the Delta.

So I would like a feature in whatever final work product that comes out that ties the sustainability and the viability of these communities to the ongoing operations of the facility that is finally selected. And that would be an official request from a resident of the Delta. And I thank you once again for your time. And thanks again for coming down to our town.

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

MS. SALLY CHRISTIE: My name is Sally Christie. I am a resident, landowner and parent of two children who are six generations Walnut Grove pear farmers. I stand up today as a member of the Save Our Delta's future. I am the Walnut Grove PTA President.

And I want to reiterate the comments of my superintendent and also fellow community members Mr. Demare and also Mr. Heringer in the beginning about how this will
impact the ability of our communities to educate our children when so much land will be taken away and land brings jobs, families, people living in our community. So I just want to make sure -- I did not see in the stations -- and I read every single one that the impact on the local school district was address directly and so that is why I'm here up here for the third person saying this. But I was also struck by something else as I was sitting here and I need to tell you a story about when we moved back here from Seattle -- my husband and I to have our children be raised here and attend our schools. When we moved into our home that we lived at the time, which was a family home built in the early 20s, I was wiping a counter top, a shelf, what came down from that shelf was an internment poster from World War II. It was scary because it was like, "Oh, my God, this is a piece of history." But not piece of history I should be proud of. Please, don't let my children see these shirts and think, "Oh, my God, look what we did to ourselves?" We took out -- the Japanese Americans were citizens who had land. They worked the areas. They were good citizens. And we thought we were doing the right thing. And we were wrong. Let's not doing it again. Thank you.

MS. PAM JONES: Don, Mark and then Nicole.

MR. DON FENOCCHIO: Good evening. My name is Don Fenocchio, long time residence of Clarksburg. My mother actually was born in Clarksburg. We have little history here.

A lot of discussion has been going on this evening regarding habitat and things that are necessary to keep this Delta going. I think one thing that you have forgotten and as I look at your panel and it's obvious to me. The human habitat has actually been forgotten around here, not only in Clarksburg but clear down the river. It's important that you think very, very seriously about getting another party to your organization, maybe Department of Human Resources could help you somewhat. I'm very about long term effects of whatever project may occur. I really encourage you to work very, very hard to including in the EIR long term effects on the social, political, and human resources here in the Delta.

I might also say that I am a fisherman. And I am concern about the fish habitat. I'm very much concerned about what happens with the water and southern California. I might mention too -- I forgot the gentleman's name who is with the Department of Fish and Game -- fishing has somewhat changed in the Delta. I spent two days this week. I caught one fish. My license when I was 16 years old cost $2. I bought it about two months ago and it was $62. In the younger days, I caught all kinds of fish. Today, I caught one.

MR. MARK PRUNER: That was Don. I'm Mark. First all, I want to thank the folks that have come tonight. I know you're required by law to be here. But thank you, anyway. And thank you -- you know these people that you see in the audience are hardworking folks. You heard some of their stories. I can tell you that there are hundreds of stories beyond what you've heard tonight that are just as moving and if not more moving of people that care about the land. They've lived here for generations and have something attached to and grown into the land other than just a dollar sign or something that can be evaluated and purchased.

I've been to a few of the meetings. I met each one of you and spoken with each one of you at length and at multiple times. You might be a little tired of hearing from me. But let me just ask a question or two and Lester you are the highest ranking individual here by the way I agree with the comment that the shirt looks great. And if I could bring one for Karen tomorrow that might be good.

My information looking at the big picture here is that all of this that we're doing, the plans, that binders -- I have two boxes of materials are all about a starting point. In creating a starting point with the caveat that the starting point might be wrong. We might get new information that we might learn that we're completely off base. Is that a fair statement? I see a nod there of Jerry saying, "Yes."

MR. JERRY JOHNS: Starting point. And then develop alternatives around that really evaluate what -- how we move forward.

MR. MARK PRUNER: And the solution that I've heard is that we want to have an adaptive management program. I haven't heard anything about Karla -- I missed some of the presentation -- but about the adaptive management program, which is kind of the -- if we imagine a train, we have the starting point going down the track, and then we the adaptive management program, which says well, we could be completely wrong. So we have to have a system that says we'll take new information. We'll evaluate. And maybe we'll change some things, throw some things out the window and come in with completely new things that haven't been discussed tonight. And if the third part of this triad is that there will be a government system of three tiers and I've seen the charts and the boxes and lines -- and pretty
MR. JERRY JOHNS: Well, sort of. Okay. Could I take a shot at that?

MR. MARK PRUNER: You can. More than one, if you need to.

MR. JERRY JOHNS: The starting point part is BDCP is looking at something differently than it usually has done. And it's looking at how do you deal with ecosystem and water supply at the same time. So their going to develop a starting point. But in the EIR/EIS process -- and one's federal and one is state -- really going to look at the alternatives. So they'll come up with a starting point that the evaluation may say, "You've picked a canal, but we think there's a lot of impacts and you're going to have to go through Delta with your strategy or you've picked habitat in this area but after analyzing, we don't think that's right location." So it's a starting point and then you evaluate alternatives.

The point you're making about adaptive management is if we've learned anything about water supplies or ecosystem is what we know now will be slightly different in the future. That does bring out the governance issue. And there seems to be a general consensus that if your going to build a facility like that, which would have dramatic impact it probably shouldn't be the Department of Water Resources that operates it or the contractor that get the water out in some other organization and some mechanism that has broader interest then just the water supplies.

MR. MARK PRUNER: With all that said, and this is really getting to one of my main points here. I'm running out of time already. But if the government structure -- the folks that are going to be making the real decisions down the road -- if, would you be in favor of the department, would the department be in favor of allowing one or more people from the Delta itself -- the people who have the most skin in the game -- to have a voice directly in the process, not in meetings like this where we give comment and then somebody goes into a back room and says, "Well, we just heard a comment but we're going to do what we want to do any way." But actually of direct voice, a voting voice and we think and hope a strong voice in the government structure.

Is that something the department would support?

MR. JERRY JOHNS: I have no problem with that. You probably are aware the legislature has bills dealing with this as we speak. And I think that's going to be a consideration of how you come up with the Board of Directors for whether it's a Delta conservancy or a utility or counsel, you know, there's a lot of different versions. We have no problem with that kind of configuration. But there will be a lot of debate in the legislature. It won't be a decision that we make.

MR. MARK PRUNER: Absolutely but they're not here. And I'm just picking on you because you're here. I just want to say that what I've learned in the process, my conclusion is that what I observed is this -- if I can over simplify but still be -- I think it's real truthful to say at baseline this is a giant experiment. The canal, the fish, that even the experts like Paul from SAIC and Chuck who are experts in their fields say, "We don't know if this is going to work or not we just kind of think so. We got some data, and we know we're missing a lot of information" -- and correct me Paul and Chuck if I'm wrong here but -- we just -- this is a -- you haven't used the word "experiment." But I remember from my science class what experiments are and this seems like it. I think you could see from people here that we're asking for a third leg in the process, not just conveyance, not just habitat. But also the people in the place because for the people that are here it's not just live and -- it's a data point on sheet of paper or spreadsheet. It's about lives and history. And we believe that as the Delta, we enrich the entire state of California as some of us brought out tonight. But we really enrich the state. And the state will suffer. And state will lose something, if the big project rolled through and we were depopulated. We lose a base to have schools, we lose a base to have fire department. We will suffer. And the state will suffer. And that's, I think -- sort of what I believe, I think that the great majority of folks believe here as well. Thank you.

MS. PAM JONES: Peter Stone, Tim Waits and Linda Robertson.

MR. PETER STONE: I'm Peter Stone. I live across the river, one mile from here and -- with my family. We lived here for a number of years. And I agree with so much that's already been said. But I don't want to repeat it. So I'm going to say some other things that are not nearly as important. But I want do make sure that they are brought forward. First of all, one of the things that hasn't been said about Clarksburg is it's the home of one of the oldest Boy Scout Troops in America. It is a troop that has 100 eagle scouts. I have two of them myself in the Clarksburg troop and I consider it to be a privilege to be a part of this community. And when we start thinking of terms of wringing towns -- where's the town? If you haven't lived in the Delta you don't realize that -- "Well, let's see. I want to go to lunch. I'll go down to Walnut Grove. It's just a few doors down." You know, it's there's something
different. I've lived in the city.

Most people in California don't have a clue that there
is a place such as this. I've also lived in New Orleans.
There's one other Delta community in the United States and
it's down south of New Orleans. But as I've been told, it's
a Delta that flows out to the ocean. There's only one of
these in the United States of America with an inland Delta.
And we're here talking about its destruction -- or maybe not
but as it was just eloquently just said an experiment to
play in the backyard. The only one that exists outside of
China. There is another inland Delta and it's in China.
And if we were talking about something in terms of ecology,
something in terms of anything else where this group of
people was coming to the government to say that we wanted to
do something to mess with the Delta.

There is no way we would be able to do this. And yet,
we are not dealing with the same things that we would be
required to deal with. And so one of my themes here is
consistency. Just simple things like when I go to the
County Planning Department and want to find out if I can
put something up on my property, "Well, as long as you don't
place it within eyeshot of route 160 on the levee because we
don't want to ruin the visual impact." And I'm going -- I'm
looking at all these maps we're talking about we're going to
put thousand foot wide canals. We're going to put
powerlines all down the levee, one of the options. And I'm,
saying, "Hmmm, it's interesting." Not one person in a
yellow shirt in this room could get done anything close to
any of what's going on here.

And then I think about -- I just tried to -- you know.
I don't know about all the big initials, and whatever, but I
just kind of like to think about some simple things like one
thing was really clear this evening. Is -- we are going to

guarantee an EIR/EIS and whatever else we're going to do
that we are going to make sure that every law associated
with a fish is held to the "T." But if it has to do with
human beings, forget it. If it has anything the
constitution grants it's rights for people, forget it. Now,
I don't know a whole lot about all of these other things. I
don't know a lot about the routes and things. I was asking
some folks very helpful explaining things. But we drive
right by the Freeport intake for the East Bay MUD facility.
So I just threw out one thought, "Wow. There's obviously
going to be a pathway for water" -- which when they showed
me, it's going to get right down to the south part of the
Delta. Why couldn't we piggy back on a route that's already
established that doesn't destroy the Delta. Now, I know he
says it needs 50 times as much water. Well, we've got a
route then run 50 times as much capacity that bypasses the
Delta. Why do we have to destroy something -- I mean, I

looked at the drawings out there. The architectural drawing
with thousand foot canal. And it's like crazy to think that
that's going to be a good thing for continuing what's going
on here in this Delta.

And other thing, I've been here long enough dealing
with rising rivers -- when one gentleman talks about
hydrology most people don't have a clue, unless you live
here -- what in the world that means. And what happens --
and they think quick little fixes to things can do things
that just can't. Well, anyway, one other just sort of
practical thing. I live right on the levee. I really love
the Department of Water Resources guys. The guys who
actually come around and try to keep those levees so that
the squirrels don't eat holes through them, to make sure
they're mowed. I really appreciate that. But I'm
frustrated because if I stand at the top of the levee, they
can help me on one side. But they can't help me on the
other side because the fish and game folks won't let them do
this, this and this that will help save the levee from
floodng. Now, my point is a very simple one. If we are
talking about something as complex as this and we have
agencies that don't agree amongst themselves. How are we
going to say that this is nothing but a grand experiment
where each one is going to do in their side pocket what they
want to do, hope it comes together in a document that makes
everybody happy. But even, you know, filter the pumps, you
know, why can't we figure out -- I can't believe we spent
billions and billions of dollars to do all of this -- and
maybe it's been thought of just the gentleman
said earlier -- but why can't we do something with modern
technology to put things -- to keep the fish out of the
pumps out of there -- and I'm sure that's really naive.

MS. PAM JONES: Peter, could you wrap up, please?

MR. PETER STONE: Sure. And finally, assuming this all
goese through, I'm very concerned that if we wind up losing
and having to lose our properties that we're going to have
happen what happened to my grandparents. When they had the
interstate systems take their property. They had them sold
at eminent domain based upon the values after years of
depression knowing that the properties were going to be
eminent domain. So who's going to buy property that's -- as
it's already been said here in town, if we look at value of
what people will pay for 2, 3 years from now then that will
be just flat out confiscation of property.

MS. PAM JONES: Peter, could you wrap up, please?

MR. PETER STONE: Yeah. So with that, I -- and the
other thing is just, you know, decertification of levees.
And I just can't see, you know, we just need to have some
responsibility put into what's going on here. Thank you.

MS. PAM JONES: Tim, Linda Robertson, and Gary Merwin.
MR. TIM WAITS: Good evening. My name is Tim Waits and I'm here representing Clarksburg wine growers and vineyards association. I want to talk mostly about the economics of the wine, grape crop in this area.

And most of what I'm going to say here in the beginning is a source from the 2008 CRIS report which came out recently and it's done by the USDA. The State of California produces 3,061,000 tons of wine grapes last year. And the average price per ton was $594. Our area, which under the USDA is called District 17, which pretty much includes all of the Delta produced 783,420 tons of grapes. So that's about 25 percent of the state as a whole. It's a big business down here. And it has a huge economic impact on the people that live here and work here, have businesses that sort of thing. What we see here is if you can't relate to tons it also would be able 54 -- no. Yeah. 54,839,000 cases of wine, just what we produced here. A case of wine is 12 and a 750 milliliter bottle. So we've got a substantial benefit not only to the area but to the state.

Wine grapes are one of the -- one of our best exports as far as crops in California in terms of value. And last year, the value of the red wine crop went up 3 percent. The value of the white wine crop went up 12 percent. So it's one of the few things that's actually going up instead of down in this economy. The plans that have been presented today would make it very difficult for the average grower to survive by chopping up our lands, putting canals and diversion systems and all this stuff, you know, right in our way essentially, not to mention what it would take out of production by having these thing there. So we're very concerned about that.

The difference between wine grapes and open ground type crops is that it's very expensive to put them in and it's a very long process to get paid back. Generally, it will take about $10,000 per plant to get it through the growth cycle before it begins to produce. You got a long time that you have to, you know, show the cost one way or the other. And, you know, borrowing money is typically one part of that. And so with all of these rumors and plans that are going on, it makes it very difficult for us to move forward. Yet, inspite of that, our area is considered one of the best places in the entire state to develop vineyards, even at this point. So we got a lot of interest here in this economically, socially.

Lastly, I'd like to just mention, you know, I have a ranch just down the street here on Willow Point, you know, I've developed 140 acres of wine grapes significant cost there. I built my house, which is also down there. And you know, all of that was done with the proper permits and government okays. And you know, looks like a canal -- if

the eastern option is chosen, well, basically go right through that new development. And you know, somehow there's something about that that didn't seem quite fair to me and I would like you to consider those kinds of the issues in addition to the fish and the other sorts of things that seem to be so important to you. Thank you.

MS. PAM JONES: Linda, Gary Merwin and then Russ Van Lobensels.

MS. LINDA ROBERTSON: Linda Robertson. And I'm not from Clarksburg. I'm from Bethel Island. And the changes that we've seen in the last four years in our water quality are astronomical. When you see jelly fish, when you see flounder, when you have seals living near your island on a continual basis, salt water intrusion is already there. This processed plan is going to probably ruin all the small harbors on Bethel Island. While I can appreciate the farmers and what they're going through on the south Delta where this proposed canals going to be shoved under our island. Ten foot diameter pipe is what one estimate was, 42 miles long. We're a bit concerned about our levees. And we do not accept the latest scare tactic about earthquakes. Those levees have been there for close to 100 years. The earthquake thing, all of us that live on levees it's like, "Yeah and so." It's a scare tactic. It's not going to work. We are a really small community of 2500. We're really pissed because it's going to ruin the boats that are in my little eight slip harbor that's what I have as my retirement income. It's going to ruin the salt water intrusion is going to destroy the fishing.

We have friends that drive all the way from Nevada to fish in multiple black bass tournaments throughout the year. They contribute out of state to our little teeny economy on Bethel Island. That's going to be destroyed. There won't be any black bass left. The salt intrusion was bad enough this year, you couldn't find a blue poll with a search warrant. We did not see them except for a two-week period that's from the salt. I have seals swimming up and down past my harbor. That's salt. What you're proposing to do is remove so much more water that I'm a little concern that I may have to tell the kids whose parents have boats in my harbor, "Can't swim today, honey, great white is out." Don't do this.

We are going to fight in any and every way we can to stop the water grab by L.A. That's all this is, nothing more. I have one final question that I need to take home to our little community. How much money is this department going to pay Contra Costa County to put this pipeline in? How much money? You don't know?

MR. LESTER SNOW: We're still in the planning phases.

MS. LINDA ROBERTSON: But it's on a map.
<table>
<thead>
<tr>
<th>Page 82</th>
<th>Page 83</th>
</tr>
</thead>
</table>
| 1. MR. LESTER SNOW: There's alternatives on the map. But there's been no decision on this. And so there's no money that going to be paid to anybody at this point. | flow of the river which is not a lot of water. It's only all the flow for 3.65 days. But that is not what we're here about. I'm going to do a lot of repetition because everybody else is really made some awesome points that need to be said again because I don't think they're getting heard. Number one -- first one is, there should have been three prong approach to this thing and everybody here knows that. There's no -- there should've been a spot for a third prong, for the social and economic wellbeing of the Delta. And should be an economic impact that goes along with it that has that same representation, that third prong, there needs to be EIR needs to include the impact of building more homes in southern California with increased water supplies from the Delta. Any eminent domain property that gets done around here needs to be valued at a minimum of the same value of the areas that benefit instead of southern California. My final comment is more of a question. I'll start with comment part. Every time I look at a map in this whole process. And I start asking questions usually I get told this is just concept. This doesn't mean anything. When are we going to be looking at something that means something?  

MS. KARLA NEMETH: Summer. This summer we'll have a preliminary draft of the plan this summer with all the details.|
| 2. MS. LINDA ROBERTSON: Not today. I'm talking when you do this. Because Bradford Island cattle ranchers that have been there 60 years have had you lien their property rather than let you do the survey to take their property. How much money are you going to give the county, when you put this pipeline in? It's not if, we all know it. |  

MR. LESTER SNOW: Well, it's not in. We have not made that decision. |
| 3. MS. LINDA ROBERTSON: Why is it on your map? |  

MR. LESTER SNOW: Because it's an alternative that's being evaluated and the issues that will be evaluated include every thing that you've just raised. |
| 4. MS. LINDA ROBERTSON: But why are you liening property in Contra Costa County. |  

MR. LESTER SNOW: Getting access to do the surveys to get the information that you're talking about. |
| 5. MS. LINDA ROBERTSON: But why are you liening private property for people that don't want to participate in this? |  

MR. LESTER SNOW: You're using a term I'm not real familiar with liening but we're trying to get access to property that is in those different corridors out there. To get the information that people have brought up here where there's endangered species, what the soils are like, could you actually build anything, could you actually put a pipeline there, what kind of habitat is already there, what's the water conditions? |
| 6. MS. LINDA ROBERTSON: The water conditions suck now. |  

MR. LESTER SNOW: Pardon? |
| 7. MS. LINDA ROBERTSON: The water conditions suck now. |  

When you get down like I said great white is going to be swimming around my island. I have nothing left to say. Thank you. |
| 8. MS. LINDA ROBERTSON: The water conditions suck now. |  

MR. GARY MERWIN: That's three month period. MS. KARLA NEMETH: Yeah, July. I don't know. We're working on it. But as soon as it's done, it's going to be made available. As I mentioned we'll be back. I know folks really want to get to those details and they're critical. MR. GARY MERWIN: The economics of this area are just hanging in the lurch, you know. |
| 9. MS. LINDA ROBERTSON: The water conditions suck now. |  

MS. PAM JONES: Russ, Time and then Richards Robertson. MR. RUSS VAN LOBENSELS: My name is Russ Van Lobensels. |
| 10. MS. LINDA ROBERTSON: The water conditions suck now. |  

I'm fourth generation farmer. I'm farming some of the same property my great-grandfather did in 1870. I speak to you today as the president of the Sacramento County Farm Bureau and Chairman of the Delta Caucus. I met with some of you over the period and discussed some of the issues that we're dealing with today. One point of order is the comments that were received in the prior scoping session. Are they going to be part of the continuing record? Yes. Okay. Very good. The organizations which I represent have many, many issues that they are concerned about. And we will be sending you those in written form at some point. However, I'd like to bring up 3 or 4 comments this evening. The draft EIR must clearly show how each proposed alternative is designed to operate within the multitude of legal restrictions, water quality requirements and contractual constraints such as the North Delta Water Agency. |
Contact with the State of California, area of origin priorities, Delta salinity standards just to name a few. Second, the draft EIR must identify -- and this question has been asked throughout the process and not answered or the answer has been, "We don't know" -- must identify how much Delta outflow is needed to maintain the health estuary and how each alternative will be designed in order to maintain the appropriate outflow and Delta water quality. That's an absolute must and before you can go forward with any alternative, you must know that.

The EIR should compare and contrast water flow and water quality from the two main rivers that run into the Delta -- the Sacramento and the San Joaquin -- and compare why the qualities are different. One of the reasons the San Joaquin County does not have the same quality as Sacramento is that major amounts of water are removed before it gets to the Delta and here we're talking about doing the same thing in Sacramento. Then again, you need to answer what flow needs to be maintained in the Delta to maintain a healthy estuary? Export alternatives cannot be developed or evaluated without this critical information. The appropriate size of facilities cannot be evaluated without this information.

Export quantities cannot be determined without this critical information. And finally, how are even these conceptual ideas being evaluated without this critical information. The draft EIR must show a correlation between tidal wetlands and wetlands and a fish abundance, if it doesn't, we're going into an adaptive process that might try one thing after another, after another and all of them may fail. How do we establish a permit that doesn't have certainty? I challenge the U.S. Fish and Wildlife Service to look at this process and this plan to determine whether it has certainty.

Finally, the draft EIR must explain why the BDCP isolated facility is designed to convey 15,000 cubic feet per second. Is that volume based upon science to support a healthy Delta? Or achieving maximum exports without regard to the health of the Delta? Now, I understand that they're governance issues that we're suppose to trust the governance issue and so forth. If the maximum export capacity is 17,000 cubic feet per second and the preferred alternative is a dual conveyance system, why isn't the capacity of the peripheral part reduced by the conveyance capacity of the through Delta part to give you a combined capacity of 15,000 cubic feet per second -- a smaller ditch, please. Wouldn't it be more appropriate to size the peripheral part of the dual conveyance system by starting with that critical amount of water that must pass through the Delta subtract the amount that you're going convey through Delta and what is left is what you convey peripherally -- and that may be nothing. Why propose digging a big ditch that you may not even be able to use? Why do that?

If the current system of exports has damaged the Delta, then some of the proposed BDCP alternatives, I believe, could devastate the Delta. Thank you.

MS. PAM JONES: Tim Newharth, Richard and Dan Whaley.

MR. TIM NEWHARTH: My name is Tim Newharth. Resident of the Delta and farmer of the Delta. Represent a family that's been here in the Delta since 1948. Long time. Watch a lot of water follow past the levees. But that aside, my concern is the Delta, itself.

The Delta as has been stated before, is a very unique place, a very unique ecological estuary that is unsurpassed in any place in the western hemisphere. And to think that we are going to continue to tweak it and mess with it and take water out of it, and move it around with no real assurances of the outcome, to me darn near criminal. How effective -- and I have a couple comments along those lines. How effective can this EIR and EIS be if we haven't a specific plan with specific areas in specific parameters? We've got a western conveyance. We got a through Delta conveyance. We've got an eastern conveyance. And nothing's really been settled as to what is going where and how much and how long and so forth.

This scoping is premature and cannot be focused nor thoroughly examined without those specifics. What about other parameters that are not in this scoping? What about the impact of the Sacramento municipal intake that's taking water of the Delta. What about the impact of the sewer treatment plant that's putting high and very excessive and detrimental amounts of ammonia into the system, which is messing up with the food chain in the Delta already. Maybe your smelt needs a little bit more to eat. I don't know.

What about habitat conflicts? We have agencies who are promoting such as you stated in your presentation about restoring habitat. We have other agencies that say, "No, you can't do that." "We don't want any trees on the levees. We don't want anything on there. Spray it. Burn it. Do whatever." "You know, we have to have a clean levee site." I don't know how those two things get resolved when you've got the left not knowing what the right hand is going. It's a contradiction in terms.

And I wonder how you can have such a narrow target on species. You talk about smelt. Smelt, smelt, smelt. I swear if I see one, I'm going to give it to the cats. You talk about salmon, you talk about steelhead, and sturgeon, and splittails. What about the other species that are out there we've got striped bass, which is a huge sport fish? The gentleman before said it adds two million to the...
state's -- is that -- when is that going to be a native
species. I think it's here to stay, unless you plan to
eradicate the entire bunch. I don't think you can do that.
I don't think it's possible. So when are they going to be a
native species? Not to mention the thousands of vegetative
species hawks, egrets, loons, owls, otters beavers, ducks.
We are on a Pacific fly away and they prefer fresh water not
salt water.

What about human species? Why are we not all on this
more of inclusive species list? Why is it limited to smelt?
That's all we hear is smelt. As far as I'm concerned, smelt
is like the spotted owl. It's just a tool to use to get
what you want. In your literature you talk about diversion,
diversion, diversion, and that to me in this scenario is
robbing Peter to pay Paul. How does the Sacramento
expect -- Sacramento River expect to survive and the
northern Delta expect to survive and to improve, if we're
pulling that much water out of the top and trying to put
around on the the bottom to make up for water that the San
Joaquin river no longer can supply? That is robbing Peter
to pay Paul. And today's language it's a ponzi scheme.
That's exactly what this is it's a water ponzi scheme.

MS. PAM JONES: Could you wrap up, please?

MR. TIM NEWARTH: Number four, when are these
diversions supposed to occur? I've heard people say

verbally from your group that this is only going to happen
when we have excess flows. Okay. That's all good and well.
But that means last year after spending billions and
billions of dollars initially and ongoing expenses that
there wouldn't be diversions made out of the river last
year. This year, maybe a month, probably less than a month
we had somewhat of a high water flow not really even a high
water flow but more flow than usual. That is when we're
going to use this? We're going to spend all this time and
effort and that's when we're going to use it.

I'll end with this -- and we've talked about quips and
quotes this evening. Ethan Allen, after the revolutionary
war was sent to England as an emissary to the English and he
was the brunt of many a joke from English about the
revolutionary war and in particular George Washington. He
was pretty silent about it. He took most of it. They
decided if they could get his goat they'll hang a picture of
George Washington in the outhouse, which they did. Ethan
Allen goes out uses the outhouse doesn't say anything. And
their waiting, and their waiting doesn't say nothing.
Finally, they said Mr. Allen, what do you think of George
Washington's portrait in the outhouse? And he said, "Well,
I think it's a very appropriate place for it to be." They
were taken aback, puzzled, befuddled. And they said, "Well,
explain that." Well, he said, "Nothing would make an

English man so quickly shit as a sight of George
Washington." I'm hoping that these green shirts and all of
this comment would make the proponents of this deal have the
same effect. Thank you.

MS. PAM JONES: Richard, Dan and then Peter Finn.

MR. RICHARD ROBERTSON: Hi everybody. I'm from
Brentwood. I live in the Delta. That's Linda. I've been
to three of these meetings now. And I haven't been
popular at a couple of them -- but anyway. Everybody that
I've seen from Brentwood to that end of the Delta to
Stockton everybody, all you farmers, have the same
criteria. They want to live. They want to do their land.
They want to grow their crops.

I used to have a bed and breakfast. I grew lands but
anyway for Fish and Wildlife Service, there was 7 million
striped bass in the system before they put these pumps
southern California. There was salmon. The numbers were
untold. Okay. They put the pumps in the fish crashed.
Crash and crash and crash. And here we go again. They're
going to be pumping water out of the good water, clean water
from you guys out of the Sacramento River going south. They
can't pump any more water out of the Delta. It's dirty.
It's bad. Everybody knows. Salt intrusion. No joke jelly
fish.

You guys, Walnut Grove, flounders last year. What's

wrong with this picture? Salt coming in because they're
pumping too much water out. There was no water coming into
the Delta this year. We saw dirt. We see dirt 3 feet down
from the sides of the channels that they've never seen
before because there's no water. And here they go again,
"Okay. We've got no water. Let's go to Sacramento. Let's
get that good water." Their water quality be better down
south than we have in the Delta because they're pumping it
out of here. Okay. I have some numbers and these are
questions that people have asked. How much water? How much
water is -- how many gallons are in a cubic foot? Anybody
know? I do. That was a question asked from Brentwood.
Nobody had the answer. How about 54.7 gallons per cubic
foot. That's a lot -- that doesn't sound like much water,
until you times that times -- this is based on 11,000 cubic
feet a second. How about 55,000 gallons per second is going
to go down the canal times that per minute 3,300,000 gallons
in one minute times that per hour 190,000,000 gallon in one
hour going down to southern California. In a 24-hour period
how about 475,200,0000 gallons going down to southern
California every hour. Our computer wouldn't go any higher
than that. And I showed my friends this and they said, "I
can't even read that number." And then you times that 365
days a year for how long? Every day. And that's low.
They're basing 14 -- and they told you, well, it might be --
I'm a resident of the city of Sacramento. Where we are, we're now getting water meters courtesy of the water interests that are behind what you folks are doing here. We don't need water meters. Los Angeles needs us to have water meters. So -- and that's part of what's happening here. What's affecting us in the city of Sacramento is affecting you folks here too. And I'm here because when I first came a year ago to hear this program with the proposals. There were four proposals. They varied pretty wildly.

But everyone of the proposals had a peripheral canal, every one of them. There wasn't a proposal without a peripheral canal in it. And I came to conclusion at that point. And I walked away pretty frankly disgusted that what we had here was a solution that had already been determined well before the meeting or the proposal or the research was done. The solution was we're going to build a peripheral canal. And that solution was handed out to a bunch of good folks. And you were told okay. Now, go find us the problem.

And finally people are getting letters that say they're threatening to lien your property. There are people like Mark Pruner that will talk to you about how you can protect yourselves against threats from the Department of Water Resources or any other agency that demands to come on your property because they do not have the right to do that. And they may use that information against us in the future.

Fight for your rights. Thank you.

MS. PAM JONES: Before we have Peter Finn and Kathy Hunn and Mary Paula Carvalho, I just wanted to say as to the point of whether they're listening, we do have a court reporter here taking the comments. And so they will be able to read it in addition. The value of going out and making your comments there is that it's more directed and more specific and you can target those comments that you would like. So Peter. And then Kathy.

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

And then finally, it's very important that everyone in this room write comments on a card and turn them in. Because as much as these people are down here listening to what we're saying, they may not really be listening to what we say. But if we make a written comment, it is a permanent record and eventually the lawyers may need to protect your legal right. So it's very important that everybody make a written comment and turn it.

And finally people are getting letters that say they're threatening to lien your property. There are people like Mark Pruner that will talk to you about how you can protect yourselves against threats from the Department of Water Resources or any other agency that demands to come on your property because they do not have the right to do that. And they may use that information against us in the future.

Fight for your rights. Thank you.

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

I'm a resident of the city of Sacramento. Where we are, we're now getting water meters courtesy of the water interests that are behind what you folks are doing here. We don't need water meters. Los Angeles needs us to have water meters. So -- and that's part of what's happening here. What's affecting us in the city of Sacramento is affecting you folks here too. And I'm here because when I first came a year ago to hear this program with the proposals. There were four proposals. They varied pretty wildly.

But everyone of the proposals had a peripheral canal, every one of them. There wasn't a proposal without a peripheral canal in it. And I came to conclusion at that point. And I walked away pretty frankly disgusted that what we had here was a solution that had already been determined well before the meeting or the proposal or the research was done. The solution was we're going to build a peripheral canal. And that solution was handed out to a bunch of good folks. And you were told okay. Now, go find us the problem that fits with this solution. And I looked at this map up here. And what I see, frankly, I consider those blemishes. I see a lot farmland, a lot of productive land where people live who are in the way of this canal.

And how do you address existing water rights for the people here? All these need to be addressed when your project has not yet been defined. Who is Delta Habitat and Conservation Program? And what are they paying for? Where are the bridges in any of those documents that are showing essentially a canal that is bigger than the Sacramento River that exists. So think about that. How are you building a canal that is bigger than the river that exists now? And how does that make any sense? Now, I would reference you to a couple of books to read Jerad Diamond's Collapsed, which talks about what happens to societies and then within our own community here Dave Stirling has written a book called Green Gone Wild. Essentially, talks about humans are species as well. And they're not being protected.
are an impediment to this plan.” Because all these yellow shirts here, they're in the way. They're in the way. They are an impediment to what is being proposed here. And I'm certain that there's a lot of folks that think, "You know, maybe if we have a few swamps and West Nile Virus to chase people off, that's a good thing. Maybe if we get property values depressed by telling the world that we want to inundate Clarksburg to a depth of maybe here in the summertime -- well, we can chase people away. People will move away. They'll get out of our way. So we can have our way.”

Now, Bay Delta Conservation Plan. There's no conservation happening here. I don't see any conservation. I see the creation of salt water marshes, where there used to be fresh water marshes. So the fresh water marshes aren't being conserved. The agricultural land is not being conserved. It's going to be inundated by salt water. The communities and the way of life here isn't being conserved. It's going to have to make way for a canal. And then, I mean, conservation. There's no conservation. Again, no conservation. This is the Bay Delta Canal Plan. Please be honest.

To illustrate my point of how the information is being thrown out there to justify this any way it can. No offense to you Karla. Yes. You have a tough job. You got up here. And you told us -- and I'm glad it's on the record you told us how this canal is going to improve flows out of the Sacramento River. And then oh, about five minutes later you told us how we're going to have salt water intrusion coming up the places we haven't seen it before. These are two mutually exclusive concepts. We can't be improving flows, which should help alleviate salt water intrusion. And then later on say, "Well, we're going have salt water intrusion where we haven't seen it before." So we're going to have to plan to mitigate that, which is it?

MS. KARLA NEMETH: Chuck, do you want to describe --

MR. PETER FINN: Actually, I'm addressing the question to you.

MS. KARLA NEMETH: I would actually prefer to have someone who's a little bit more knowledgeable explain our approach to flow management.

MR. PETER FINN: Okay. So here is my question. How do we have improved flows that reduce salt water intrusion, when at the same time we know have salt water intrusion problem that has to be mitigated?

MR. CHUCK HANSON: Well, the flow part that Karla talked about before were the flows in the southern part of the Delta that tend to entrain fish. We could improve that by simply where we divert water, not change the quantity of water we divert at all in that specific instance. In terms of salt water intrusion, the studies we have done indicate, for example, Antioch's water quality actually improved because there's less water coming into the Delta when we pump harder in the summertime. So some parts of the Delta will see improved water quality.

MR. PETER FINN: What parts?

MR. CHUCK HANSON: But the X2 standards that play out here, they don't change on some of the date we have it indicates it's a very small change in salt water intrusion due to the program we're talking about. All the standards we currently have in place are water right permit standards are all the same, our agricultural standards are all the same and our plans have met those standards. So we don't see as much water intrusion as you think we do. I really encourage you talk to folks outside and look at some of the date we produced.

MR. PETER FINN: I looked at some proposals. And some of the proposals include building gates where there haven't, I mean, gates to prevent salt water intrusion where there hasn't been a problem before. Actually along the Sacramento River there's a proposal that shows gates being built there.

MR. CHUCK HANSON: At 3-mile slough you mean?

MR. PETER FINN: Yeah.

MR. CHUCK HANSON: Yeah, that was to improve water quality in the interior part of the Delta.

MR. PETER FINN: Actually, the documentation said to prevent salt water intrusion at that location.

MR. CHUCK HANSON: Well, to improve quality, right.

MR. PETER FINN: Are you dancing around the subject? There's no salt water intrusion there right now.

MR. CHUCK HANSON: There's salt water intrusion --

MR. PETER FINN: That needs to be mitigated to that degree. The proposal to build the gates there is to deal with the problem that's going to be created.

MR. CHUCK HANSON: We have salt water intrusion problems today. Every day in the Delta we have to push salt water that would come into the estuary, if the flows weren't high enough.

MR. PETER FINN: So would those gates need to be built, even if this canal is not built?

MR. CHUCK HANSON: Well, actually, these gates at 3-mile slough have been planned for seven years. When we were in the CALFED program and we were looking at the Delta facility --

MR. PETER FINN: So if the peripheral canal does not get built at all for whatever reason, do these gates go forward?

MR. CHUCK HANSON: Well, we'll have to look at those. But they would still be part of the plan potentially to
improve water quality in the Delta.

MR. PETER FINN: All right. So with that firmly established we're talking about salt water intrusion up at 3-mile slough. We're not talking improved flows coming all the way down through to Pittsburg.

MR. CHUCK HANSON: Yes, we are. We're talking about flows of the system that would come through the system to help repel sea water.

MR. PETER FINN: So someone -- yeah -- someone else said it. Thank you. So why do we need those gates there?

MR. CHUCK HANSON: Well --

MR. PETER FINN: See this is my question. With all due respect to Karla. She's pointing down towards the Pittsburg area telling us how this going to improve flows down to Pittsburg area -- that is where she was gesturing. But we're going have to build salt water intrusion gates up at 3-mile slough.

MR. CHUCK HANSON: Okay. The flow part we're focusing on or flows down here in this area.

MR. PETER FINN: Oh, I understand. This is what I've been saying about this. We're getting information that makes this look so great. But then bits and pieces of the truth keep coming out here. Why -- I mean, if this is improving flows down to Pittsburg, why do we need to mitigate salt water at 3-mile slough?

MR. CHUCK HANSON: The issue of improving flows is one of the biggest problems that we have is what we're regulated on as reverse flows in this part of this system. And Old and Middle River, in fact, we have to curtailing pumping because there's reverse flows that not only affect smelt -- I know there's no popularity for smelt in the room. But also tends to bring in salinity. There's something called tidal pumping that occurs at 3-mile slough and that is that salt water comes up here more quickly on the tidal surge than does here because the distance is shorter. But tends to pump salt water across. That's why this gate system that's been identified will go in no matter what happens with the canal because it will reduce the tidal pumping that not only moves salt water but can move smelt and then the issue of improved flows is getting channels to flow in the direction they were supposed to flow. And they don't currently. There's no question -- one of the issues that you've identified that -- we're not hiding from anyone.

When you divert more water up here, you damn well better pay attention to what's going on with overall water quality and that's what has to be done in these studies.

MR. PETER FINN: Well, and in closing, if you get all these farmers and all these people out of this area and remove them and inundate this area, water quality doesn't so much matter for the agriculture any more. It doesn't matter if we have salt water flows all the way to right here, if there's no one affected by it.

MS. PAM JONES: Okay. Kathy Hunn, Mary Paula Carvalho and Jeff Merwin.

MS. KATHY HUNN: First of all, I would like to say that I was rather appalled by one of the first speakers that spoke before we started. His statement was, 'Tonight we're going to here about how a dumb idea we have, tonight we're going to hear about the people issues, the job issues. We were here a year ago and we're here again. And much of that appears to not have been heard.'

My name is Kathy Hunn, and I'm a resident of Clarksburg. My husband is a farmer in the area. I wish to speak to the human aspect of this proposal being brought to us tonight. Many more people -- or many people who are being affected are landowners. Far more people who live and work here do not own land. Our farming operation alone has 35 employees, 15 of whom live here year round with their families. Once you have taken our land, or have created circumstances where the land is no longer farmable those families will be left homeless and unemployed. Multiply that by the fact that Clarksburg has 331 farming units.

Then as you move on down the river you have all the farms in the towns of Hood, Courtland, Locke, Walnut Grove, Alton and further south. The human cost is immeasurable, not to mention the economic devastation to the area.

In addition, there are many support businesses which will be gravely affected by the destruction of area farming. For example, equipment sales, repair companies, fuel delivery companies, seed companies, and the list goes on from there. My request and my prayer is that you will hear all the comments that were made tonight and will work to include the residents of the north Delta in the process to come up with workable solutions for all of California citizens. At the end of the day, you folks are all going to go home. You've got your home wherever that might be. You're going to experiment with our homes. And 20 years from now, when you look back -- 50 years from now when we all are gone and our children's children are looking back and this a barren area, you still have your homes. Your children will still have your homes. We will be relocated.

Thank you.

MS. PAM JONES: Mary Paula Carvalho, Jeff and Tony Silva Jr.

MS. MARY PAULA CARVALHO: Good evening. Thank you for listening to us once again. And one of these T-shirts happens to be my notes and questions, when I passed them out. So scribbled on this piece of paper.

The loss of tourism here in the Delta will be horrendous should this canal go through. I worry about the...
future farmers of America. Across the United States farms are dying. They're not here on the Delta. We have prime Delta property. Prime Delta soil. Let's flood it? That doesn't make sense. The tax revenue that is generated here in this community is great. With a state that has a horrendous deficit. It's amazing that you want to flood it and send that water down south. Not only are you receiving the tax dollar from the farms, from the vineyards that are making wine -- bottling that wine and selling it. It's being taxed again. You're going to lose that. I want to know if all of that is taken into consideration. I don't hear any of that from you. And I want to hear about it. I want to hear about that in the future.

Pumping stations in this canal. We have a huge pumping station in Freeport. How many pumping stations are we going to need for this canal? This is a little pumping station compared for what's needed. And this is going to be done down California. So how far apart are they going to be? These are questions I need answered. Eminent domain. Somebody brought that up earlier. How many acres? How many acres are you going to be taking through eminent domain? Somebody talked earlier about Clarksburg, which you show as a dot on the map. The hamlet of Clarksburg is quite large. Who determines what part of, where Clarksburg will stop and the levee will come? When I look at that, another question comes up. You're going to build a levee around these little towns or hamlets. These are new levees. But the state doesn't have the money to reinforce the levees. There's going to be an earthquake and they're going to flood. So what happens to Clarksburg and the other small communities -- little islands. Is this part of the plan? I want to know what you guys are thinking about this? And is it really thought through?

MS. PAM JONES: Mary Paula, if you could wrap up?

MS. MARY PAULA CARVALHO: One statement I have is, I really suggest that you talk to your personnel. We've overheard several statements out in the hallway about, "The country hick farmers. They're just reiterating statements they've said before. They know we're going to go through with this." Really, keep those thoughts to yourself. We're not "Hick farmers."

MS. PAM JONES: Jeff, Tony and Mary McTaggart.

MR. JEFF MERWIN: Good evening. Thank you for your patience and coming and listening to us tonight -- or at least be patient while we say what we have to say. First three iterations that I came up with all ended up in my words. But I'm going to be jumping around a little bit.

My name is Jeff Merwin. I farm in the Netherlands.
They're not my drawings.

MR. JEFF MERWIN: I digress. If you want to see something that will curl your hair, Google SB12, Senate Bill 12. It includes things like language that would change water rights to agriculture. It actually has a paragraph that is very specific about it. And I recommend that you read it and contact your senator. And let's get that thing thrown out. That's how they're going to make this happen. And these guys will all go, "Oh, sorry."

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

MR. JEFF MERWIN: Yes, I'm almost done. That fifth conveyance that I was talking about, I am not an advocate of sending water south. Okay. I agree with everybody in this room. However, if we're going to have it done to us, put it down the deep water ship channel. It already exists it has the most robust levees in the entire Delta. Get Metropolitan Water District or the water purveyors to finance locks down at the bottom. Increase the storage capacity five feet. The port doesn't have to deepen its ship channel. They get 8700 acre feet of storage right in the Delta. And they can have multiple diversions and all that other junk. I don't want to aid the case. But I'm trying to help you with a solutions, if you absolutely insist. I'm not happy about it.

But I'd be far happier with that than rippling out farmland and habitat down the eastside or right through my front yard -- that would be in my backyard. That's acceptable there's already water there. It's a man-made waterway. I was told in the June meeting last year at Walnut Grove, "No, we can't do that there's Delta smelt there." What an idiotic thing is that to say. It's a man-made waterway. Put the lock in down at the bottom of it. And the Delta smelt, they live what a year and then they're gone. Put that in your take permit.

All right. I want to end right now with a little bit of analogy as farmer. Okay. And I want you to ponder this very carefully. And I'm sorry if I'm running a little bit long. How would you feel as a state worker or federal employee, if it was determined that farmers should cut off your food? Sounds like an absurd thought, doesn't it. It's exactly what they are proposing to do to me. Thank you.

MS. PAM JONES: Okay. Tony and Mary, we appreciate your comments at the other meetings. And we ask that you keep your comments here short so that George Daly can speak as our last speaker.

MR. TONY SILVA: Okay. My name is Tony Silva, and I just happen to be a small farmer from Lodi. I walk through all six of your stations and I looked a lot -- I noticed the state seems to have an issue with letters. Everything is abbreviated -- letters. I noticed BDCP, ESA, EIS, EIR, the
whole bit. Why propose a station 7? And I want to call it
BPF that's a ballpark figure. How much is all this going to
cost? Does anybody have an idea? Does anybody read the
newspapers? We have record furloughs, lay offs,
foreclosures, car dealerships closing, corporation closing,
and our state is at a 14 billion dollar deficit. Where are
you going to get this money? And how much is it going to
cost? Anybody? Just throw a number out there -- ballpark
figure. You're taking up my time. I'd appreciate a quick
answer. I've got another question.

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

MR. TONY SILVA: Well, a ballpark.

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

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

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

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

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

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

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

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

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

MS. MARY McTAGGART: I have a question. I was reading
the Notice Of Preparation. And the project area part says,
"Any conservation actions outside the statutory Delta will
be implemented pursuant to cooperative agreements or similar
mechanism with local agencies, interested nongovernmental
organizations, landowners and others. Okay. So that sounds
like that would be willing participants outside the
statutory Delta. Does that mean -- is the opposite true
that inside the statutory Delta it's not going to be willing
participants? Would you please answer that question for me?
Because that's the way it sounds here.

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

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

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

MR. PAUL CYLINDER: When the planning agreement was put
together -- When an HCP is initiated there has to be a
definition of what the planning area is. The planning area
was defined then as the statutory Delta with the focus on
the aquatic ecosystem within the statutory Delta. When --
but the program also recognized because of the species
involved that may be necessary to look for opportunities
outside the Delta -- the statutory Delta for -- to identify
conservation measures to benefit fish. So at this point, we
looked at two areas outside the statutory Delta and included
people in this area, can't you give us the same courtesy that the people in all these other islands, which most of them are no bigger or smaller than where we live. Thank you.

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

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

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

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

MS. PAM JONES: Okay. Go ahead George.

MR. GEORGE DALY: I assure you I'll be brief. Thank you very much for your consideration. My comments revolve around thinking outside of the pipe for the canal, if you will. Fresh water in this state as it is pretty much everywhere is a finite resource. You cannot keep taking it for whatever purpose. I'm for sharing. And I mean that sincerely. We have a great state we ought to share the resources. But it's finite. We cannot keep gobbling up more but we have to have to conserve. But I think more importantly, we have to look for alternative supplies. And as Tony mentioned, we have 1,000 miles of coastline. I mean southern California or northern California want more fresh water, why don't we take this -- a part of umpteen billion dollars and construct some desalinization plant? Why are we pumping water what four or five hundred miles down south, when if you look at a map probably 80 percent of the people from Bakersfield south to the Mexican border live within 50-miles of the border. Crumb put a plant down there.

Let's enhance. Let's improve desalinization process, make it a viable option. You have certainly not, in the true sense of the word, an infinite supply of the ocean. But my gosh, we have far more water there than we have fresh water supplies and it's rapidly being eaten up with development in the south and in the north. So I -- not beating you people over the head with it -- but I encourage you to go to the powers that be and say, let's take another look -- Let's open our eyes -- like we do with energy. We're trying to get way to win. Let's do the same thing with our fresh water supply and the sources thereof. I really wanted to say this just to make sure it got on the record because we are all emotionally involved about what is being proposed -- couldn't agree with all of you people more. But the point is, there is only so much fresh water. We need to look for other sources. And it doesn't appear like we're going to find it on the moon or Pluto or anywhere else like that so
let's develop what we have here. Thank you very much.

MS. PAM JONES: Thank you all very much. There is time left to speak to the folks back there. This isn't your only chance. If you have comments you want to write them down, take a comment card, send an e-mail. Thank you very much.

--o0o--

I, ANGELICA R. GUTIERREZ, a Certified Shorthand Reporter of the State of California, duly authorized to administer oaths, do hereby certify:

That I am a disinterested person herein; that the proceeding was reporter in shorthand by me, ANGELICA R. GUTIERREZ, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

ANGELICA R. GUTIERREZ CSR #13292

--o0o--
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
MR. STEPHEN HAUPT: My wife and I have an organic farm and train driving horses. I arrived at the meeting to find out that our property is in threat of eminent domain. This thing comes to one issue: It's people first, food second, fish last. And let the Federal judge down in Fresno and all of those people that think of fish as more important be DAMNED. If it becomes necessary for a court order to come onto my property, bring the Russian army to serve it. If you come to take my property, decide who's going to go home hurt or dead because this is the retribution to a government that forgets about people and puts more importance on fish.

--o0o--

ANONYMOUS: One of the biggest concerns that I have -- and I hear repeated in this community -- is that there will be a lot more mosquitos and that that will increase our risk for West Nile. And there are children in this community, there are schools here, there's an elementary, middle school, and high school. And I know that the elementary for next year will have 160 students, and I believe there are over 200 in the middle school and about 300 in the high school, collectively, plus the community. There's just a very big concern and a fear that our quality of life will change. And those that remain will be subjected to having to live in their homes, they're always wearing DEET, not being able to enjoy the outdoors because of the increased risk of the mosquitos as a result of the tidal marsh areas that we believe are going to be a part of the conservation plan.

I also want to add that this area is very unique and agricultural and the beauty of what's here in the farmlands. It's a safe haven for people that want to come out and just enjoy the country. And, if we flood it, that will be gone forever.

--o0o--

MS. LINDA DORN: I work for Sacramento Regional County Sanitation District, and I want to point out that there's no scientific evidence that proves the discharge from our wastewater plant is having a detrimental effect in the Delta. We currently meet U.S. EPA guidelines for acute toxicity with ammonia, and, also, we are below chronic toxicity effects for ammonia, according to the U.S. EPA guidelines.

--o0o--

MS. PEGGY BOHL: I want to say the Delta Protection Act was found in 1992, and it designated this area as being primarily for agriculture, recreation, and tourism. And I hope that any work that takes place for this conservation plan will follow those precepts that were set in 1992.

(END OF COMMENTS.)
BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT (EIR)
AND ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS

MARCH 18, 2009

BDCP PRESENTATION
7:00 P.M.

DAVIS VETERANS MEMORIAL CENTER
203 EAST 14TH STREET
DAVIS, CA  95616

REPORTED BY:  LISA L. JONES, CSR 12982
JERRY JOHNS: Thank you very much and welcome to our scoping session for the Bay Delta Conservation Planning Process. I appreciate you all coming out on a week night and listening to this. I know everybody is busy, and I really do appreciate you coming to listen to where we are in that process and kind of where we think we might be going. So thank you for coming.

It's good to be back in Davis. I'm an Aggie, like some folks -- like most of my staff is from UC Davis one time or another. I lived in a house not too far from here actually, for a couple of years, very interesting situation, lots of fun.

Anyway, my name is Jerry Johns. I'm the deputy director at the Department of Water Resources, and I deal principally in Delta related issues. I've been doing Delta stuff for most of my career, as you can tell by my grey hair, that career is relatively long. I did most of my work working for the Water Resources Control Board, which is a regulatory body in the State of California, that deals with water rights issues. And so much of my time I've been spending my career regulating the two water projects in the estuary, and now I find myself as a Deputy Director of the Department of Water Resources, actually dealing with those two projects. So it's been kind of an interesting job switch for me.

I've been the Deputy Director at the Department for about five years now, five or six years, and it's been an interesting process, and we're at an interesting point in that process as we move forward with trying to address issues in the Delta.

But really why I'm here is, I'm a member of the steering committee for the Bay Delta Planning Conservation Process. That steering committee is about 20 people or so. It incorporates both the water agencies that deal in the Delta, the Bureau Reclamation, the Department of Water Resources, our contractors, both north and south of the Delta, and it has the NGO communities, some environmental groups that are involved. I think we have four or five non-governmental organizations that are involved in the planning process; the fishery agencies, both state and federal, are involved there and other regulatory agencies, like the Water Resources Control Board, Corp of Engineers are involved in this rather large steering committee that's helping to guide this process.

I want to spend just a couple of seconds -- and Karla Nemeth is going to talk a little bit more about BDCP. I want to talk a little bit about why BDCP -- about 2005 or so, several of us got together, both fish agencies and water folks, and said, you know, things in the Delta are not going as planned in the CALFED days. We need to be looking at something different. Part of the problem is that the regulatory prospects, that we're under currently with the fish agencies, we look at basically one stressor with Water Project Operations and kind of one fish at a time. And what we saw was other stressors affecting the system and the need to look at this from a more holistic standpoint in terms of regulatory activities and just look at a better way to manage the system.

The six and seven permitting process that we're in currently, is pretty restrictive in what we can look at and how we address those. There's another process under the Federal Law, that Karla will talk about, that allows you to develop habitat conservation plans that looks at the system as a whole, not just one species, but the entire ecosystem and how you address those kind of issues in a much more holistic fashion.

So we got together in about 2005, had some meetings in 2006, that talked about how we might start that process. And formally began that process in about late Summer, early Fall, 2006, with a planning agreement that's a requirement under the federal law to start that habitat conservation planning process. So that's kind of what started this. And we're looking principally at the conflict between fish and water supply issues in the Delta.

There's a lot of other stuff going on in the Delta, levee issues, and other stuff going on, but we're focused really on that key piece the conflict between the fisheries, particularly the endangered species and water supply operations and how they can get fixed. But in that, we developed the conservation plan over the last couple of years that looks at all the different stressors, certainly water project operations is one that we got to address.

We have some ideas that we talked about in the other room, how we can maybe change how we convey water across the Delta in a much fish-friendly fashion, but it's got to be part of an overall package, and Karla will talk more about that in detail about that package.

And where we are in the process is, we're about to the point where we've got kind of an overview document we did in January. We've got the steering committee kind of saying, this is kind of what we think -- kind of the core elements are of that conservation plan. We need to start the EIR/EIS process to start talking about -- okay, what are the concerns we need to address in that process, and how do we get that thing going. And John is going to talk a little bit about that process.
So this meeting today is really serving two processes; one is, we're here principally for the scoping part of that EIR process, but we also want to give you an opportunity to hear a little bit more about the overall plan, kind of where it's going, where we think it might end up. But principally, we want to get your feedback on kind of where we are today, in terms of impacts that we need to address, and also alternatives we need to evaluate and we have some ideas out there in the other room.

So as we go forward, we're going to have John come up in a minute and talk a little bit about the EIR/EIS process, and Karla is going to talk a little bit more about where we are with BDCP, pretty short, and then we're going to open it up for questions and answers and get comments from folks. And then we encourage you to take time and opportunities, either during this meeting or afterwards, to go back, look at the room over there, and we have people over there to address your specific questions and get your comments as we go through the process. So that's kind of a quick overview.

So John, do you want to talk about the EIR process?

JOHN ENGBRING: Just a few comments. Again, my name is John Engbring. I'm with the U.S. Fish and Wildlife Service. I'm the assistant regional director for water and fish here, out of the Sacramento Regional Office, actually, the Pacific Southwest Region.

Reiterating what Jerry said, thank you for coming here tonight. We are very interested in receiving comments, ideas, that you might have about alternatives, issues -- any comments you have, we will gladly entertain them and write them down. So that's the key purpose here tonight.

Unlike Jerry John's, I did not spend my life in the Delta. In fact, most of my career I was surveying pacific island forest birds in Micronesia and trust territories and way out in the Pacific. So I don't know a lot about the Delta, like Jerry and some of these other folks. The experts are at the tables back there, but I have been working with salmon and HCP's for over 15 years now, so -- HCP process and HCP, Habitat Conservation Plan, is what we are doing right now with this Bay Delta Conservation Plan. It all revolves around the Endangered Species Act, when activities are taken like, pumping water from the Delta, that DWR does, there are species -- are actually taken when they pump that water.

They can continue those activities, but they need a permit to take those listed species, and one of the ways to obtain that permit, and this is what they call Section 10 Process under the Endangered Species Act, is to prepare a Habitat Conservation Plan, which is, in fact, this Bay Delta Conservation Plan. They submit that to the federal agencies, U.S. Fish and Wildlife Service and actually, National Marine Fisheries Service, who is responsible for the salmon.

Is there anybody from NMFS here? I don't know if oh, there is. Okay. There's somebody from NMFS here.

So they would actually issue the permit for salmon. We issue the permit for terrestrial species and Delta Smelt, lower freshwater nonanadromous species. And that's the process we're in now. We are essentially awaiting preparation and delivery of this Habitat Conservation Plan, this Bay Delta Conservation Plan.

At that point, we need to analyze the effects on all the listed species in the Delta, for which they have asked to be covered, and it will be probably a sweep of a number of species. We have to analyze those effects. We have to make a determination as to whether or not it will jeopardize the continued existence of any of those species. And if, in fact, we can get to that point, we can actually issue the permit. So our job, the federal agencies, National Marine Fisheries Service, Fish and Wildlife Service, is to review this document. And if, in fact, the conservation measures that are described, and the alternatives that are described, don't jeopardize the continued existence of the species, we can move forward and issue those permits.

Karla is going to describe, in more detail, where DWR is in preparing this habitat conservation plan, the BDCP. The comments are best taken in the next room where we've got all the tables, so there will be, I think, an opportunity to talk into the microphone and ask some questions. But that will be more just clarification, so if you want to speak after Karla talks, it's really questions to clarify what's going on here. But after that, we can move over to the other room and we can continue receiving comments from everybody. So again, thank you for coming and Karla you can let folks know more about the BDCP.

KARLA NEMETH: Thank you, John. As John said, my name is Karla Nemeth. I'm with the California Natural Resources Agency. The Resources Agency is the convener of the steering committee that is helping to guide the development of the Bay Delta Conservation Plan. It includes water agencies that provide water to California from the Bay Area, all the way down to San Diego, farms in the Central Valley. It includes folks from environmental organizations, California Farm Bureau, and other organizations that express an interest in preparing a plan.
One of the things that folks around that table realize is, that it's a major challenge to restore an ecosystem in an environment like the Delta. There's half a million people that live there. It's home to a vibrant agricultural economy, a vibrant recreational economy and these are important needs that we need to balance the plan against. The secretary of resources is engaging with elected officials to make sure that the Delta counties are made whole as we continue to develop the plan.

Again, the purpose of this presentation is to provide folks with an update on the development of the BDCP, the conservation plan, that is the proposed action that is under environmental review. I'm not going to have all the details for you tonight because we haven't developed them yet. We do anticipate having a preliminary draft of the conservation plan available this summer. At which time we'll be back out in the communities and having a good discussion about the details and what's in the plan, getting some input on the plan.

So what's the problem that we're trying to solve? As many folks know, native fish species in the Delta have experienced some of their most record low populations in recent years, that has resulted in decreasing reliability of water supplies for 25 million Californians and agriculture throughout the Central Valley.

It is addressed in this conflict between water for human use and environmental use that we are here to resolve. One example of this conflict is, right now as folks may be aware, water enters the system through the Sacramento River into the Delta to the pumps at the southern end and is delivered to various communities in California.

What the judges have said is, that the flows of the water with this kind of a conveyance system pull the fish towards the pumps in a way that that threatens their survival, and as a result, there's reduced pumping in the southern part of the Delta when the fish are in the area.

So typically, when we have these kinds of conflicts between people and fish, we propose a project and we mitigate on a species-by-species basis. But the Endangered Species Act allows for something that's called Habitat Conservation Planning, and the state law and Natural Conservation Planning Act also allows for folks to prepare a conservation plan to meet the needs of endangered species and to meet the regulatory requirements of these two laws. What it allows us to do is approach the situation in a much more comprehensive manner, not piecemeal one species at a time, one project at a time, rather we address the needs of multiple species, we contribute to their recovery and we do it over the long term.

At the heart of the conservation plan is a conservation strategy, and that's what I'm really going to spend my time talking about tonight, where we are in the development of that strategy, and that's a suite of actions that are designed to help species recover over time. These other aspects of the plan are critical to making sure it's a success. That will be included in the draft plan as identifying the funding sources, identifying the implementation plan, how it's sequences over time, who implements the plan over time. Also, it allows for the introduction of new science as it becomes available into the management of the plan.

What a plan essentially looks like is, a suite of actions that are implemented over time in exchange for Endangered Species Act permits for the operation of water projects in the State of California. That's the purpose of this plan. Two purposes, water supply reliability and stable and healthy fish population.

As I mentioned, what I'm going to focus on tonight is the conservation strategy. As you can see, there's a lot of other elements of the plan that we need to develop. Our focus is on product species; Delta Smelt, Longfin Smelt, Chinook Salmon, Green and White Sturgeon, Central Valley Steehead and Sacramento Splittail.

Again, it's this notion of we're trying to address the needs of all of these species in the comprehensive plan. The way we approached it is, there's been decades of good science done in the Delta, and that science is telling us that in addition to the way water moves through the Delta, the facilities and the water conveyance facilities in the flows in the Delta, there are these other things that are stressing the fish species that need to be addressed if we want to reach this recovery goal. That is a lack of suitable habitat for fish species. It also includes other kinds of stressors; like toxics in the water, presence of invasive species that compete with the native species, a whole host of issues.

So what we've done is we've developed biological goals and objectives that tell us how can we measure the species recovery through time and started to develop specific conservation measures that can address these things that are stressing the species. So when identifying conservation measures, we have taken a look at -- let's first start with the water conveyance facilities in the flow issue.

As you recall, in an earlier slide, I demonstrated the dynamics with water moving from north to the south in
the Delta and the pull of the fish into the pumps. In the near term, that's in the 5- to 15-year range, we are looking at ways we can improve water movement into the southern part of the Delta, that included the potential for gates in this area that would be open and closed seasonally depending on the presence of fish.

In the longer term, that is, 15 years from now, we are looking at a canal with an eastern alignment that has diversion points up in the northern Delta, off the Sacramento River, the water supply goes into a canal and connects at the existing Federal and State project pumps. There are several aspects to how this is operated that are critically important to achieving the recovery goal of the plan. And a big question that we get all the time is, well, how much water does the estuary need? How much water do fish need? And we're looking at how we might operate this system, which we're calling dual conveyance, where we can operate water supplies through a canal or in the southern part of the Delta. We're looking at what kind of flows need to pass by this diversion point to transport food, for example, to provide enough flows for migration needs for fish species. We're also getting a look at outflow needs. How much water needs to be moving through the system and out into the San Francisco Bay.

On a consensual level, what we're wanting to do with this reconfigured system, is get water moving more east to west in the Delta, a more natural pattern rather than the north/south. In addition to that, as I mentioned, we are considering habitat restoration measures. Again, to achieve this recovery goal, there's three types of habitat restoration that we're pursuing: one is flood plain restoration; one is tidal marsh restoration, that's growing cattails and tule, and the third is ways to restore channel banks, providing debris and shade to keep the temperature cool for fish species.

So in the new term, again, in this 5- to 15-year range, some of the conservation measures that we're considering is, up in the Yolo Bypass area, we are considering creating an option to the Fremont Weir, that would allow for Sacramento River water, depending on whether it's a wet, dry or critically dry year, depending on the availability of water, to seemingly inundate a portion of the bypass, that would provide responding rearing habitat for splittail, also food production and transport into the Delta. We are also looking at tidal marsh restoration, again, the growing of tules and cattails in the Cache Slough area. And we're also looking at similar kinds of restoration in Suisun Marsh and in the Western Delta.

Over the long term, we're looking at -- because we need a fabric of habitat restoration throughout the Delta, we will be at restoration areas in this eastern part of the Delta and the southern part of the Delta.

The third type of restoration we're looking into is this channel margin restoration, the channel banks. This is Steamboat and Sutters sloughs in this area, and down along the San Joaquin some channel margin restoration as well as some flood plain restoration, in the longer term, this is sort of 15 years out.

I know some folks have been pretty frustrated to see these gray blocks, but I do want to make a pretty important point about the gray blocks, and that is these are areas that we're looking at that have the potential for a particular kind of habitat restoration. What we're looking to develop is how many acres in this bigger area would be required to work in conjunction with a new flow of the Delta to help the fish species recover.

So what will come out of the plan is an acreage number in a general area, and then as we go to implement the plan, we have the flexibility to make sure that we're working with willing sellers.

Part of that implementation structure is to identify a way to work with local jurisdictions and local land owners as we look to identify the specific sites for restoration. Those specific projects will require environmental review in and of themselves. So I want to make sure folks understand that aspect of the plan.

Lastly, there's this other stressors that I mentioned earlier, and it's really kind of about common sense. When we're restoring a more natural flow regime, an east/west flow regime, for restoring habitat, we want to make sure that we're conducting those restoration activities in places where we're also managing invasive species, when we're also managing water quality in that area, to give the best opportunity for these species to recover.

If there's one take-home message about the entire strategies, we believe that to achieve the goals, to achieve the recovery goals of the plan, we really need to do all these measures together. And that any one of them, taken individually, would not be as effective in achieving this recovery goal.

So where we are in the development, in terms of additional measures, we've identified approximately 50 individual conservation measures that were -- are undergoing analysis. They are available on our website and in these documents. The website address is www.resources.ca.gov. I can provide it to you after and make sure you know where to find it.

Where we are in the process is, we've got lots of
It's now 7:30. We'll go to 8:30, whenever the questions are ended. The questions tonight are meant for clarification from what you heard here. If what you have to say is more of an opinion or a suggestion, it's best directed towards either the court reporter in the next room, to get down what you have to say, a comment card that you want to leave here, or you can go online and make comments, because the technical folks in the other room are looking for your input on what is the breath and the depth of what should be evaluated in the environmental analysis.

I will do the questions tonight or comments, you do have some cards, I think they're three-by-five cards. Just put your name on there, and I'll call two or three at a time. If it doesn't look like we have that many, we'll just be casual and raise hands. But let's start with the forms.

The goal is to let everyone who wants to make a comment or wants to go over there and make a suggestion, to do so. If you have a question, and it's kind of a clarification and we need to go back and forth, we're not going to really keep time. If it's a statement you want to make, we're going to ask you to limit it to about three minutes, so we can have a concise statement. But you will have the opportunity to make additional comments on the comment forms. You can make a comment as long as you want.

So do we have some of the cards collected already? And I'll call -- I probably won't need to call two or three at a time, but if we do, I will. But I'm just going to start with your names, and if you think of something in the course of other questions, just look around. We have some other cards, please feel free to write your name down.

I am not going to read these questions, unless you want me to read the questions. What I will look for is your name.

Okay. Mary, I'm going to let you handle this on your own. But first, let's start with Frazier Shelly. And if you have an organization that you're with, that you want to say what it is, that's fine, but you know --

FRAZIER SHELLY: Would you mind if I could borrow that card, because I wrote some things down.

PAM: Here you go.

FRAZIER SHELLY: So I have several -- my name is Frazier Shelly, and I live here in Davis. And I have several questions related to, in part, to the ESA, comments or sections that were referred to in part to some of the information just related to the planning description that was given.
of a permit. But there isn't -- there's not usually
assurance for the species for the habitat or ecosystems,
where if there's a default in terms of effectiveness
protection, the permit would then be temporarily withheld
or even canceled.

So I want to find out if this HCP is going to
have -- and NCCP -- is going to have a typical assurances
clause, in which case you'd have a permit for a take, say
for 30, 50 or 100 years, or if it's actually going to not
use assurances and no surprises and have adapted
management plan? And I put those things in context to
each other, because assurances doesn't allow you to do
adaptive management.

PAUL CYLINDER: I can tell you that everything
you mentioned is in process right now, in terms of
discussion and development within the steering committee
and the various subcommittees of the steering committee
to address the questions of -- we definitely are
including adaptive management plan. We've got an outside
scientific input on adaptive management, and it's
certainly an important part of the plan development.

Assurance is something and governance, and things
like that, and implementation approach, are all things
that are being considered. They're really in the
development stages, so we -- you know, participate and be
part of that, but that's in the process.

FRAZIER SHELLY: I'm not going to take too much
longer. I have a couple of easier questions for you,
maybe. One of them is -- I'm pretty familiar with the
Freeport area and several of the alternative intakes are
downstream of Freeport, which is also where the Sac
Regional County Sanitation District's discharge is, and
at low flows, at very low flows, the discharge from that
secondary treatment plant is not the majority of the
flow, it's a significant part of the flow of the river.

That's in the summer, you know, when under draft
conditions you might want to withdraw from that water, so
why would you choose to have a drinking water facility
downstream of a secondary treatment discharge?

JERRY JOHNS: Well, we are right now. I mean,
but if you -- but if you were to redo it -- part of
that -- but in the summer time, like you're talking
about -- what we found in our study so far is we're
probably using the -- (inaudible) -- in the summer time,
water out of the southern part of the Delta to help with
water quality in the south Delta. So the flow has to be
low enough in the Sacramento River, we may not choose to
operate in the north Delta. We may choose to operate in
the South Delta.

So one of the nice things about -- (inaudible) --
you get to decide which one you're going to use. Right now we're talking about preferably operating out of the north Delta, but in the winter time when -- (inaudible) -- is they use it for fish, particularly in the December through June period. But in July, August, September period, the fish we're worried about here, are not in the Delta. (Inaudible) -- smelt out here. Most of the salmon pass through the estuary. So the -- (inaudible) -- South Delta in the summer time might be a good thing to do, that's kind of some of the operating material that we developed would indicate. So we'll probably look at that issue.

The other thing we want to talk about is, we do have -- (inaudible) -- Sac Treatment Plant, particularly related to ammonia. We think ammonia may be an issue that's causing some of the destruction that we've seen -- we can go into more detail, if you want. So we are working with Sacramento County right now about getting that issue addressed, as part of the process as well.

FRAZIER SHELLY: Okay. Well, good luck to -- (inaudible) -- South Delta. It seems like you might have some -- (inaudible) -- issues at this --

PAUL CYLINDER: And a lot of the -- (inaudible) -- issues because of the flows, we divert right now a lot in the South Delta, the ocean salts in, we divert less quality -- less quantity of water in the summer time. It could be better, you know.

FRAZIER SHELLY: I had a question about the role of the Natural Resources Agency. You're currently both the lead and the mother agency for the permitting department under the NCCP Act, so how do you resolve the potential conflict between both the proponent for the permit and the permit signer?

KARLA NEMETH: The Resources Agency is not going to be the permit holder. The Department of Water Resources will be the permit holder. The Resources Agency was created by Governor Brown in 1978 to help government do a better job at managing resources conflicts, and that's the role of the Resources Agency is to convene and look for a solution that's appropriate and legal into the benefit of the fish.

FRAZIER SHELLY: And DWR is within the agency?

KARLA NEMETH: Yes.

FRAZIER SHELLY: So the permit agency is within the agency that's supplying the permit?

KARLA NEMETH: As is the permitter, yes. Fish and Game and DWR.

FRAZIER SHELLY: Right. Okay.

PAM: Frazier, do you have a lot more?

FRAZIER SHELLY: Yeah, one last question,

I was wondering about adaptive management, which hasn't really been addressed here, and you've implied that some new science -- or you said that new science would come into play in adaptive management plan, I think is how you put it, and again, under Section 10, there's no requirement for code and there's no requirement for using (inaudible) so what's the impetus for motivation to actually modify water conveyances (inaudible) activities in response to the information about the ecosystem; what's going to contractually obligate the permittee to do that, as opposed to a good faith effort?

PAUL CYLINDER: Well, a couple things. The section that you -- the Fish and Wildlife Service and National Marine Fisheries Service, in their policies, they encourage HCPs to include adaptive management plans. The Natural Community Conservation Planning Act has a requirement that the Natural Community Conservation Planning includes adaptive management in the plan during the plan, so there are those requirements. But every plan, this plan being a large and complex one, is going to end with a series of agreements and permits and through those agreements and permits is what will determine how this plan will be implemented and who will be implementing the various components of the plan, including adaptive management process implementation. So that's part of this process, is to develop adaptive management plan as well as adaptive management process and the decision-making process.

FRAZIER SHELLY: And that actually reminds me of my last question.

JERRY JOHNS: Let me add a little bit here, if this is taking too long, we can stop. But one of the things we want to do is have this conservation plan help drive permitting in other venues as well. We're working with the Corp of Engineers in locating -- (inaudible) so we want this process to provide those kinds of permits as well.

In addition, we have a Water Resources Control Board that also deals with this. So we want this plan to help inform all those processes. This is pretty complicated. We have a lot of different parts. We've got three federally agencies -- (inaudible) four lead agencies -- three different -- (inaudible) we've got three different sets of consultants working on this stuff and we've got all these other permits and -- we're not going to get it right the first time. I think everybody understands, we're going to take the best shot, with the best information we have, but we're not going to get it right. I've been doing this for 30 years or more, and health
rights -- and we got it close. We didn't get it exactly right. We're going to have to realize that's reality in the estuary. The science is changing, about every time we get the science right, we get a new invasion of species that screws up the science and changes the whole system. So we're going to have to adapt to that.

But what we're looking at is kind of a range of what the permit would be, and we'll have to have operating criteria that are very specific at -- the fish agencies can give us operating criteria to operate these facilities. But we're going to have to also develop a band around that that says, you know, we can go in or out within this band and still be covered under the permit and the adaptive permit program will help us light where we plan. So the permit will be both specific, but also general enough to cover an adaptive range. And they'll be kind of routine and non-routine changes, but the decisions we make every week on operating the system right now are based on the best science we have from fish studies, where the fish are, how the -- (inaudible), are they going to be effective or not, we change operations weekly on those meetings we have. So right now we're doing kind of routine adaptive management within those ranges of our biological -- (inaudible) that's going to continue. So that's not going to change, but there will probably also be a broader range. But we're talking in details here that we still haven't worked out all the details yet, but that's kind of the concept we're trying to enforce.

FRAZIER SHELLY: Okay. I have a short-time question, that is, the take permit. It's really difficult to evaluate the conservation measures, the impacts on the farmer, whatever their opinions are, without the take home, and it's pretty -- it's not really fair to ask people to evaluate without knowing what actually is going to be -- what's actually going to happen, what's the operational impact.

Can you release the permit, the draft take permit, at the same time that you're releasing this conservation measures and other kinds of descriptions, so that we can really evaluate the conservation measure effectiveness, the effects of family farms in the Delta, whatever the question is, we really need to have that other information in front of us; so when can you do that and can you do that soon?

JERRY JOHNS: What I interpret here is kind of like the operating criteria, say for conveyance stuff, we do have some modelings on -- (inaudible) -- that we can reference of what we think the conservation plan will look like, including some habitat operational criteria, and we've done the details modeling to give people an idea and give ourselves an idea of what it might look like in the Delta; water quality, height stages, those kinds of issues, so people get a concept of that. That is, helping to guide some of the more detailed scientific reviews of what we think we might get out of that biologically and that data is currently being done right now, so we're going to have that information to inform us as we move forward.

So if you're interested in what it might look like, or the modeling that we've already done, at least in terms of water quality, and Delta outflows and inflows, and river flows and bypass requirements, we have that data currently. We'll refine that over the next, you know, several weeks or several -- couple of months, I guess, to get a draft plan, so you'll have an idea of exactly what the operating criteria are likely to be.

FRAZIER SHELLY: I think the question is the draft take permit itself, the draft take permit, when can we see that in relation to the rest of the conservation plan?

PAUL CYLINDER: Right. Again, the process -- the way the Endangered Species Act process for permitting, is the EIR process run in parallel, is that the draft document -- well, we've been public throughout this process, so we've had an open steering committee, open sub committees and the public has commented and given comments during those meetings, but the formal process is, and what we're in here in terms of scoping, the next step in the formal process, or one of the next steps, the big one, will be the release of public document. And that public document, the public HCP/NCCP will identify what the applicants are asking for to be included in the permit for authorization for taking of endangered species.

So I think that's what you're asking for, is where you will see that request by the applicants for take authorization. At the same time, there will be a release -- the environmental document, the environmental -- (inaudible) -- about impact report that will assess the effects of the conservation plan on the human environment, on all the resources and that might touched and affected in the Delta and people and property.

The plan itself, the HCP/NCCP, will have a quite detailed assessment of the affects on the species that are covered by the plan, so all these fish we've been talking about, as well as in addition to species -- terrestrial species, involved in the plan, that it would be affected by implementing the plan. So all that
 assessment will be there, and it will be in public forum
formally, with that release to the public draft
documents, as Karla said, at the end of the year. But
we're also, as Karla mentioned, looking to release public
release and drafts of the documents in the summer.
FRAZIER SHELLY: When do you expect to see a
permit?
JOHN ENGBRING: There is no draft permit.
FRAZIER SHELLY: Right. I understand that.
When do you expect to see one from the State?
JOHN ENGBRING: Oh, you mean --
FRAZIER SHELLY: When do you expect to see a
draft from the State --
JOHN ENGBRING: -- we don't see an ITP from the
State. We see the draft conservation plan. We issue the
incidental take permit.
FRAZIER SHELLY: Right. And initially --
(inaudible) -- when did that start?
JOHN ENGBRING: Right now. We're providing
technical advice --
FRAZIER SHELLY: Okay.
JOHN ENGBRING: -- to these folks as they start
crafting this habitat conservation plan. When they start
moving into areas where we feel uncomfortable, we don't
think we can issue a permit for that. That's going
beyond what we believe these species can manage through.
They're not going to recover if we issue a permit with
those kind of -- so our role is to provide technical
advice as that plan is being developed, but we don't
actually issue the permit until after the record of
decision is signed, the final, final document.
You have a lot of very specific habitat conservation
plan questions, you know, no surprises policy, adaptive
management policies, those are all -- those are in our
regulations. Talk with me next door, and we can go over
some of those things.
PAM: Thank you very much.
MARY: Mary and then David.
MARY: Mary (inaudible) from Clarksburg. I did
have one question that came up with Mr. Shelly, and this
has been on my mind for some time -- (inaudible). It's
not exactly a question, but maybe it is. The adaptive
management is predicated on trying things, seeing how
they work. If they work, do some more of that. If they
don't work, we'll try something else.
What happens when you -- first of all, what happens
when you abandon something? In other words, you have
measure, maybe you took somebody's land or somebody gave
you their land, or they sold it to you, or whatever, now
do they get their land back if it doesn't work, or is it
left a lot -- kind of like -- (inaudible) -- sitting for
a while then, you know, what happens there?
The Delta is an entity. It has integrity as it is
now. It's degraded, everybody says that. But if you
make small changes in the Delta, as I believe some of the
early modeling was reported on when I went to one of the
other steering committee meetings, they found out to
their surprise big changes happened in remote areas they
didn't expect.
So my question is, what happens when adaptive
management measures are found not to work? That's my
first question.
JERRY JOHNS: Well, one thing, you wouldn't
want to do that again.
MARY: Obviously.
JERRY JOHNS: So I think that is part of this,
we will do the best job we can to identify early on what
we think the results are going to be before we take the
action, that's the whole purpose of the environmental
impact process and the independent review process, but
we're going to do the best we can.
For example, you start a restoration program like,
Cache Slough, for example, and you start that and things
are just not turning out the way you thought. We're not
going to go in there and restore the whole thing all at
once. I don't think we can get the permits to do that
all at once. And because you don't know, you might want
to get your foot in the door first, do some restoration,
see how it responds, and then move forward. Right now
for example, we're doing some restoration, hopefully we
get it done, we got a permit out on Dutch Slough, south
part of -- in the Delta, and we'll learn from that as we
go forward. So part of this is just to learn and then
adapt and then implement. But in terms of just
abandoning it, I don't think we would abandon it. I
think what we would do is learn from that part. We may
not want to do more of those, but we would probably keep
those things -- (inaudible) -- unless we had a good path
on how to undo it.
MARY: Well, your plans do say "abandonment,"
that's why I asked the question. That word is in there.
It struck me. That's why I'm asking it. It says that
plans might be abandoned.
JERRY JOHNS: Well, the plan might be.
MARY: No, I mean adaptive management measures
might be abandoned if it didn't work. That's my
question.
JERRY JOHNS: I'll let Paul answer this,
because he probably wrote this.
PAUL CYLINDER: The plan would be -- let's say you were going to restore 5,000 acres in Cache Slough.

MARY: (Inaudible) -- that's not a little piece of land.

PAUL CYLINDER: But anyway, so maybe you start with 1,000, and you find out that 1,000 just isn't working well, then you would abandon the other four --

MARY: What happens to the land that you abandon?

PAUL CYLINDER: Right now, I just haven't progressed beyond --

MARY: I think you should think about it, because there's only so much of the Delta. It's not a playground for your plans.

The other question I had is, what happens if you find it works, how do the people -- 80 percent of the Delta is in private land -- now, I know that most of what you're proposing is, a lot of it is on public land now, okay. But obviously, some of the things you want to do will have to go on private land. So my question is, what happens to those of us who own private land in the Delta -- not me, my parents -- we have to wait and see whether your plans work, and then if they work well, you're going to want more land. So where are the assurances for those of us who own private land in the Delta? The water contractors are going to get their share. The fish are going to be taken care of, but what about the people who own the land in the Delta, what assurances do they have that this plan won't grow or it won't change, or it won't take on all kinds of ramifications under adaptive management, because that's what adaptive management is all about, changing to -- (inaudible) -- until it gets better, because we don't know really what the things are going to do? So that's my question, and my next question is sort of based on that.

KARLA NEMETH: I do want to respond to that, Mary, because I think it's a really important point that you're making. There are a couple of ways to look at it, and that is what we're doing right now, which is biological opinion after biological opinion after biological opinion, closed consultation process in which habitat restoration is determined.

What we're trying to do, is do it in a much more transparent way, over a longer period of time, get an understanding of what needs to be done for habitat restoration for a multiple set of species that I think can provide, you know -- against what we're doing today, it's a good point -- against what we're doing today -- can provide a measure of predictability about what kind of restoration can and cannot happen in the Delta.

The second piece of that is that implementation structure for the plan. And again, that information is under development. It will be available in the summer, but one of the key issues in the plan, in the implementation structure, is creating a clear path for working with local jurisdictions, working with local land owners on precisely those kinds of issues. How do we implement habitat restoration? How do we manage that through the implementation plan? In that sense, that is the --

MARY: -- (inaudible) -- because that's a nine-member commission all appointed, one of whom is from the Delta.

KARLA NEMETH: We are evaluating a variety of different structures. But it's a good point. It's something we're thinking about, because we need the plan to work and we need it to be implementable.

MARY: Okay. Second question is -- I'll just read it. The BDCP is dealing primarily with water reliability and habitat restoration -- you said that -- every single one of the physical measures you are contemplating will, by itself, result in multiple impacts to the integrity of the present Delta; the levee system, the hydrology, the economic environment, the existing habitat, the social fabric, who is responsible for seeing that the integrity of the Delta, as a whole, is maintained throughout and after the measures have been implemented? In other words, who is overseeing the -- you guys have your focuses -- the way it looks to us is that your implementing entities are going to have jurisdiction over our Delta protection commission, over our local land use, everything is going to come under those goals. They will be subject to them and there will be no way in which they can deviate from them, so the whole Delta will be made to serve this plan. So that was my question; who is overseeing the rest of it, again, where we live, and where we work and where people recreate, etcetera, etcetera?

KARLA NEMETH: The EIR/EIS process assesses the impacts, and as you know, mitigation that's required for human environment socioeconomic. But I do want to emphasize that is of critical importance to the resources agency. The resources secretary, as I mentioned, has been talking to Delta county officials to enter into a cooperative agreement, a formal agreement, to lay out a path to make the Delta counties whole during the development of the plan.

MARY: Well, we know the Delta counties are worried about their money essentially. The counties,
they are worried about their money that they are going to lose from the habitat, but other than that -- (inaudible) -- but other than that, I'm not so sure that they, you know, those Delta survivors who all live in the Delta. In fact -- (inaudible).

KARLA NEMETH: That's a good point.

JERRY JOHNS: In terms of the governance issues, we're looking at -- there are other things that the governance issues in the Delta that need to be addressed, levee issues, for example. We're not looking at -- (inaudible) for the BDCP to address issues like, land use and those kinds of things. There's a broader -- that's a broader issue that the State of California needs to address, and from the Delta Vision Program task force there's a concern about that. So we're looking at basically that land, Department of Water, fish interface part of it and how that moves forward.

MARY: But levees will all be affected by what you guys do.

JERRY JOHNS: Who's looking out for the Delta?

The Delta is going to change. I've got a report that we're going to release tomorrow about --

MARY: That's fine.

JERRY JOHNS: -- and each district is looking at those things, and this plan is not going to get into -- (inaudible) -- levee issues. Certainly levee issues for the Department of Water Resources is a big deal, because we invest in levees in the Delta, so --

MARY: Excuse me. (Inaudible).

PAM: Can you go to the microphone, because we're -- the court reporter is trying to record it, and we need to hear you.

MARY: Oh, I gotcha.

KARLA NEMETH: Did you want to follow up with that, Mary?

MARY: Yes.

PAM: Okay. And after Mary, it's going to be David and then Tim.

MARY: All I'm saying is, the levees will be affected by what you do. You have to think about them. The economy will be affected by what you do. You have to think about that. And just because you develop an EIR and maybe talk about some mitigation, mitigation is, in many cases, a crock. It doesn't really, you know, it may satisfy you, but it may not satisfy the issue at large.

Okay. So that's kind of what I'm saying.

KARLA NEMETH: Thank you.

DAVID: Good evening. My name is David (inaudible). I represent Recreational boaters of California, which we have members in Southern California, Northern California, power boaters, sail boaters, million of them -- (inaudible) -- registered by the State of California, in addition there are also kayakers and a list of many others that enjoy boating.

Looking at the Delta, it is a place -- looking at it probably from a perspective of recreation, as the flows are proposed to be changed, my comments would be along these following lines, and you've alluded to some earlier changes -- (inaudible) -- as well.

For example, kind of two areas. I'll talk about first the proposed barriers, the gates at Three Mile Slough, and the ones I've decided, Bacon Island, or an assortment of others. We would be looking to have assurances on both (inaudible) that are installed and constructed, maintained and operated at no cost to the boaters for being able to continue to use and enjoy the waters of the United States from a mitigation perspective.

And although, not shown on the peripheral canal is here, (inaudible) the Delta conveyance facility, which would come down another -- same intake down through -- what we call the meadows area into the North Fork of the Mokelumne by going past Tower Park and then down along Little Potato Slough, and then crosses over the deep water channel and continues to head south. Looking at the maps this evening, I would again, want to have the same assurances we would be looking at some follow-up meetings, that as those levees were put in place, enhanced, and possibly changed surveying the water ways and exactly how boating is going to be accommodated so that folks who now transit those gray areas, I just described, can do that, as the new flows are shunted, if you will, from north to south and how that's going to be affecting boaters, I think is a critically important item. And I'd like to have that addressed and also like to have some follow-up meetings. I have talked to several of my colleagues here tonight, because I do attend some of the meetings on Friday, but more formerly, I need to have these keyed up and some responses. Thank you.

KARLA NEMETH: Thank you. Good comment. I appreciate that.

Tim Newhart.

TIM NEWHARTH: Tim Newhart, resident of the Delta, farmer in that area. Just a general comment, then a couple of questions. I see billions and billions of dollars going into this project from one end to the other. The conveyance system is billions. The habitat restoration is multiple millions, if not billions, billions for gates, and whatever else you're going to do...
And then my final comment or question is, we have a
vibrant thousands of acres of farm land in the Delta that
have siphons that move water onto those lands, those
siphons likely collect some fish, so we can mitigate
those by consolidating where we could or putting fish --

TIM NEWHARTH: And has anybody ever done any
studies to see how much fish species go through those
pumps during the course of the irrigation cycle?

JERRY JOHNS: Yeah. In fact, the Department --
we have two islands in the Delta that we own, Sherman
and -- (inaudible) -- and we have screened our facilities
on those islands.

TIM NEWHARTH: And studies been done, other
than the core of the Delta, which was Sherman and
(inaudible)?

JERRY JOHNS: Yeah, I think there have been
studies done particularly on Bacon and Webb, and those
islands for the Delta (inaudible) for those intakes as
well.

TIM NEWHARTH: I think there's a vast
difference upon what you may see in the middle of the
Delta say, Highway 12 Corridor, than what you may see
around the perimeter or the other part of the Delta.

And then my final comment or question is, we have a
lot of these meetings and a lot of things are said at these meetings, and I know that you need to check them off on your list as these are what your requirements are to do by law, to have these public comment meetings. However, we don’t see hardly any, if any, of these public comments ever getting into literature or (inaudible) by the agencies of which you represent. So just to let you know.

JERRY JOHNS: The comments we received on Chapter 3, we’re going to post those, the comments that we see there, we are going to post those. Then we’re going to move the -- (inaudible) we had it reviewed in the fall. But we are going to get those up on the website, and of course, these will be looked at. And we are -- you may not think we listen to these comments, but we do. We take them very seriously and we want to try and address them. But real quick, and then I’ll give you back to Karla.

You talked about 15 to 25,000 cfs, but (inaudible) in the south Delta. And the key really, in terms of how it’s operated, when do you use those facilities and when you do not. So the operating of the plans that we have, that we did in December and January, provide for bypass requirements at different times of the year to help protect the fish as they move past these facilities. And what happens is, when those bypass requirements are not met, then you don’t divert out of the north Delta, you divert out of the south Delta some place, or you don’t divert at all.

So there are requirements for that. And the test now is, are those adequate? We’re doing some very detailed analysis on that right now, and we’ll include that analysis and additional analysis in the EIR that will determine the adequacy of those operating criteria.

TIM NEWHARTH: Well, that’s exactly my point. We already have low water flows going through the Delta already. We have a new team facility up in South Sacramento to feed the City of Sacramento. We’ve got a sewer discharge in Freeport that’s putting in bad water, and then we’re going to take more water off the top of the Delta. Again, I don’t see how that’s a positive for the Delta in the long run, and particularly, as it relates to the amount of money that’s going to be spent on all of this. It just doesn’t --

JERRY JOHNS: We should talk afterward about what’s going on currently in terms of flows in the south Delta, it’s a big deal to the fish agencies, to those reverse flows in Southern California. And they’re constraining our operations today, in terms of our ability to move water in a drought, to move water to areas -- simply because of how we divert water out of the southern Delta. We could divert potentially more water and still protect Delta Smelt, if we had a diversion point outside of where Delta Smelt are (inaudible).

Right now we have a diversion location in basically the Delta Smelt primary -- (inaudible) -- that’s not very smart. We need to be looking at alternative ways to divert water that don’t affect all the smelt, and by moving the intake is certainly one way to do that.

TIM NEWHARTH: Yeah, that may be, but you’re moving the intake up where the water is coming from normally in the first place, so you know you’re --

JERRY JOHNS: There aren’t any Delta Smelt up there either.

TIM NEWHARTH: Well, so be it. But what I’m getting at is, that the whole Delta is in jeopardy because what we’re doing is taking water around the outside and expecting it to go -- to go against the natural flow from north to south in order to keep the Delta viable. I don’t see how it’s going to work that way. You’re trying to push water uphill. It’s not going to happen.

JERRY JOHNS: Well, we’ll talk about it.

PAM: Tim, I think there was another question in there, did you want to ask about the public input?

KARLA NEMETH: Yes. Thank you. In terms of public comment, where we are right now, is we have been talking to folks through one-on-one briefings with different organizations, getting their understanding of what their issues are. Some of those are issues that will be addressed in an EIR/EIS setting, some of them are issues that will be addressed in how the conservation measures are drafted. Some of them will be addressed in -- through the implementation process of the actual plans, there’s kind of three ways in which comments at this point get considered.

When we move towards releasing preliminary plan, one of the things that we’ll be doing is taking all the comments that we’ve received, where folks have a real concern about a specific issue and creating kind of a road map or orientation piece where we can point folks to where in a document those issues are addressed in, either a conservation measure or in the implementation plan, and those sorts of things.

We’ll do that as a companion piece to this preliminary draft this summer. We’ll do it again as a companion piece to the public draft that’s expected at the end of this year. And in that preliminary draft, we have a legal requirement to circulate that, have folks review it, provide comment, and we need to respond to
TIM NEWHARTH: Do you have some written outline of that process at this point somewhere?

PAUL CYLINDER: Yeah. It's in the draft that's on the web, there's a discussion in that conservation measure that describes the benefit of it, the method of it, and the risks of it are all described in that draft measure and we'll have some updates of those measures coming out soon. But again, these are all in draft stage as we work through, and then background -- (inaudible) -- and those are our conservation measures.

TIM NEWHARTH: Thank you.

PAM: I don't have any more comment cards. This is kind of the last call, if anyone would like to ask a question here before Karla wraps up and we move to the one-on-one conversations in the next room.

Anyone else? I just encouraged the folks who spoke, some of your questions and comments sounded like they would be very appropriate to be written down and shared next door, so if you could frame those into issues that you would like the environmental team to investigate, that would be very helpful to the official scoping process. So we're not closing the questions down tonight. We're just going to breakdown into one on one.

Karla, did you want to --

KARLA NEMETH: I just want to say thank you very much.

(Whereupon the meeting was adjourned at 8:23 p.m.)
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
MS. POLLOCK: I’m going to speak specifically to the core element No. 1, which is to modify Fremont Weir to provide higher frequency and duration of inundation. As a background -- my husband, Herb, and I are here -- we farm in northern Yolo county next to Fremont Weir, so we're directly affected, I feel, by the proposed changes at Fremont Weir.

There are many issues and concerns delineated in the draft as proposed. The draft is of January '09. That was the last draft that I saw. All of these Issues and Concerns that are stated really need to be addressed in the EIR/EIS process. They are significant, in our minds. There are also some issues and concerns that are not listed that I feel need to be addressed in the EIR and EIS process.

The No. 1 item that I see as a significant effect of this proposal is seepage water that will be coming from the bypass levees and affecting adjoining farmlands. This is not mentioned, and we know now that when water is in the bypass there is significant seepage that comes through the levees and ends up on neighboring farmland. This needs to be addressed in the EIR process.

Another point is in the issues and concerns. There is no mention of the Knights Landing Ridge Cut Canal, which flows into the Yolo Bypass just below Fremont Weir. Additional water in the bypass may have significant impacts on the water flows in the canal and cause backup. That needs to be addressed, also, in the EIR.

The Knights Landing is the outlet of the Colusa drain. One of the items that is mentioned as an issue is affect on other terrestrial species. I feel that this has not been thoroughly discussed in the draft. There are listed species, such as Swainson’s hawk, that will be affected by the changes in the bypass and the surrounding lands. In fact, some of the mitigation areas for Swainson’s Hawk will be destroyed, perhaps, by additional water in the bypass. So I feel that they are looking at increasing habitat for one type of species that's listed, but, by the same token, they are harming habitat for other listed species, and that needs to be addressed.

Another point that needs to be addressed in the EIR process that is not mentioned is the increased sedimentation that will occur in the bypass with additional water flows. There is no mention of this. It periodically does have to be cleaned out and sediment removed. And if more water is put in, particularly at lower flows, it will cause increased sedimentation. And much of this sedimentation is laden with mercury, so the mercury issue does need to be looked at.

And I think the final thing that I would like to mention -- a couple of things: The technical details of how more water will be put into the bypass needs to be looked at very carefully. It can be a very expensive process, perhaps because of the levels in the contours of the land there, and ongoing maintenance costs that need to be looked at.

And, finally, I would like to mention, in talking about increased inundation of the bypass, the availability of water really needs to be addressed because, even if they are talking about winter flows, that water has to come from somewhere. The existing flows are probably deficient to provide the kind of water that they're talking about over the duration of time.

(END OF COMMENTS.)
BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT (EIR)
AND ENVIRONMENTAL IMPACT STATEMENT PROCESS (EIS)

---oOo---

THURSDAY, MARCH 25, 2009
BDCP PRESENTATION
PUBLIC SCOPING MEETING
6:39 O'CLOCK P.M.

HILTON GARDEN INN
2200 GATEWAY COURT
FAIRFIELD, CALIFORNIA 94533

REPORTED BY:
KIMBERLEE SCHROEDER, CSR, CCRR
License No. 11414

CALIFORNIA DEPOSITION REPORTERS
PHONE (800) 242-1996
GOOD EVENING, FOLKS. IF YOU WOULD LIKE TO COME TO YOUR SEATS, WE'RE JUST ABOUT TO START.

GOOD EVENING, MY NAME IS PAM JONES. I AM THE MODERATOR FOR THIS EVENING. I AM NOT AN EMPLOYEE OF ANY OF THE AGENCIES OF THE BAY DELTA. I'M HERE TODAY TO MAKE SURE THAT EVERYONE WHO WANTS TO SPEAK HAS AN OPPORTUNITY TO SPEAK.

JUST AS AN OVERVIEW OF THE EVENING, WE'LL HAVE A HALF AN HOUR OF PRESENTATION AND UPDATE ON THE BAY DELTA CONSERVATION PLAN, AND THEN WE'LL GO TO ABOUT AN HOUR OF QUESTIONS AND ANSWERS. AND THEN WE WOULD LIKE TO ENCOURAGE YOU TO GO BACK TO THE TABLES AND THE POSTERS IN THE BACK OF THE ROOM BECAUSE THIS PURPOSE OF THIS MEETING HAS TWO PURPOSES: NUMBER ONE IS AN UPDATE ON THE BAY DELTA CONSERVATION PLAN AS IT IS NOW. AND WHEN THAT PLAN IS FINISHED, IT GETS HANDED OVER TO AN ENVIRONMENTAL TEAM MADE UP OF STAFF AND CONSULTANTS. AND THEIR JOB IS TO TAKE A LOOK AT AND EVALUATE THE PROPOSED PLAN IN TERMS OF ITS POTENTIAL IMPACT ON ECOSYSTEMS, THE ENVIRONMENT, COMMUNITIES, AND ET CETERA.

THEN THEY COME UP WITH ALTERNATIVES TO THAT PLAN, SOME OF WHICH ARE KIND OF LISTED ON THE BOARD TONIGHT. SOME OF THEM MAY NOT BE KNOWN YET. AND YOU MAY HAVE AN IDEA ABOUT WHAT THOSE ALTERNATIVES MIGHT BE.

SO A VERY IMPORTANT PART OF YOUR INVOLVEMENT TONIGHT IS TO ACTUALLY GET YOUR COMMENTS IN WRITING AS PART OF AN OFFICIAL ENVIRONMENTAL IMPACT REPORT, ENVIRONMENTAL IMPACT STATEMENT, PROCESS, SO THAT IT CAN BE OFFICIALLY CONSIDERED BY THE ENVIRONMENTAL REVIEW TEAM.

EVEN THOUGH WE ARE RECORDING TONIGHT, IF YOU WOULD MAKE SURE THAT EITHER YOU FILL OUT A COMMENT CARD, YOU SPEAK TO THE COURT REPORTER, YOU PUT YOUR THOUGHTS ON ONE OF THE FLIP CHARTS THERE, THAT'S THE MOST DIRECT WAY TO HELP THE ENVIRONMENTAL TEAM DO THEIR ANALYSIS AND COME UP WITH SUGGESTIONS THAT YOU WANT THEM TO TAKE A LOOK AT.

SO WITH THAT, I WOULD LIKE TO INTRODUCE YOU TO THE PEOPLE WHO WILL BE SPEAKING THIS EVENING. WE HAVE KEITH COOLIDGE, CALIFORNIA NATURAL RESOURCES AGENCY. KEITH, YOU WANT TO RAISE YOUR HAND?

(COMPLYING.)

KARLA NEMETH, CALIFORNIA NATURAL RESOURCES AGENCY. KARLA IS THE BDCP LIAISON. JOHN, JOHN ENBRING. HE'S WITH FISH AND WILDLIFE SERVICE. WE HAVE SOMEONE HERE FROM THE CALIFORNIA DEPARTMENT OF FISH & GAME. SCOTT CANTRELL IS IN THE BACK, IF THERE ARE SPECIFIC QUESTIONS FOR HIM.

WE HAVE CHUCK HANSEN, HANSEN ENVIRONMENTAL, AND PAUL CYLINDER WITH SAIC. PAUL AND CHUCK ARE THE ENVIRONMENTAL CONSULTANTS TO THE PROJECT, AND THEY CAN ANSWER SOME OF THE TECHNICAL ISSUES AS WELL.

WITH THAT, I'M GOING TO TURN IT OVER TO KEITH FOR SOME WELCOME COMMENTS.

MR. COOLIDGE: THANK YOU, PAM.

AS SHE SAID, I'M KEITH COOLIDGE. I'M WITH THE CALIFORNIA NATURAL RESOURCES AGENCY. I HAVE BEEN INVOLVED IN THE DELTA SINCE 1986, PRIMARILY AS A STAKEHOLDER FOR 14 YEARS. AND THEN ON THE OTHER SIDE OF THE MICROPHONE, I WAS REMINDED OF THIS LAST NIGHT, WE WERE IN STOCKTON, WHICH WAS THE TENTH STOP ON THIS 12-NIGHT TOUR OF NORTHERN AND SOUTHERN CALIFORNIA.

AND WE WERE IN THE VERY SAME ROOM WE HAD DONE SCOPING SESSIONS FOR CALFED IN THE LATE 1990S. I HAD BEEN IN THE AUDIENCE. I HAD BEEN MAKING COMMENTS. LAST NIGHT, I WAS ON THE OTHER SIDE. I WAS FIELDING THEM.

SO THIS TRULY HAS BEEN A VERY LONG PROCESS TO TRY TO RESOLVE SOME VERY CONTENTIOUS ISSUES IN THE DELTA.

CALFED TRIED WITH TWIN GOALS OF RESTORING THE ECOSYSTEM AND INCREASING THE STATE'S WATER SUPPLY. THEY SUCCEEDED TO A VARYING DEGREE. WE INVESTED AN AWFUL LOT OF MONEY. HALF OF THAT WAS LOCAL MATCHING FUNDS. ADDED ABOUT 750,000 ACRE FEET TO THE STATE'S WATER SUPPLY.

WE MADE MAJOR INVESTMENTS IN UPSTREAM TRIBUTARIES TO THE DELTA IMPROVING SALMON HABITAT AND PUTTING FISH SCREENS ON DIVERSIONS. ALL OF THAT WAS TO A REAL BENEFIT TO THE DELTA. BUT THE DELTA ITSELF DETERIORATED EVEN FURTHER IN THE PAST SEVEN YEARS.

AND SO THAT PROMPTED THE GOVERNOR, IN 2006, TO FORM DELTA VISION. YOU HAVE HEARD OF THAT. THAT WAS AN EFFORT OF BLUE RIBBON TASK FORCE TO LOOK AT HOW DO YOU REALLY PULL ALL OF THIS TOGETHER. DELTA VISION CAME UP AND SAID THE TWIN GOALS ECOSYSTEM RESTORATION AND A RELIABLE WATER SUPPLY ARE VALID. BUT DON'T OVERLOOK A VERY IMPORTANT THIRD GOAL WHICH IS HOW DO YOU DO THAT WITH A DELTA THAT IS ITSELF A UNIQUE AND VALUED PLACE?

DON'T FORGET THAT AS YOU WORK ON THOSE GOALS.

AND THEN THEY ALSO SAID THERE'S SOME OTHER THINGS YOU HAVE TO KEEP IN MIND. WE ARE GOING TO HAVE TO SIGNIFICANTLY INCREASE OUR EFFORTS AT CONSERVATION THROUGHOUT THE STATE OF CALIFORNIA. THAT'S GOING TO HAVE TO BE FOREMOST IN EVERYONE'S MINDS AS WE MOVE FORWARD.

YOU ARE GOING TO HAVE TO RESOLVE THE TENSION THAT WATER IN THE DELTA THAT IS GOOD FOR FISH IS NOT NECESSARILY GOOD FOR DRINKING WATER AND VICE VERSA. AND LATER SPEAKER TONIGHT WILL TALK A LITTLE BIT ABOUT THAT.
There are large pumps that move water south. In that Delta is used as a water transfer from north to south. I think all of you know that Delta -- the part of the environmental review process. It is very early in the environmental review. So we have a number of steps to go. The purpose of scoping is to get your comments. Are we adequately looking at all of the alternatives? Are we adequately looking at the right things in your view? And are we overlooking anything that you know about that we should know about? That's really the purpose of tonight, is to get your comments on both the range of our alternatives, the ideas that we're putting forward and help us as we move forward.

With that, I turn this over to John Engbring. John is with U.S. Fish and Wildlife. He's one of the Federal partners in this effort with the State agencies.

MR. ENGBRING: Thank you, Keith. Again, my name is John Engbring. I am with the U.S. Fish and Wildlife Service. I am the assistant regional director for water and fish. And what I'm going to try and do is explain as clearly and simply as I can exactly what we're doing here and why we're here.

First off, thanks for coming and thank you for your interest. Thank you for your time. We are very interested in hearing what you folks have to say because we are in what is described as the scoping process as part of the environmental review process. It is very early in the environmental review. So we have a number of steps to go.

I think all of you know that Delta -- the Delta is used as a water transfer from north to south. There are large pumps that move water south. In that process, there are both State and Federal pumps that move that water, there are listed species, species listed under the Federal Endangered Species Act like Delta smelt and Winter-Run Chinook salmon that are actually killed by the pump.

In and of itself, that's an illegal activity. Agencies that do that and conduct those kind of activities can do that, but they need a permit. They need a permit from the Federal agencies. When I say Federal agency, I mean U.S. Fish and Wildlife Service and National Fishery Service. There actually is someone here from National Fishery Service. Ted Myer is here, and he can answer questions on salmon.

To receive that permit, the applicant in this case, the Department of Water Resources, must complete what we call a habitat conservation plan. That is what this Bay Delta Conservation Plan actually is. It's being prepared so that they can submit it to the Federal agencies and there's a state equivalent Endangered Species Act and the State will work through their permitting process as well.

That plan will be submitted to the Federal agencies. And it has to include a description of the activities that are being conducted. It has to include a description of the effects of those activities on listed species. It has to include various alternatives and options that were considered and conservation measures that the applicant will carry out to complete the conservation plan, implement the conservation plan.

When we receive it, that conservation plan, we look at it and make a determination as to whether or not it will jeopardize the continued existence of those listed species. If in fact we decide that it can move forward and those species can in fact survive, hopefully ultimately recover, we can move forward and issue that permit so that they can actually kill some of those species in the Delta as they conduct their otherwise lawful activity.

That's what we're doing. We're in the early stages of looking at this conservation plan. We are required to conduct environmental review. This is part of that environmental review. It is part of the early scoping process. Part of the scoping process where we are trying to solicit comments from the public.

We have these stations, tables set up. There are individuals who can answer questions at those tables, very specific questions. If you have questions and they can also take written comments from anybody here that would like to provide comments.
Again, I want to thank you for being here. And I'll turn it over to Karla at this point. She will describe in a little more detail what's in this plan at this point.

MS. NEMETH: Thanks, John.

My name is Karla Nemeth. I'm with the California Natural Resources Agency. The Natural Resources Agency is the convenor of the Steering Committee that's guiding the development of the plan.

That includes water agencies that supply water from the Bay Area all the way down to San Diego, Department of Water Resources, the U.S. Bureau of Reclamation, environmental groups, the California Farm Bureau and other folks interested in putting together this plan.

Excuse me.

All the folks around that table realize what Keith said. It's a major challenge to restore an ecosystem in an environment such as the Delta. It's home to half a million folks. It supports a vibrant agricultural economy, a recreational economy. All of these things are going to be important to balance against the water reliability and the ecosystem restoration needs in the plan.

The Secretary of Resources is very concerned about how we do that. He is meeting with elected officials from the Delta counties for the purposes of providing a formal way in which we can keep the counties and these communities whole as we continue to develop the plan.

UNIDENTIFIED AUDIENCE MEMBER: Meeting when?

MS. NEMETH: Friday. He's been meeting with elected officials on a monthly basis for quite some time. We're going to continue to do that. We have heard from folks that there is a desire to have formal engagement in this process, and that's what we're working towards.

As our two speakers have indicated, the Bay Delta State and Federal environmental, process, the purpose of my presentation here tonight is to update you on the development of the plan as a proposed action. I'm not going to have all the details.

We will provide some information about what we do know at this point, what we're thinking in terms of our approach and specific actions. Our expectation is that the plan itself in a preliminary draft form won't be available until this summer, is to help folks provide good comments in the scoping setting.

What is the problem that we are working to resolve? Several native fish species in the Delta have experienced record low populations in years. The Courts have essentially said you can no longer continue to pump water supplies because of the status of these fish species. This has threatened water supply reliability for 25 million Californians as well as agriculture up and down the Central Valley.

Essentially, what the Courts have said, as the water moves through the Delta through the Sacramento River to the State and Federal water project pumps, the force of those pumps create a reverse flow in the Delta that pull the fish into the pumps. Therefore, to protect these fish, we need to stop pumping water. We need to reduce pumping water when fish are present in this area.

Typically, when these kinds of conflicts exist between water for human use and environmental needs, an approach would be to propose a project to support water supply and offset the damage caused to endangered species kind of one by one.

But State and Federal endangered species laws allow for something that's called conservation planning. The State has the Natural Communities Conservation Planning Act that creates a conservation plan and fulfill it on State endangered species laws. The Federal Endangered Species Act -- actually, in the Act itself -- calls for conservation planning as well.

Essentially, what this allows us to do is to address endangered species issues in a much more comprehensive holistic way, less piecemeal, so we can address multiple species all at once with a goal of actually contributing to their recovery and doing that over the long term.

At the heart of these conservation planning efforts is a conservation strategy. What that is is a suite of actions that are designed to, implemented together, over time are designed to recover species.

While that's the heart of the conservation strategy, there are a lot of other critical elements that ensure its success and implementation. That is who funds it and how much. How do we make sure that the funding is there to implement it over time? How do we govern the implementation of the plan? How do we bring new science into the plan as it developed?

The result of this kind of a planning process is an actual plan that lays out a suite of activities that are implemented through time in a particular way in a particular sequence with identified funding in exchange for permits to, in this case, operate the State and Federal Water Project in exchange for the ability to -- as John indicated earlier -- the ability to take
endangered species.

In the Bay Delta conservation plan, we have two goals: One is a stable and healthy fish population; the second goal is reliable water supplies. What I'm going to describe for you tonight is one piece of the plan. That is our latest thinking on the conservation strategy.

And as I indicated earlier, there are several other very important aspects of the plan that we need to create in order to have a draft ready. Again, our expectation is that we would have a preliminary draft of the entire plan this summer.

So we're trying to build our conservation strategy on the recovery of these fish species in the Delta: Delta smelt, Longfin smelt, Chinook salmon, Sacramento splittail, green and white sturgeon and Central Valley steelhead. Our approach is to build off of the decades of science developed about the estuary and about fish species, about fish species in the Delta.

And our first stop was to assess how we would measure success. How would we measure our ability to actually recover fish species? There are several ways that we are looking at that. They are biological goals and objectives. That includes the distribution of these fish species throughout the Delta, their growth rate, their mortality and other signs -- other indicators of their health in the Delta.

We then took a look at the things that are stressing the fish species because remember our goal is to actually contribute to their recovery over time. And I described in an earlier slide the stress of the operation of the State and Federal water projects on fish species as it relates to flows in the estuary and fish getting pulled into the pumps.

But the science has shown there are other things that are also stressing the fish species. That is a lack of physical habitat, a lack of food to support their growth. Other stressors include water quality, the presence of invasive species that compete with the native species in the Delta. Fish passage issues for fish that are migrating through the Delta.

There's really a whole host of things that are stressing the species. And we're creating a strategy that can address all of these kinds of stressors at once with the notion that addressing each one of these things individually would not be as effective at contributing to the recovery of species as if we did them all together in an integrated holistic way.

Water currently flows through the Delta for purposes of water conveyance, as I mentioned, through the Sacramento River, through the central part of the Delta and down at the pumps. And a couple of things happen. Water from the San Joaquin River comes in as well. And what essentially happens with the force of these pumps is it disrupts the flow of the Delta in that it creates a reverse flow in the central part of the Delta, that is water moving north to south to the pumps.

And it also creates water that would outflow out to the Bay. It also creates a reverse flow action from water from the Sacramento River that would otherwise be outflow down to the pumps. And for the San Joaquin River, the pull of those pumps also draw water and fish species into the pumps through these two channels.

What we're really looking at when we look at flows and their impact on fish is how do we create a system that can more naturally mimic natural flow patterns in the Delta to the benefit of fish.

What we are considering is this dual conveyance that is continuing, when appropriate, to operate the pumps at the southern part of the Delta. But also to create a new diversion point off the Sacramento River that would carry water supplies to the pumps. So it's this kind of dual conveyance system that makes important changes to how water moves in the Delta and the survivability of fish species.

And essentially, on a conceptual level, what that does is that allows water from the Sacramento River to head out to the Bay. It also allows water from the San Joaquin River to enter into the estuary because when we are operating out of the northern diversion point, we've removed the pressure that the pumps are currently, as they're operated, are putting on the water flows in the estuary. It allows for more east/west movement of water in the estuary.

I'm going to go over a few of the conservation measures that we've been focusing on as we develop the plan. First, as I mentioned, are these ways to address water flows and how water is conveyed through the Delta for the betterment of fish species.

In the near term, that's in the next five to 15 years, we're looking at ways that we can immediately address flow issues in the southern part of the Delta with the continued operation of the State and Federal pumps. That includes tidal gates in the southern part of the Delta that can be opened and closed seasonally depending on the presence of fish.

In the longer term, that is 15 years and out into the future, as I mentioned, we're looking at new
with pilot projects as we continue to monitor their benefit of fish species. Some we have less of an expectation of the habitat restoration aspects of the plan. We're looking at tidal marsh restoration, habitat spawning and rearing habitat for fish species. There are a couple of ways that we are looking at the operations of this kind of a facility. How much water is diverted out of this northern diversion point will be limited by what kind of hydrologic years, in a wet year, a dry year, an average year, a critically dry year.

But also, what are the flows that are needed to go into the estuary to support fish species to make sure that there's enough water in the system that fish can migrate through the estuary away, enough water moving through the system that can transport food into the estuary. These are all important considerations for water flows in the estuary and how they support fish species.

The other key operational consideration with a new northern diversion point and the pumps at the southern end of the Delta is how do we manage salinity in the Delta to address Delta water quality issues. It's a critical issue that we need to address and that we will address as part of the plan. We are doing quite a bit of modeling on that now. We don't have all the answers, but we're working towards them.

From a habitat restoration perspective, in the near term, again, in this five- to 15-year period, we're looking at three kinds of habitat restoration in the Delta. One is flood plain restoration. We're looking very closely about in the yolo bypass, and essentially, creating -- inundating the flood plan with water from the Sacramento River periodically to create habitat spawning and rearing habitat for fish species.

We're looking at tidal marsh restoration, particularly in the area of Cache Slough, Suisun Marsh and here in the Western Delta. I know folks have been seeing these kind of green blobs on a map for a while. They're getting frustrated. They want us to get more detailed. I want to explain an important point about habitat restoration aspects of the plan.

That is, there are some restoration ideas that we have where we have a good amount of science, and we have a real reasonable and confident expectation of the benefit of fish species. Some we have less of an understanding of how fish species are going to respond. And those are ones that, over time, we will need to test with pilot projects as we continue to monitor their effectiveness and make decisions as we go.

One of the ways we're designing the habitat restoration elements is we've identified these restoration areas, and we're working to really drill down to a specific target or acreages that we need within that bigger area so that as the plan is implemented, we can do it flexibly in partnership with willing buyers and willing sellers. We can focus on public lands and approach the habitat restoration in a way that's in partnership with local jurisdictions.

We're also taking a look at channel margin restoration. That is restoring the channel banks in the Delta along the areas of Steamboat and Sutter Slough, in the long-term down here along the San Joaquin River, and additional habitat restoration in the eastern part of the Delta and southern part of the Delta here.

And finally, we're also taking a look at ways to address some of these other stressors. What we don't want to do is create this nice habitat and create this nice flow and do it in an area where we have water quality problems or we have invasive species problems. Again, we're identifying areas where we can remove invasive species, address water quality issues, for example, and we can implement all of these conservation measures together with the notion that all of them together provide the best opportunity for the fish species to recover.

Where we are in the development is we've identified about 50 different conservation measures. For further analysis, they're all available on our website www.resources.ca.gov/bdcp. There are several documents there, and I would be happy to direct folks to information when we're through here.

We have quite a bit of work to do. Here we are in the left side with a lot of individual conservation measures that we're taking a look at. We're looking on a lot of biological evaluations to help us understand the expectations for the species', individual species' response to the various conservation measures. But we're also looking at other ways to evaluate these conservation measures.

And that includes how practical is it, can we do it when we're out there on the ground, how feasible is the implementation, how much is it going to cost and what is the relative benefit for that cost. All of these things we'll be taking a look at over the course of the next six to nine months as we continue to develop the draft plan.

And our expectation is that we will have a public review draft plan by the end of 2009 that will
include the conservation strategy and all of those important elements like implementation structure and the cost analysis identifying the funding partners. All those pieces will be part of the plan.

So where we are is continuing to develop our first draft of the entire plan in March 2009. We expect to have a preliminary draft of the plan available this summer, as I mentioned. And at that time, we are going to want to get back out to the communities and talk to folks and get some input. We'll have all these details, really important details flushed out in terms of how we would operate this dual conveyance system, what does it do to salinity in the Delta, how do we propose to manage that, what are the habitat restoration targets. All of those kinds of details will be available this summer.

We expect to have a public review draft of the conservation plan available at the end of the year. That's a draft that we need to circulate for public review and comment by law in advance of preparing a final conservation plan, which we expect in June of 2010.

As John from the Fish and Wildlife Service indicated earlier, the outcome of the plan is a permit decision by the State and Federal fishery agencies for the operation of the State and Federal water projects. Concurrently with that, you can see the environmental review process is ongoing, and the environmental review process issues a record of decision on the conservation plan as well in 2010.

With that, I just want to recap. We've shared what our approach has been to developing the plan, what's the problem we're trying to solve, how do we propose to solve it, what are the ideas that we're contemplating now and what's our process for completing the draft plan and opportunities for public input.

With that, I think we will open up the floor to questions about the plan.

MODERATOR JONES: Keith was going to say a few words.

MR. COOLIDGE: This was something we tried last night. On behalf of the Secretary, I kind of wanted to do the same thing. He had been out to several, a couple of these other meetings and had been very impressed by the comments and the openness of the folks in raising questions and asking them.

And he sort of wanted to encourage you all to engage in the same kind of dialogue with us. We have heard many comments over these nights from -- up in the Northern Sacramento Valley and concern of redirected impacts going down into Southern California, a concern that they really want better water quality on their exports, even more so than more water. They are not that interested in more water. They want a defined amount of good quality water so they can do other local projects.

We heard in the San Joaquin Valley very much a concern that an entire farming operation system has grown up dependent on water from the Delta, and we shouldn't unwind that. We heard in the Delta very much concern that this is our water, and we shouldn't share it with others until we are sure that our own needs are met; that we very much need to make sure that we have a healthy and vibrant and thriving ecosystem.

We heard from recreational boaters concerned that if we're building gates and barriers that they be open and passable for recreational boaters. We heard from sports fisherman very much a need for striped bass in particular, to increase their numbers; to not blame them for the decline of the ecosystem beyond their participation.

We heard throughout a need for beneficiary pay. That's a mantra from the CalFed days, the folks who benefit the most would pay the most in proportion to their benefits. And for those where the State benefits as a whole, we would find a way through bonds or through what's left of the State's general fund to try to make that whole.

We heard throughout the need for trust and the fact that trust has eroded. We need very much -- there is no way we can compel anyone to trust us, and certainly, a collection of government agencies just sometimes doesn't inspire that. But what we are trying to do, to the best of our ability, is to be open, to be honest with you, to let you in on our decision-making. And I hope that you will understand where we are going and help us get there.

Governance is very clearly a big issue for all of this. Who controls, who controls the nods, who makes the decisions. That is going to be a big discussion in State legislature this year: Delta governance, water governance in general. The Secretary has been meeting since, I guess last July, with supervisors from each of the five counties.

I notice Supervisor Reagan is here tonight. He has provided a very valuable insight into some of the concerns of his constituents, and we are trying very hard to be responsive and to learn through this process. And so far, he's been a very willing teacher for us. And we hope that you will do the same tonight.
We are here to learn and to listen as well as answer questions to the best of our ability.

MODERATOR JONES: Now we are -- excuse me. We are about to turn it over to you for your questions and comments. It's now a quarter after 7:00. We would like to go till about a quarter after 8:00 with the questions and comments.

We do want to give you time to go back and speak one-on-one with the folks in the back of the room. We are going to use speaker cards so while you're passing your speaker cards over or requesting speaker cards, I would like to introduce some of the elected representatives or their representatives.

We have at least seven here tonight which is quite a big showing. So starting with Supervisor Mike Reagan, already acknowledged over there. We also have Roger Straw representing Solano County Supervisor Linda Seifert. Roger is back of the room.

Don Lubar (phonetic) from Senator Lois Wolk's office, right here. Tom Meyers, City of Rio Vista.

Kathy Barnes Jones, Solano County. Kathy here? Kathy was here. Chris Rogers, Solano County.

MR. REAGAN: He saw me walk in and left.

MODERATOR JONES: I guess so. And Tom Wong who is a representative of Assembly Member Mariko D'Amato. Tony, are you here? Tony was here.

Is there anyone else I missed who is an elected representative or official representative, an elected official emeritus, any other category you would like?

MR. REAGAN: Former supervisor, former mayor.

MR. BRANN: Dick Brann.

MODERATOR JONES: Okay. Good to see you here.

And mayor of Antioch? Rio Vista.

MS. COGLIANESE: Marci Coglianese.

MODERATOR JONES: Marci, thank you very much. I think we have it.

Our format for this evening, we have speaker cards, we'll call these. If you would like to speak, even if you haven't given a speaker card -- I only have three up here. We would like to get through to you.

Even if you haven't given a speaker card, you may still give a speaker card if the desire strikes you while someone else is giving a comment.

We would like to open it up. You can give comments or ask questions. We're going to try and keep it to three minutes. But you know, with the amount of people we have here, I think there's going to be ample opportunity to speak.

Let's just, as the format, go through starting with three minutes. And then it looks like there will be more opportunity for you to expand and continue on. Okay. So what I'm going to do is call your name, and I'm going to call the next person. If you choose to identify an organization that you're here, that's your choice to do so.

So Joseph Rizzi. And then Bud Tonnesen.

MR. RIZZI: Hi. Is this on?

I'm here from Natural Desalination. It's a group I've created as a nonprofit organization.

There's ways of desalination, and they have not -- I would really have loved to have seen other alternatives of increasing the water supply. Because that's one of the key things. In the Bay Area and L.A. area, they need water.

Most of this is trying to divert water from another area to get cleaner water. It's not necessarily increasing the amount of real water that's actually available to the people who actually need it: The farmers and residents. Mostly a lot of us, the residents.

So natural desalination is the process of being able to utilize the water's own weight in the sea to be able to desalinate that water without the energy usage that is required today. Most of the time when people look at desalination, they look at Saudi Arabia. Follow them. They have tons of energy. They don't care about their energy.

In California, we care about energy as well as water. This is a way of being able to desalinate the water. At the same time, you can also use the natural gradient of water. If you do a pipeline or horizontal pipeline to the shore, you have natural flow of water from the plant at sea to the shore.

That allows everybody to have the water that they need, and that saves the Delta because you don't have the water needing to be diverted anymore. I really would have loved to see more thought into that.

As well as in Australia, they have ways of using the ocean power and the power of river in order to desalinate the water. There are other ways of dealing with it. And the more you increase the water for the users, the less we have to take from the Delta. I really would have liked to have seen more that dealt with that on there.

MODERATOR JONES: Bud?

MR. JOHNSON: Yes.

MODERATOR JONES: After Bud, Frank Johnson.
plan with our different conservation measures.

With regard to operations, we need to deal with and model how the hydrograph, how the river is going to change behavior and therefore how the Delta will change behavior and adjust the way we are looking to operate the Delta in the near term prior to having the separate conveyance, the peripheral conveyance. And then in the long-term, with the peripheral conveyance that allows for more flexibility in addressing that change, hydrograph.

With regard to sea-level rise, there are two major components of the plan that address how the sea level rises that is going to affect both habitat as well as the water supply. With habitat, all those green blobs Karla pointed out to you are all areas we're identifying is the best potential for habitat restoration. That means reflooding the areas that used to be flooded and used to be marsh in the Delta. And prior to the levees cutting off the Delta, cutting off the water from the surface.

Because the Delta has subsided so much, because the land levels are so much lower than they were when there was a marsh there, you notice all those green blobs are around the edge of the Delta because those are the areas where we have the opportunity to flood and get marsh, shallow water that will create tule marsh, cattail marsh as opposed to just open water. Those familiar with the Delta know there are levee breaches where there's just open water in the middle of the Delta. That's not the historic condition.

The places where we can get habitat for fish are along the edges. And the way we deal with climate change is to not only look for areas where the elevations are proper to reflow and get the marsh but also where it rises to an uplift to allow this sea level rise the marsh to move. As the water rises, the marsh will rise up into the other parts to have that area we call an accommodation space, a space to allow for the sea level rise to allow the habitats to move up slow into the areas where the water is going to be higher.

So those are the different ways that we are dealing, looking to deal with sea level rise in the design of the conservation plan. I forgot one other thing is water quality.

As Karla mentioned, the in-Delta pumping, the risk of sea water intrusion to the water supply, the peripheral canal facility allows for the flexibility to take more water, freshwater from upstream and avoid threats from the water supply, particularly with regard to catastrophic loss. If we had a levee failure that...
results in drawing sea water into the Delta and
threatening water supply out of those south Delta pumps.
We can still be taking water through that canal and
maintain our water supply through that type of disaster.
MODERATOR JONES: Frank Johnson and Steven
Chappell or Chappell.

MR. JOHNSON: You answered one of my
questions, Paul. The other question is: Will there
still be guarantees for the Suisun Marsh in regards to
water quality, specifically in the spring and the fall?

MR. CYLINDER: What we are looking to
accomplish here is to maintain water quality for all
these multiple uses in the Delta. So as Karla was
mentioning, fish have a need for certain quality of
water. People and agriculture have a need for different
quality of water.

There are standards in the Delta right now set
by the State Water Resources Control Board. We've been
modeling the Delta with water models that allow us to
test different ways of operating the system, and we're
trying to hit all three of these water goals.

One is flows that are beneficial to fish.
Another is water quality that allows for good quality
export water and reliable export water. And third is
maintaining water standards that have been set by the
Board for areas around the Delta including Suisun Marsh.

MR. JOHNSON: That will be part of the plan no
matter what?

MR. CYLINDER: That is our goal is to continue
to meet those. Now, there are activities that we are
looking at, conservation measures, that are going to
change the -- they could change salinity conditions
around Suisun Marsh. If we do habitat restorations of
Suisun Marsh and open up areas to tidal action, that has
an effect on the surrounding salinity.

And the location of the restoration that
happens in the marsh has a different -- depending upon
where it is, in the southern part of the marsh or
northern part of the marsh has a different effect on how
it affects salinity in Suisun Bay.

MR. JOHNSON: How would you mitigate the
property owners in that case?

MR. CYLINDER: Again, the goal is to design a
program that would balance that. At this point, we
don't have -- we haven't worked out the details of how
the physical restoration and the operations can fit
together with Suisun. That's what we've been modeling.

Every time we look at a different physical
restoration opening up an area to tidal action, that
affects hydrodynamics. We model how to maintain
salinity and the conditions that we're looking for.

MODERATOR JONES: Steven Chappell. Is it
Chappell?

MR. CHAPPELL: Chappell.

MODERATOR JONES: Chappell. And then June
Guidotti.

MR. CHAPPELL: Steve Chappell, the executive
director of the Suisun Resource Conservation District.

My first question is: On the map you show the
planning area which is the legal boundary of the Delta.
Yet Suisun is so unique, that it's identified as a
conservation area. When I look at your list of species
-- my first question is: Why is Suisun unique that it's
considered a conservation area; yet, all the river
systems in the Sacramento Valley are excluded? Because
the list of species which you've listed here, four runs
of salmon, steelhead, green sturgeon, are using these
areas up river; yet, they're excluded. Yet Suisun is
included.

I would like to know why, how that is legally
binding being as you're going to be identifying
conservation strategies that are actually outside the
scope of your legal planning boundary?

Then I have follow-up questions.

MR. CYLINDER: Thanks, Steve.

As a habitat conservation plan John described
earlier, we do need to start identifying what our
planning boundaries are, where we expect to be focusing
our conservation.

However, two areas have been identified as
critical of different species. We've included them in
identifying conservation measures. Suisun Marsh being
one where it's important -- it's a very important,
Suisun Bay in particular, to Delta smelt and longfin
smelt.

And then the other area outside of our
planning area that we've identified is the Yolo Bypass
area all the way up to the Fremont Weir. That map
doesn't go all the way up. We identified a conversation
measure to address operations up Fremont Weir to improve
the existing flood plain along the Yolo Bypass.

The measure we've identified for Suisun is to
help the existing Suisun Marsh management plan in
funding and implementing the plan that's being developed
already for restoration of Suisun Marsh. That's the
core of that conservation measure at this time as
described in our plan.

Did I answer -- going upstream. Sorry,
Really, to put it bluntly, it's not biting off more than
we can chew to go upstream and get into the issues of
upstream salmon and dam operations and all those types of things. This is a huge undertaking to deal with this.

And basically, you have to draw your limit somewhere. The focus here is on the divergence from the Delta and the activities of those, of the agencies that are involved in that, Department of Water Resources, the Bureau of Reclamation and the contractors that (unintelligible) water too.

The focus of the plan is on the Delta estuary. And for our focus on those, particularly the upstream fish species, but also the important migration corridors for the salmon and steelhead as well as rearing habitat for salmon and steelhead. The focus really was on the Delta. We didn't go out to the ocean. We didn't go up the rivers. Obviously, we could keep going, but we didn't.

MR. CHAPPELL: I'm glad to see we are the area that was been chosen to be chewed upon. I would strongly encourage you throughout your environmental document that you clearly explain why, when the majority of the species that you're identifying, spawning habitat is upstream of your focused area, yet they are directly affected by your take off, why you've segregated those areas outside of your planning area.

As for the Suisun Marsh plan, I think it should be more clearly explicit that there is an EIR/EIS ongoing with a public draft that's going to be out. It's looking at a range of alternatives. I think the draft that I've seen has selectively only picked the highest range as the target of 97,000 acres.

I would remind you there's a five to seven and a three to five which are going to go through the same environmental review and scrutiny about (unintelligible). It does not preclude future actions from going forward if the plan objectives are done.

But there's also, there's other components than just tidal restoration of the Suisun Marsh plan. I would focus those direct effects that, in Suisun, you have existing seasonal wetlands, resource values and functions that tidal restoration are going to either result in direct loss of or degradation.

And we're starting to now balance one wetland subtidal fish habitat against seasonal wetlands that are supporting other native species, migratory species. And your conservation strategies have not been clear to me how integration of terrestrial species -- those offsets because you're trading now. We're going to trade.

We're going to say that water fowl, neotropic migrant shore birds, resident mammals are not as important as

fish because they're affecting pumps so we're going to reduce their habitat.

How do you implement conservation strategies to enhance remaining habitats that remain?

MR. CYLINDER: A couple things there. You're right about the trade-off. Because this is conservation plan and we are focused on biological resources. We are also focusing on the terrestrial species.

The fish evaluations are out ahead of things. We talked about the nonfish species. We're now up to 37 identified species to be covered by the plan. That's in addition to those nonfish plants and wildlife, including plants and wildlife in Suisun.

And in fact, on Friday I'm going to be recommending to the Steering Committee a recommendation of the consultant team to add another 18 species of plants and wildlife to the list. It could be affected by these activities that we're proposing here to benefit fish.

We have to address those wildlife. We have to make them whole too in terms of mitigating impacts of those plants and animals. With regard to the trade-off, I think the challenge here is that with the fish, we don't have a lot of choices where to go to expand habitat, to improve habitat for the fish.

We have more flexibility with the terrestrial wildlife and the seasonal restoration and habitat restoration. I know it's a challenge. It's an established use. But we are looking for opportunities, as many as we can find, for these fish that are near extinction. The Delta smelt is near extinction. Longfin smelt is on decline and was just listed.

That's the challenge here is to, is to have that balance, as you said, a trade-off between the fish and some of these seasonal wetland species. We're looking to address those seasonal wetland species with regard to the conservation plan also.

MR. CHAPPELL: I have several others. I will point out one thing: The legacy of conservation in Suisun Marsh due to the landowners has presented BDCP this opportunity that you have a legacy of water fowl conservationists that preserve and protect those lands.

I don't see anywhere in here the acknowledgment that as you move forward in your near and your long-term that all those lands are protected by levees; yet, there is no discussion of the need for the levee maintenance. In Suisun, the majority of those levees are all privately maintained or publicly maintained through Fish & Game.

Through your conservation strategy to protect
those areas that are remaining, there has to be long-term commitments for levee maintenance of Suisun Marsh and infrastructure. If you increase salinity in the infrastructure and the habitat quality decline, you won't meet your objectives.

MR. CYLINDER: Thank you.

I would like to point out the relationship between developing a plan that's focused on the biological resources and the effort to enhance fish habitat and enhance wildlife habitat, plant habitat, and the impacts that result on landowners and on human environment.

While the HCP is focused on improving the habitat for these species, the environmental evaluation and all those stations you see back there needs to look at the effects on all of the human environment. So if implementing this plan is going to have an adverse effect on levees and adjacent landowners, first, we're trying through this public interaction to identify those and build them into the conservation plan itself.

If we don’t, this environmental document that's being put together here is going to identify these other impacts and the environmental document may identify additional measures that need to be taken to offset or mitigate those impacts on the human environment.

That’s why it’s so important to get your comments here today. That is the big part of scoping is identifying what you feel are issues that we're bringing up because of what's being proposed here.

MODERATOR JONES: June is going to speak from her seat, and then Linda Schrupp.

MS. GUIDOTTI: June Guidotti, fifth generation in the Suisun Marsh. When I first came here, I was against the diversion of water. I still am. 25 years ago, when Jerry Brown wanted to move that water, I was all for it.

Because of what I lived with every day, don’t move the water. If you want to start with the Federal sewer plant in Suisun, right now, going before the Oakland Water Quality Board on April the 8th, they have cyanide in the water and two chemicals, one and two that I can't even pronounce the word on, that will kill our fish. They're trying to find out where it's coming from.

Originally, on the salt and saline, the fifth of the salt and saline, you never did it. You never connected Denverton (phonetic) to Hill Slough. They were supposed to flush the Suisun Marsh with that sewer water, flush it and take it down to the peripheral

canal. That's never happened.

Today is almost 24 years that I have tried to put my parcel back to tidal action. The swamp removal flow 322 certain levees were let out. It would put it back to my 10-foot contour line.

Because of Solano County Board of Supervisors, because of the general plan, I have an overlay over my property that I brought you letters that the attorney has wrote that you cannot mitigate private property. You cannot mitigate my parcel because you don't own it, and the County has it for mitigation.

You need, from my understanding from Brouchet & Crusela (phonetic), 15,000 acres to mitigate. I heard, when I came here tonight, was the whole Suisun Marsh. I wanted to know what bad thing you were doing that you were mitigating the whole marsh. It turns out that it's over towards Collinsville.

Before the Board of Supervisors this week, we tried to stop Vision One in Collinsville. They're hauling in and they're going to put a power plant in. They're doing research. They're going to do all this green waste hauling in Collinsville at one time had salmon.

Moyle did a research from UC Davis. My parcel -- there's 32 salmon supposedly there was no oxygen down in the water down in Grizzly Island. I'm thankful that you're coming to Suisun, and you're going to investigate why my parcel, 150 acres can sit in the center of Potrero Hills landfill, that they want to bring the biosolids up there and spread it like feces and take the methane gas out of it. That biosolids is coming directly from that sewer plant.

It's running right into the water.

40 years ago, we stopped the sportsmen from shooting lead into the ground because of what it was doing to the water. The pharmaceutical drugs that are in this needs to be addressed. Why there's a commercial industrial road leaking toxins going up to Protrero Hills landfill that Steve Chappell can vouch for that under tidal action that goes right over to the hundred year flood, that goes right over to Bud Tonnesen's sister-in-law's parcel that is unlined just like the Solano Garbage Company is unlined.

If you don't start cleaning up these areas -- that was supposed to be cleaned up, the Solano Garbage Company. Dick Brann can tell you. Back in 1984. He was knowledgeable of what was happening there.

Unless you're going to -- there's a blessing. The District of Columbia and Washington DC filed a lawsuit December the 8th. They have to sell Protrero
A couple of things: Basically the focus on trying to figure out how to replumb California. It's just a subset of everything that is going on in The BDCP is one of 50, 60 processes going on.

Unfortunately much of their focus is to identify which levees to not resuscitate if they fail. For our communities, what provides the protection for the water quality that we use for agricultural in our area for their intrinsic values and their production opportunities for shallow water habitat restoration on the Delta. And that entire concept that the areas where water naturally is is something that we, Napa, Yuba City and Butte County and a few others are already in litigation to protect. There will probably be several others who will have to do that as well.

One of the things missing from this plan is a current plan that's going on with -- the old Reclamation Board is now called Central Valley Flood Protection Board. They're coming up with a plan for the levees in the Delta. Not just the project levees, but the other levees.

As we lose those levees, as Frank's Tract (phonetic) is a classic example, the X2 moved inward when that happened. It hasn't been flushed back out.
You've heard this on and on and on. We've done testimony. One -- we have a long and sad experience with government and nongovernment entities operating or owning land that they do a poor job in operating and maintaining because they don't have an assured source of funding to do such.

The teachable moment is probably the prospect (unintelligible) fish kill which was the Bureau of Reclamation repairing the levees on an island they owned that had failed. Fish had established themselves.

Fishermen followed, as is their Constitutional right. We ended up having to do six rescues of fishermen who were capsizing as the tides were rushing off that island.

The Bureau of Reclamation fixed the levees and pumped the levees dry to mitigate the risk. We're looking at tens, if not hundreds of thousands of acres of what is now agricultural land in the Delta being converted into something that it isn't thought through is going to be a nuisance.

MRS. ROGALA: Hi. My name is Jan Rogala. I'm a hazard mitigation and flood planner. I have the interesting job of coming up with the floodplan to protect both the cities of Rio Vista and the city of Isleton.

Last month, I went to a meeting on the levee repair where I learned that 10,000 linear feet of levees were being repaired this year; had been last year; probably next year. And these projects started at Tehama, and they ran all the way to the Bay. Along with that, they gave me a map of erosion areas.

Your project and those erosion areas intersect dramatically. I don't know if this -- this was called the Sacramento River Bank Protection Project. Our questions at the Bank Protection Project is, of course, you know the lower part of the river floods less if the Yolo Bypass works well, and if a levee or two breaks north of us and takes some of the stress off from Rio Vista.

Part of the levees they're repairing are across the river from Rio Vista. Rio Vista has no levee. Rio Vista is considering many options, flood walls, etc. What we really can't get a handle on is how your project, river levee projects, all of the projects are going to affect the river level in the Sacramento River.

If you put a secondary canal or a bypass canal or whatever, will it lower the flood risk or will it raise it? Will the fixing of the levees lower the river, or will they raise them? Sea water, this is the most definitive word that we've gotten tonight. I'm really grateful. First of all, you told me there will be a report out shortly on sea water and global warming and the affects on the river.

I'm delighted to hear that. I'm not delighted to hear six feet. But you know, it will have a significant effect. So my question is: What's this Yolo Bypass going to do to the City of Rio Vista? It appears to end just about on our doorstep. You see Isleton makes the corner, comes around. There's the bridge. That's always been farmland. It's been highly productive farmland.

Rio Vista has an airport. That looks like the airport may be part of the Yolo Bypass. Has a housing development out there. I'm really concerned at the lack of data we have. And I hope you'll keep that in mind. Although I'm here tonight representing the City of
provide more flexibility in the operation of the Fremont Weir. Right now, the Fremont Weir is simply an elevated area that the water can spill over when the Sacramento River gets to a certain stage and flood into the Bypass and take the head off the Sacramento River as it comes down past the city of Sacramento.

Our proposal, recommended conservation measure at this point, is to put operable gates into the Weir, keep the Weir at the same height. But allow those gates to open such that we could take the head off the Sacramento River at a lower stage to be able to more frequently put water into the bypass for the benefit of fish.

There's research that has shown that this flood plain habitat, if you can keep it flooded long enough is -- provides tremendous benefit to Sacramento splittail as well as to Chinook salmon. The opportunity here is to take an existing flood plain and re-operate it so that it floods a little bit more frequently and a little big longer period of time without having any adverse effects on the flood control.

Obviously, we need to work and have been and will continue to work with the Corps of Engineers who is our newest member of the Steering Committee in making sure that nothing we do results in any adverse effect on flood control ability.

MR. HANSEN: Just to help address your comment a little bit because it is an absolutely important consideration. Flood control is one of those issues that needs to be evaluated as part of this EIR/EIS process. The hydraulics that occur in the Sacramento River are influenced by a variety of factors you point out. Levees, a whole host of land uses.

One of the things we are contemplating is what would be the effects of various types of habitat modifications that would benefit fish through additional inundated areas, both seasonally inundated as well as permanently inundated, and how will that change the hydrodynamic conditions within the River and the area around Rio Vista, Isleton, that whole reach.

So as part of our process, there is a whole team of engineers, scientists, modelers, who are all devoting their attention to developing the tools that will allow us to look over a whole period of hydrologic record to evaluate what the effects of these various projects would be on the flood risk as well as the hydrodynamics, the tidal circulation, the salinity patterns, all of those various processes that are of importance to you, but they're also of importance to us to better understand how this program may affect the environment, both positively and negatively.

As part of the analyses that are being undertaken as part of looking at the various alternatives as well as the proposed project, those types of modeling tools are being applied. They're being critically reviewed by others involved with flood control risk and those types of issues.

And they will be part of the environmental documentation that will be available to the public to review to see how those issues were addressed, to see what the results of the various alternatives would be on those kinds of risks, and to see how those risks are being handled as part of the overall conservation strategy.

MR. FADHL: My name is John Fadhl. I happen to farm and reside within the defined primary Delta. One of the concerns that I have as a Solano County resident, it has become very important to our residents to protect our agricultural lands. Within that protection, we have city-centered growth. Consequently, our tax basis within the unincorporated area is far behind those of other counties. When we decided that Solano County is going to become a mitigation sink, bank, whatever you want to call it, we're going to impose and lose some of that tax revenue that is already very valued.

I'm sure some of the other five Delta counties are going to see that same thing when the benefit of the counties from the south are going to get that higher water quality that they so desire and need, but coming back to it, we're going to pay that because as residents of these five counties our tax base is going to get eroded, and we've got to make up those funds somewhere else.

I think that needs to be considered to where those funds are going to come from. Obviously, as a farmer affected by this stuff, I may lose part of our property to pay those kind of impacts. The other thing, I think that some of your government agencies -- I know this was slightly addressed tonight. There's a conflict.

When I was looking at a USGS, I believe it is, document, they're saying that when you do flood inundation of a Delta levee, that you create an anaerobic environment. I'm trying to understand how a fish can survive, that we are trying to protect, in an anaerobic environment because of the peat soils we have out there.

The other thing that I have is with this raceway off to the east there taking a lot of that
MR. HANSEN: Let me address a couple of points you made. I'm going to focus really on the water quality issue, the anaerobic conditions that you describe. When we're looking at these various kinds of restoration projects, the circulation patterns that occur within a seasonally inundated or permanently inundated area are going to be important in terms of dissolved oxygen concentrations, how they affect the growth of tules and other vegetation. What that does to the water quality within that specific region as it affects those conditions and habitat suitability for various fish.

We don't want to create conditions that are going to be anaerobic for a couple of reasons. One, as you point out, it's not going to provide the kind of fishery benefit that we want. The second issue that gets interrelated here is that in many of these areas, there are legacy constituents like mercury that are endemic to the soils and change their chemical nature under those conditions of anaerobic water. Becomes methylated mercury. Becomes more toxic.

Again, that's a circumstance that we're looking at critically in terms of this north Delta habitat, what effects these sorts of projects would have on that. That will all be part of the decision-making. As I mentioned earlier, we're developing hydrologic simulation tools to be able to answer your questions about what will these projects do in terms of changing the circulation patterns in the area of the intake, what will they do in terms of changing the tidal hydrodynamics, and what kinds of outcomes would we expect in terms of salinity as a response to these kinds of conservation measures.

So we're in the early part of that analysis.

Likewise, when that water goes down there, if you're saying that the snow pack is going to be less and less and we're going to have more water flowing through this region, where is the down-range storage capacity when we have an abundance of this high-quality water.

I realize it's outside the project scope, but there needs to be some sort of mention within the project scope that the expectation is that those downstream will all take responsible actions for containing that water when it's good quality.

Thank you.

MR. HANSEN: Let me address a couple of points you made. I'm going to focus really on the water quality issue, the anaerobic conditions that you describe. When we're looking at these various kinds of restoration projects, the circulation patterns that occur within a seasonally inundated or permanently inundated area are going to be important in terms of dissolved oxygen concentrations, how they affect the growth of tules and other vegetation. What that does to the water quality within that specific region as it affects those conditions and habitat suitability for various fish.

We don't want to create conditions that are going to be anaerobic for a couple of reasons. One, as you point out, it's not going to provide the kind of fishery benefit that we want. The second issue that gets interrelated here is that in many of these areas, there are legacy constituents like mercury that are endemic to the soils and change their chemical nature under those conditions of anaerobic water. Becomes methylated mercury. Becomes more toxic.

Again, that's a circumstance that we're looking at critically in terms of this north Delta habitat, what effects these sorts of projects would have on that. That will all be part of the decision-making. As I mentioned earlier, we're developing hydrologic simulation tools to be able to answer your questions about what will these projects do in terms of changing the circulation patterns in the area of the intake, what will they do in terms of changing the tidal hydrodynamics, and what kinds of outcomes would we expect in terms of salinity as a response to these kinds of conservation measures.

So we're in the early part of that analysis.

Likewise, when that water goes down there, if you're saying that the snow pack is going to be less and less and we're going to have more water flowing through this region, where is the down-range storage capacity when we have an abundance of this high-quality water.

I realize it's outside the project scope, but there needs to be some sort of mention within the project scope that the expectation is that those downstream will all take responsible actions for containing that water when it's good quality.

Thank you.
UNIDENTIFIED MALE:  Neil (unintelligible), questions?  Okay.  Yes, sir?

MODERATOR JONES:  Okay.  Last call.  Any questions?  Okay.  Yes, sir?

MS. NEMETH:  I don't think so, no.

Southern California.  Not true.  You don't know?

unintelligible, questions?  Okay.  Yes, sir?

And just to be triply sure, they are piping it upstream and percolating down into their groundwater basin where it begins to be pulled up no earlier than six months.

They're using all kinds of filtration to treat that and pull that out.  They really are doing a lot of work down there to be regionally self-sufficient.  There is a whole through the Bay Delta process is to be assured on a amount of water that they can count on from the State and they will go find and develop the rest.

MS. GUIDOTTI:  Can I have a question to clarify something that Dick Brann said, that the people voted down the peripheral canal?  To my understanding, it was approved.  But all they had left to do is that the people wanted them to take their own canal.  Is that wrong?  I mean, they didn't want it -- their own water in a different canal, but it actually was passed?

MS. NEMETH:  I don't think so, no.

MS. GUIDOTTI:  I know it was voted down.  I think I remember hearing it was approved, but the people wanted them to use their own canal for this water to Southern California.  Not true.  You don't know?

MS. NEMETH:  I don't think so.

MS. GUIDOTTI:  Okay. Thank you.

MODERATOR JONES:  Okay. Last call. Any questions?  Okay. Yes, sir?

UNIDENTIFIED MALE:  Neil (unintelligible), farmer here in Suisun Valley.  I have a question for the gentleman over there.  I heard you guys do studies and doing the studies up and down mitigating for habitat, everything like that.

As a farmer and are you going to go to getting the water up north, bringing it down here and going down south and you said in the future, there's going to be more rain than snow.  The snow has more density get down to the dams.

If you're not going to have snow, you're going to have more water.  That precious cup of glass that you're drinking there, Karla, is the most expensive drink because I wonder -- and that water is going to somewhere.  And to say to you, sir, why is the cost of desalination plants versus all the other kinds, reclaimed water versus a dam, and what cost -- I haven't heard about that -- of getting a dam there and catching that water, and we can let it down.  Getting nature's water, the cleanest for that.

And desalination, what cost is that?  I would like to go down to the bottom line.  And you're not getting down to the bigger costs.  You have all these wonderful things about the habitat.  The rain water is the best form.  Is it -- which is the best form to clarify and clean:  Reclaimed water or desalination or just cleaning when it's caught by a dammed reservoir?  And why aren't we getting more up and down the mountain ranges north and go to L.A. and not take away from Northern California farmers and the people.

MR. COOLIDGE:  Let me see if I can -- I'm going to address those, I think, in reverse order.

When we're talking about relative costs, sea water desalination is about -- the lowest estimates I've seen are about $1,200 an acre foot.  Put that in perspective, a family of five uses an acre foot of water in an urban setting every year.  Your water bill is about $1,200.

Plus treatment, plus moving it.  That equates to --

MR. RIZZI:  That's using your existing technology, not using natural desalination.

MR. COOLIDGE:  Absolutely.  That's existing technology, best estimates.  The groundwater replenishment program that I talked about taking reclaimed water which has about a tenth of the salts that sea water does, it is easier to treat.  That's in the neighborhood of 550 to $600 an acre foot.

When we look at things like brackish water desalination, actually taking groundwater that has a high salt content but less salty than sea water and...
reclaimed the water, I'm in the neighborhood of 3 to $400 an acre foot.

The unblended cost of State Water Project Water in Los Angeles and you pay for the State project. There's a certain component you pay for energy and for just the cost of water and the transportation through the facilities. There's also energy. So Southern California, because they have to pump it over the Tehachapis, pays the most.

I believe that's in the neighborhood of $250 an acre foot by the time it gets down there. The local sources, the Colorado River Aqueduct was built a long time ago. That's in the neighborhood of $130 an acre foot. The Los Angeles Aqueduct from Owens Valley, somewhat less than that. And pure pristine groundwater is the cheapest source for them. By the time you figure energy costs, it's around $100 an acre foot.

But as Southern California learned early on, groundwater you have to treat very much like your checking account. If you don't make regular deposits, you're not going to be making regular withdrawals. That's why they've gone to diversifying their system.

MR. FADHL: What is the cost of that water as it enters the Delta estuary? What's the cost coming in?

MR. COOLIDGE: It would depend I think to Sac Valley farmers, I am not sure, but it is less than 20 or $30 an acre foot. And the other thing to keep in mind, as we've talked about, global warming. The loss of Sierra snow pack, perhaps as much as a third of the Sierra snow pack lost over the next 50 years. You are going to see more high-volume floods and more prolonged draughts.

It really means surface storage, additional surface storage is going to be very important. You need to be able to capture those storm flows when they hit, hold them, and that is surface storage. Slow the releases and allow the percolation of underground storage, below-ground storage, as the Governor like to talk about.

It's really an interlocking system. We really do have a lot of work to do. This was a Delta Vision recommendation. You're going to have to look at all the pieces of the puzzle. You can't just pick and choose because if the system is going to work, it is dependent on each and every other piece of the puzzle.

MODERATOR JONES: With that, I thank you all for your comments. They were very insightful. Some of them were even new and unique to this area because it's a unique area. I would like to invite you to remain and go to the back of the room because many of the comments we heard are exactly the types of questions that should be posed to the environmental crew back there.

Because of the protocols of the official environmental process, they're not necessarily there to answer your questions. These folks will stay, and they will. But they do want to hear your comments and your concerns. So with that, we thank you and thank you for coming. Continue on in the back of the room.

(Whereupon, the presentation was concluded at 8:19 p.m.)

---oOo---
IN RE:  
BAY DELTA CONSERVATION PLAN

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
MS. LINDA DORN: My name is Linda, D-O-R-N.
I'm with Sacramento Regional County Sanitation District.
I want assurance that all impacts to the Sacramento
Region caused by the proposed plan will be and must be
fully mitigated.

---o0o---

I, ANGELICA R. GUTIERREZ, a Certified Shorthand
Reporter of the State of California, duly authorized to
administer oaths, do hereby certify:
That I am a disinterested person herein; that the proceeding
was reporter in shorthand by me, ANGELICA R. GUTIERREZ, a
Certified Shorthand Reporter of the State of California, and
thereafter transcribed into typewriting.

ANGELICA R. GUTIERREZ CSR #13292

---o0o---
BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT (EIR)
AND ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS

MARCH 19, 2009

BDCP PRESENTATION
1:53 P.M.

HYATT REGENCY
1209 L STREET
SACRAMENTO, CA  95814

REPORTED BY:  LISA L. JONES, CSR 12982
KEITH COOLIDGE: My name is Keith Coolidge. I'm the chief deputy director of the Bay Delta Program that involves Cal Fed and Delta Vision Process, part of the development of the Bay Delta Conservation Plan. As I know, looking around the room, many of you have been through all of these as well.

We're here today really to focus on a couple of things. This is a scoping session. It's part of the environmental review process, so we are looking for scoping comments to help with the contents and analytical methods for the EIR/EIS. We are looking for comments that will help us identify areas of concern, issues of concern, we want to broaden and better focus potential alternatives. And then lastly, we want to identify other sources of information, so that as we go through this process, we really cover the widest range possible.

And you've already been engaging in some of that in the other room, going from station to station, being able to talk with the people who are actually technical experts in each of these areas, and they're taking comments and making them a part of the record.

And then what we're going to do in here, is talk a little bit about the broad overview of the Bay Delta Conservation Plan, the development of the conservation plan. And Karla Nemeth, who has been working hard on that, is going to go through that in more detail. This is all an effort that's being led by the Department of Water Resources, Bureau of Reclamation, U.S. Fish and Wildlife and the National Marine Fishery Service, they're doing it with the cooperation with Fish and Game, the U.S. EPA, the Army Corp of Engineers, so we are really loaded with lots of bureaucrats here today.

They're all representing agencies that are trying very hard to make improvements in the Delta, both for the ecosystem and for the reliability of the State's water supply -- (inaudible) in the State of California.

One person who I want to introduce is the Secretary for the California Natural Resources Agency, is Karen Scarborough, in the back of the room. She has been serving as the chair for this effort, and has devoted the last two and a half years of her life to moving this process forward and helping us get where we really all need to be. With that, I want to turn the microphone over to John Engbring. John is with the U.S. Fish and Wildlife Service, federal partners in this effort to talk a little bit about how they're engaging.

JOHN ENGBRING: Thank you, Keith. Actually, before I forget, there are comment cards in the audience. I think Janet has got some and Rebecca has some. If anybody wants to come up and comment or ask a question after this presentation, get one of those cards, fill it out, and get it back to Rebecca or Janet, so that we can sort of better arrange how people are going to talk.

Again, my name is John Engbring. I am with the U.S. Fish and Wildlife Service. I'm the assistant regional director for water and fish. We, in fact, are one of the agencies that will be reviewing this Bay Delta Conservation Plan, the habitat conservation plan, to eventually -- the desire is to eventually issue a permit to go forward. And on the state side, the California Department of Fish and Game, will also be reviewing this under the -- what's called the NCCP, the state counterpart to the federal process.

We are here to gather comments to the greatest extent. We want to try to make sure there's interactions. We want to try to answer questions, but primarily we want to make sure that folks get their comments into us, so that we can use those in the EIR/EIS process. The stations next door is where you can go and speak individually with folks that are familiar with specific issues.

The reason we're here is that, as the water projects in the Delta pump and move water through the Delta, there are listed species, threatened and endangered species, like the Delta Smelt and Salmon that are actually killed by pumping actions and by other activities.

It's illegal to kill and threaten our native species, but there is a permitting process where a state agency can apply to the federal agencies, the Natural Marine Fishery Service and the U.S. Fish and Wildlife Service, to get what is known as instant take permit. What it does is authorize that agency to move forward and conduct activities without the threat of lawsuits.

Before they can receive that permit, however, one of the requirements is that they prepare a habitat conservation plan, and in that conservation plan, they have to describe the actions that are taken, the effects of those actions on these threatened and endangered species, and what they're doing to lessen those effects -- (inaudible) -- conservation.

So we, the Fish and Wildlife Service, and the Natural Marine Fishery Service for salmon, have to look at those actions and we have to make certain that those activities do not jeopardize the continued existence of those species. Once we have gone through that review, that analysis, we can then move forward and issue the permits. So we're very early in the stage right now. We haven't seen the conservation plan yet. We haven't conducted all of the analysis of the plan.
I would like to encourage folks after this presentation to move back into the other room, make sure we gather as many of your comments as we possibly can. I think that's -- anything else we need to go over? Again, welcome here, and I'll turn it over to Karla.

**KARLA NEMETH:** Thanks, John. Welcome everybody. I'm glad to be here and glad to see so many new faces coming out in Sacramento.

As John mentioned, my name is Karla Nemeth. I'm with the California Natural Resources Agency. The Resources Agency is the convener of a steering committee that's helping to guide the development of the plan. That steering committee includes water agencies that provide water supplies to communities and farms from the Bay Area down to San Diego and throughout the Central Valley. It includes environmental organizations, California Farm Bureau and other folks.

Every one around that table has acknowledged that it's a major challenge to restore an ecosystem in an environment such as the Delta. It's home to half a million residences and businesses. It's home to a vibrant agricultural economy, a recreational economy, and we need to be balancing the restoration efforts and the water supply reliability efforts with the needs of folks living in the Delta.

The secretary of resources is engaging with elected officials from the Delta counties to get them involved in a formal way in the process, to help keep the counties whole as we continue to move through the development of the conservation plan. Again, as John indicated, the goal of today's presentation is to provide an update on where we are in the development of the plan. I'm not going to have all the details about it for you today. Our expectation is that we will have a preliminary draft of the conservation plan available this summer. So I'm going to do my best to answer your questions.

We've got folks who are working on the plan. Paul Cylinder is a lead consultant on the plan. We're going to try and answer your questions about it for the purposes of helping to provide good input into the EIR/EIS process. So why are we here today? As many folks are aware, native fish species in the Delta have experienced some record low populations, and that has threatened the reliability for water supplies for about 25 million Californians and hundreds of thousands of irrigated agriculture in the state.

Also, as many folks are aware, water naturally moves through the Delta through the Sacramento River...
strategy? What's our thinking to date on it? That includes this Chapter 3 up there, which is the conservation strategy, that's one chapter of an entire conservation plan.

As I mentioned earlier, there's really critical elements that still need to be developed, that will help make the plan successful. The focus of our plan, it's an aquatic conservation plan. The focus of our plan is on several threatened endangered fish species. I'm going to go into some detail on our approach to contributing to the recovery of those fish species.

We really based this plan on decades of science that have been developed through the CALFED process, and what we've done is, we've taken a look at what are the measures by which we can determine the effectiveness of the plan? What are our biological goals and objectives that will tell us when fish species are actually recovering as a result of the actions we're taking? That includes things like measurement of their survival, their distribution through the Delta system, their growth rate, their mortality. What we've done is identify the stressors on all of those things.

I mentioned earlier, I had a graphic example of the stress of water conveyance facilities and water flows on the fish species, but science is telling us that it's a much more complicated process for the fish. If we want to recover them, we're going to need to do other things, and that includes some of the stressors that we've identified, as a lack of suitable habitat for spawning and rearing of fish species, lack of food for fish species. Some of the other stresses include water quality, toxics in the water, presence of invasive species, all of these things taken together, need to be addressed if we are to achieve this goal of contributing to the recovery of species.

Again, I think the important message here is that we're looking at something that is more holistic, is more comprehensive to achieve the goals of this plan. So some of our ideas to date -- let's take the water conveyance facilities and their operations first. In the near term, we're looking at ways that we can help solve this issue in the Southern Delta, where water is moving through the Southern Delta and creating a problem for fish in a way that the water is being pulled down to the pumps. A couple of conservation measures that we identified, include putting gates in the channels that supply water to the pumps that can be opened and closed seasonally, depending on the presence of fish. That's something that we're looking at doing in the near term, that means in the next 5 to 15 years.

In the long term, we're looking at a canal. We're looking at adding diversion points off the Sacramento River, in the northern part of the Delta and a canal with an eastern alignment around the Delta that connects to the pumps.

There are several ways in which we are looking very intensely about how these facilities would be operated to help support the recovery of fish species. And in a general sense, in a conceptual sense, what we're looking at is this north/south movement of water that is currently dictated by the way we convey water from the Southern end of the Delta.

How do we create a situation that's more natural, that more naturally resemble the flow pattern of the estuary, and that's really an east/west movement of water. There are a couple of key operational measures that we're considering, which help us to answer this question. How much water does the estuary need? How much water do fish need? And the ways in which we are thinking about that is, what's called bypass flows. So how much water would we need to bypass a new diversion point to transport food, to provide enough volume, to maintain the right temperature of water, right salinity of water, as well as appropriate levels for migratory corridors for fish species.

We are also looking at out flows. How much water needs to be moving out into the San Francisco Bay? What's required to help fish species recover?

We are also looking at habitat restoration. As I mentioned before -- let me pause and make the point that, the notion is with all of these conservation measures, none of them individually will be as effective as if we did them all together. So what we're really looking at again, is a sweep of individual measures that are implemented systematically through time, together, to achieve this goal of recovery.

So we're looking at three different kinds of habitat restoration in the Delta. One is flood plain restoration, the other is tidal marsh restoration, that's growing cattails and tules, and the other is providing some restoration along the channel banks in the Delta.

What we're looking at right now is specific conservation measures in the Yolo bypass area, putting a notch in the Fremont Weir and diverting Sacramento River supplies so that we can inundate more frequently the flood plain in this area to provide spawning and rearing habitat for fish. We're also looking at, in the near term, in this 5- to 15-year time frame, tidal marsh restoration in the Cache Slough, in the Suisun Marsh and here in the Western Delta.
Over the longer term, in the next 15 years out, we're looking at restoration in the eastern portion of the Delta, here in the Southern portion of the Delta. In terms of channel margin restoration, that restoration of the banks along the banks in the Delta, we're looking at Steamboat and Sutter Sloughs in this area, some along the San Joaquin River, additional flood plane restoration in the San Joaquin River.

And common sense would tell us, if we're going through all this trouble of trying to determine how flows and habitat interact with events of fish, we sure don't want to be doing it in a place where there's invasive species that are either disrupting the food web or are predators for the fish species that we're trying to recover. So the key element of this is identifying conservation measures to more aggressively remove those species, for example, or address localized water quality issues that are impacting the survivability of the species. That will be -- those will be completed strategically throughout the Delta as we continue to identify the habitat restoration opportunities.

So where are we in this process? We've identified approximately 50 conservation measures that we are conducting further analysis on. This information is available on our website, that's www.resources.ca.gov.

There's several documents here. If you're interested in further reading, if you catch me after, I can make sure you've got all the right information.

Where we are is continuing to identify and analyze specific conservation measures that will make up this strategy. There are a lot of additional evaluation that we need to complete. We need to understand how cost effective these measures are. Critically important is, biological evaluations of these measures. What can we expect to achieve to -- (inaudible) -- species recovery?

How sure are we that we can achieve it?

Again, this process is based on the best available science. We are going to have some conservation measure where we have a fair amount of certainty, that if we do these actions it will achieve a particular level of recovery. Other measures we know less, and we will need to approach slightly differently. We also need to do an impact assessment. The impact of the facilities that I mentioned, the impact of the restoration, habitat restoration on endangered species and terrestrial species in our planning area.

Also, a key question is, how feasible is the implementation? How practical is it? When we get on the ground, can we do it? These are all critical questions that we need to answer as we continue to develop the plan. At the end of 2009, we will have a draft public plan, conservation plan, that will include this strategy.

Where we are in the process, today we're at scoping meetings, March, 2009. We're doing some ongoing outreach. We have steering committees, and every other week, those are open to the public. We invite folks to come and listen in on the discussion, make comments at the end of those meetings so that folks can get engaged and hear some of the ideas that are being considered.

Our expectation is that we will have a preliminary draft of the full conservation plan available this summer. We will take that plan out into the communities to help them understand what's in it and why, get some input on that plan. In advance of our expectations for a draft public plan, that we're required by law to release that plan, provide opportunities for comment and respond to those comments.

Our expectation is that we would have a final draft conservation plan in June of 2010. And as a result of that plan, and the state and federal fishery agencies would make decisions, permit decisions, to allow the operations of the state and federal water projects, based on the implementation of the conservation plan. And as folks have been reminded, we are here in the environmental review setting to provide scoping comments on alternatives, what impacts we need to analyze, how we need to analyze them.

The expectation is that we will have a draft EIR/EIS coming out at the same time as the draft conservation plan, a final EIR/EIS, at the same time we have the conservation plan. And the EIR/EIS will issue a record of decision on the plan.

So in summary, I just want to explain to folks, we are here today to provide our updated thinking on the conservation strategy, to provide some details and understanding of the approach taken to date, answer your questions about that approach, recognize in the process we are -- we will have a draft plan available this summer, and we want to get your input on that.

So with that, I think I will turn it over to Pam, she's our facilitator for today. And again, we've got Paul Cylinder, Paul Marshall here, who are wanting to take your questions about proposed actions. I'm sure some folks will have some comments on alternatives of those sorts of things. You're free to make them. We have a court reporter in the room who is capturing them. There's also an opportunity in the other room to provide your comments, detailed in writing to folks who will be capturing all of them.

So with that, I want to thank you very much for
PAM JONES: Again, my name is Pam Jones. I'm an independent moderator. I don't work for any of the agencies. And our goal for the Q and A session, is to make sure that anyone who wants to either make a comment or ask a question, has the opportunity to do so. It's about 2:20 right now. Our thought is to go till about an hour, to leave you time to make sure that once you've had the opportunity to think about some questions, that you make sure you go back in the next room and talk to the individuals one-on-one and really make your comments over there.

To get an idea of about how many people are going to speak, how many of you would like to speak? Okay. Go ahead and fill out the cards. I'm going to call them in order. What we're going to do, we're going to start with, if you're going to make -- or state a question, ask a question, go ahead and ask your question, and if you'd like to do a follow up, go ahead and do the follow-up.

If you're going to make a statement, let's try to keep it to about three minutes to start off with, it forces you to be concise. Looks like we'll have an opportunity later to go through and have a second round of questions or comments, if you would like to do that. But we have the folks up here to answer your questions, if they can't answer it, you have other folks you can refer to or you're going to -- okay. So first we have Joe Miamoto, East Bay Municipal Utilities District. Go ahead and use the center mic there.

MR. MIAMOTO: Okay. Again, my name is Joe Miamoto, East Bay MUD, and I want to thank you for the opportunity to provide public comment. I had already asked some questions during the webinar you had several weeks ago. So instead, I'd just like to focus on my comments based on my own observations of the public participation process.

East Bay MUD operates a fish hatchery on the Mokelumne River. For both -- (inaudible) -- salmon and steelhead, and the river also has naturally produced salmon and steelhead, which are covered species under the plan. And we hope that the plan addresses ways to improve the survival of salmon and steelhead from the Mokelumne River. Because under the current situation, we don't believe the run can be self sustained. And it has become even more important recently with the change of Fish and Game policies on egg transfers. No longer are they allowing surplus eggs from say, the Nimbus Hatchery to be imported into the Mokelumne Hatchery, so that means the Mokelumne has to be self-sufficient. And we know that based on coded wire tag studies by the Fish and Wildlife Service, survival rates on that side of the Delta are roughly one-third of what you would get in the Sacramento River. And it's so much so that, you know, the Delta cross-channel gates are operated to keep fish from entering that portion of the Delta.

So we hope that you would consider some structural fixes to keep salmon steelhead from the Mokelumne River from being entrained in the conveyance corridor that would include the South Fork of the Mokelumne River, middle river to the Victorian Canal. And again, I thank you for the opportunity to make comments.

PAM JONES: Daniel Jordan, Hoopa Valley Tribe.

DANIEL JORDAN: Good afternoon. I have a written statement, I'll leave for the record, if you'd like. I'll just briefly go through it. The Hoopa Valley Tribe is in Northern California on the Trinity River. We have the luxury of being the only river system that actually is diverted and into the Central Valley. The Trinity River delivers several hundred thousands acre feet to the Sacramento River. It affects the Sacramento. It also affects the Bay Delta and water is ultimately delivered to the west side of the San Joaquin River.

The Trinity River Division was originally authorized to divert only 56 percent of the flows from the Trinity River into the Central Valley. The federal government diverted 90 percent. As a result, about 80 percent of the Trinity River Fishery was destroyed. Jumping ahead -- just summarizing these are written in our document.

The CVPIA in 1992, had a provision -- (inaudible) -- of Section 3406, that said that the Secretary of Interior of the Hoopa Valley Tribe, should work with Fish and Wildlife Services and other agencies, work to establish a record of decision. We signed it in December 19, 2000, and it provided a readjustment in the flows by 268,000 acre back to Trinity River, as a trust obligation, conditioned upon a -- and that basically represented a 47 percent flow to the Trinity River, 53 percent continued to be going down to the Sacramento and into the Delta and San Joaquin Valley, but it was conditioned upon delivering a restoration program. Today that restoration program has pretty much been a failure. And we have court orders that say that the federal government is in a breach of responsibility to the Hoopa Tribe.

The Court of Appeals said that the restoration...
Finally, we’re all dealing with this problem. In 2007, we attempted to provide a legislative financial fix for the Trinity River, which was an alternative funding source. Unfortunately, the San Joaquin contractors and the Department of Interior opposed that, so we’re back to square one. So the Trinity, 323 of the CVPIA, says that the full funding for restoring the Trinity River shall be paid by the contractors, that is not being enforced today. It’s a matter of basically putting a provision in the contract.

So anyway, jumping forward, the Hoopa Tribe is faced with basically a dilemma for the Sacramento and Delta and the water delivery -- water contractors in San Joaquin, where we’re going to -- and we’re willing to enforce our contract. We’re willing to abide by the 53 percent of the -- (inaudible) -- provided that the United States fulfill its obligation to restore the Trinity River. Now, failing to do so, we expect our water back, which is going to affect the Sacramento. It’s going to affect the Delta, and it’s going to affect in the San Joaquin Valley. We have a list of recommendations for -- in our document -- the first four is basically to fully implement the record of decision. The contract that was signed with the Hoopa Valley Tribe, as per the congressional mandate.

Another part of it is, that we don’t know how the federal government operates with the tribe, with respect to CVP and the California Water Supply. We just was in a meeting with the regional director of the Bureau of Reclamation and Fish and Wildlife Service about two weeks ago, and we specifically asked about this subordination, and we didn’t get an answer for it.

So one of the problems with California Water Supply is that the 1937 CVP requires the delivery of water to California Indian tribes, yet there is not one contract. So when the United States starts abiding by structural responsibility, those tribes are going to want California water supply. And it’s going to come out of the Delta supply, and it’s going to come out of Sacramento and that needs to be addressed by the federal government as a trustee, because it’s going to affect the water supply here.

There’s another provision in the 1955 Trinity River Act, that says that another 50,000 acre feet, that over and above the record of decision posed, is deliverable to the Trinity River. We expect the Delta plan to consider that and provide that 50,000 acre feet over and above and back to the Trinity River for fulfilling that legal obligation.

Finally, we’re all dealing with this problem.
After 30 years in the water industry, also as a former director at Irvine Water District, but these are my personal comments. I want the record to reflect that.

PIERCE SWAN: Yes. I'm Pierce Swan. I am a director at Irvine Water District, but these are my personal comments. I want the record to reflect that.

After 30 years in the water industry, also as a former director of MWD and a number of other aspects and other organizations. I was not aware right up front that the EIR/EIS process has selected a preferred alternative for the Delta, and yet you appear to be most certainly planning on the east side diversion, and it shows in your printed material. And I'm wondering if you got a little bit in front of the cart, or the cart a little in front of the horses, in doing so, and if you are, you know, coming up with a BDCP that's predicated on an east side alignment, assuming that the people who divert water want to drink the sewage, you know, basically from the Sac Regional Plant, because the intake is right below it. I'm just wondering, so has the EIR/EIS process, you know, come up with a preferred alternative that I'm not aware of.

KARLA NEMETH: No, it hasn't. But it's a really important question, and I'm glad you asked it, because there's a distinction that I want to make. In conservation planning one of the things that we need to do is come up with an overall strategy, and we need to assess the impacts of that overall strategy on biological resources. It's more narrow. And so in order to do that, as part of the plan, we need to have and have the discretion to pick, the kinds of facilities that we think we need to achieve the recovery of water supply objectives of the plan. This, as a package, is part of the environmental review process, as a proposed action where all kinds of alignments -- if you go to the other room, you'll see there's lots of different alignments, and the EIR/EIS has not picked a preferred action, so we're -- we're early in the EIR/EIS process, but that's why you're seeing that on the map.

PIERCE SWAN: I just want to point out that one of the concerns that my fellows from East Bay Municipal Utility District did is, you know, when they're pumping from their diversion -- their new diversion or new planned diversion, that they wanted to make sure that they were not pumping sewage back into their diversion point, so they were very careful in that, and yet you know, the east side thing, is -- takes it all. And if that's the case, and you're doing the planning, I want to know that you're looking at the impacts of introducing that amount of ammonia, in all the east side tributaries, you know, into the structure that you're planning on doing the analysis of what that will do, what the endocrine disrupters and all the other, you know, things would be to all the fish and wildlife on the east side of the Delta that don't necessarily get that flow at this point in time; is that being taken into consideration?

PAUL CYLINDER: Absolutely. I'm not quite clear what you're asking about introducing into the east side. We're not connected to the east side at all in this case. It's a facility that would -- that would be isolated and convey water to the south Delta.

PIERCE SWAN: So the original peripheral canal...
that I worked on back in the early '80s had the points
where they released water into each of the tributaries;
that is no longer in the planning?

PAUL CYLINDER: It's not part of the
alternatives that we've been looking at. Well, actually,
there were earlier scenarios that we looked at that
included all of these different scenarios that have been
looked at in the past, and we certainly worked through
discussions on a lot of those different approaches, but
the approach you see here does not include that.

PIERCE SWAN: And in your earlier comments you
mentioned that the two big diverters from -- and there's
no argument that there's two big diverters, but there's
also, you know, three others that are in that area and
then there's the Delta itself, and I'm sure all of those
in there -- discharges are being considered in the BDCP?
I have not followed it that closely, so...

KARLA NEMETH: Absolutely. Thank you for your
comments. That was very helpful.

PIERCE SWAN: Thank you very much.

PAM JONES: Okay. Ben Swan, CEM Engineering,
and then Tim Newarth.

BEN SWAN: Ben Swan, CEM Engineering. I'm not
representing CEM. I'm not related to Pierce Swan either.
I'm actually from Northern California, here in
Sacramento. We're actually fine with sending our waste
to Southern California.

UNIDENTIFIED SPEAKER: Yeah, we've been taking
your shit for years.

(Audience laughter.)

BEN SWAN: I actually asked this question next
door, and they told me to bring it over here and ask you
guys. The San Joaquin River is on a restoration course
or a collision course restoration similar to the BDCP,
what's being done to coordinate those two efforts as you
move forward?

PAUL CYLINDER: You know in many ways, it's
been in separation of where we're focused and where the
San Joaquin program is focused, so geographically we're
not touching what the San Joaquin Program is dealing
with, in terms of habitat restoration. We're focusing on
the legal Delta as our boundary. In terms of flows from
the San Joaquin River, we're allowing that program to
identify what the flow will be. So it's basically a
matter of coordination through keeping ourselves as close
as we can, to look over to planning, but as close
as we can with regard to assessing the outcomes for water
supply and for fisheries from the activities.

PAM JONES: Tim Newarth, and then Linda Dorn,
Sacramento Regional County Sanitation District.

TIM NEWARTH: Can we put up your slide with
the conveyance and all that? I'd appreciate it if you
could. Do you have the bigger one? Yeah, I think that's
the one. There you go. That's close enough. My name is
Tim Newarth, Delta resident and farmer. My family is a
long-term people in the Delta. I brought this up before,
and I continue to bring it up. And I know you've all
heard me in front, but it's a new crowd and a new day.
You guys are doing the same thing, right?

(Audience laughter.)

TIM NEWARTH: We're talking about a conveyance
system that's going to take water from the northern part
of the Delta, take it around the outside, and take it
down to the pumps down in -- (inaudible) -- and the
associates area.

Right now the river is flowing somewhere around
15,000 cubic feet a second. It was flowing lower than
that around 13,000 before we had this rain event that we
had in the last month. The system that you're intending
to build carries -- is designed between 15,000 and 25,000
cubic feet a second. So my question is, is that if we're
going to take -- and my comment -- if we're going to take
that much water out of the top of the Delta and take it
around and shove it down at the bottom, where is all this
water coming from?

We've got other issues with takes from the
river, as far as these valleys are concerned. Sacramento
has just installed a new take system. We have issues
with the sewage treatment plant, discharging water that
is not of the quality it is supposed to be in the first
place, as it relates to ammonia is the big issue these
days. And the more water we take out of the Delta, the
more depleted and the more undiluted it becomes. The
Delta is a very precious ecological resource that has a
lot more to do with than just fish, and I understand
we're after the fish. Okay. Fine. But we've got flora
and fauna. We have bird species. We have all kinds of
things in the Delta that relate to the Delta.

The Delta is the Delta because of water.
Without the water, it's ceases to become a Delta. It
becomes a dried up, or whatever, and we're tweaking with
the system that has been tweaked with and tweaked with
and tweaked with, and now we're going to do a big one.
And I don't think anybody really knows what the long-term
consequences of that is going to be. You can put up
whatever kind of models you want to put up, as the other
gentlemen said from up north, you know, they've got a
restoration project up there that has had no affect on
any restoration whatsoever. There's issues with
availability of funds to do these things, so on and so
forth, but we're assuming this is all going to work.

Secondarily, I've heard lately that we're only going to pump this water out of the Delta, from the north end, when there's adequate flows to do that. Well, last year there weren't any flows to do that with. We're in a drought cycle, and I think this drought cycle is more the norm in the coming years, rather than the exception.

So if we don't have the flows to make this system work in the first place, we're spending billions upon billions upon billions on something that may or may not work and may or may not be workable, depending on the flows coming down the river in the first place. This past rain event we've had, maybe a month of higher than normal water, a month. So is this system going to operate two months out of the year, at best, maybe some years not even operate at all, but yet we're going through all this to do that. This does not pass a common sense test with me, personally. It just doesn't pass the common sense test.

You talk about altered hydrodynamics, water movement and interaction with canal beds and banks, and it does not provide the proper nutrients, water temperatures, water volumes, water speed, or water depth, to support fish species.

So if we're going to alter hydrologically the water flows that are already going through the Delta, how is that going to be a positive in regards to fish species, or wildlife species, bird species, or anything else, not to mention the people who live there and work there in the agriculture element of the Delta?

All I see is this being a way to get clean water down South and to make up for what the San Joaquin River does not supply any longer and probably will not supply in the future, unless you've got more water storage. You've got to have water storage to put in this canal and you've got to have water storage when it leaves the canal, neither of which has been provided for. So we build a ditch and we have no water to put in it. It doesn't make sense to me. Thank you.

KARLA NEMETH: Thanks, Tim. I think Tim made several good points that I do want to address. And there's a first point of clarity. The canal that we're contemplating, in terms of capacity, is 15,000 cubic feet per second, and that's the existing capacity of the pumps. The point of contemplating these kinds of facilities is how do we operate them more flexibly so that we can meet the demands, we can optimize the need for water supply reliability with these fish species recovery, so that we are -- let me just make another point of clarification -- what will come out of the plan.
KARLA NEMETH: Thank you folks for coming out. It's good to see you all here. Thanks again.

(Whereupon the meeting was adjourned at 2:48 p.m.)

--oOo--
BUREAU OF RECLAMATION

--o0o--

BAY DELTA CONSERVATION PLAN MEETINGS

PUBLIC COMMENTS ONLY

FOR:

STOCKTON
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
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 precipitously to consider only an isolated conveyance as a solution to the Delta's challenges. And we think it is a terrible mistake to invest time and resources in planning for more of the kind of infrastructure that has already created unrealistic expectations about water availability and reliability statewide. The state should be putting these resources and efforts toward regional self-sufficiency and the most flexible, resilient systems possible in order to confront unknown
conditions in the future. Thank you.

Chair: John, and then Dante Nomellini.

Mr. Studarus: First of all, I'd like to say that I agree completely with the prior statements. Another statement that I would like to present to the governing boards, or whoever, is that in the Sacramento Bee and a lot of the other publications, we've been seeing a lot of statements about the dangers of the levees subsiding in the Delta. The numbers that I have seen are 50 levees failing, and 20 islands flooding if there's a 6.5 earthquake in the Bay Area. In almost 100 years of Delta levees, there's not been one levee that has failed due to an earthquake. That also includes the 1989 earthquake that was 6.9 to 7.1 on the Richter scale that was in San Francisco. Still no levees failed. The water in the Delta, the quality of the water in the Delta for the fish, the wildlife,
and for the humans cannot be improved by
taking it out at a higher spot and making the
Delta more of a cesspool.

Mr. Nomellini: I'm Dante John Nomellini. I'm one of the
attorneys for the Central Delta Water Agency.
I share this pessimistic view of your process.
In my opinion, this is a preconceived
objective to build a peripheral canal. And
all of these studies that you've developed
are all tainted. And they present a
difficulty for any decision-maker to make an
honest decision, because you've corrupted the
science. Now, one of the basic premises on
which water was shipped south in California
was the promise that you would only take
surplus water. The state water project, as I
hope you all know now, was to develop
5-million acre feet on north coast rivers.
It was not developed. The state water
project today is still dealing with an

Re: Stockton Public Comments
entitlement of 4 and a quarter million acre
feet. You have no supply for the state water
project. Similarly, there's a lack of supply
identified for the San Luis unit. Those
shortages are on top of the shortages that
exist in Northern California watersheds. I
think your studies ought to deeply investigate
the availability of water. You can see what
happened in February when the projects could
not meet the X2 requirement. We were in the
beginning of the third year of perhaps a
six-year dry cycle. We couldn't even make it
through this process. So I think you should
look at the availability of water. Northern
California has the right to recapture the
water back from the projects. That's clear
in the law. It's liable to happen as time
goes on. And therefore, you should make a
realistic determination of how much surplus
water there is available for export.
Determine what type of mechanism you need to work with in a range of alternatives of what water might be available. There's not 15,000 cubic feet per second that's going to be exported through an isolated facility as time goes on. We support strongly the concept of self-sufficiency, particularly in the urban areas. The earthquake scenario that's been set up in your dream study, in my opinion, is not valid. It's an overstatement of what actually is the risk. The problem with it, it's only one part of the earthquake threat to your water facilities. You should recognize the aqueducts, the pumping plants, the pipelines are all more vulnerable to earthquake than the Delta. So self-sufficiency. Make our urban areas more reliant on their own resources. Desalting. Practice water recycling. Reclamation. That's the way we're going to have to go.
Because the water does not exist in this watershed. Thank you.

Chair: Thank you. David Hurley, and then John Herrick.

Mr. Hurley: Thank you. I'm David Hurley. I watched the movie Chinatown this last week, a 1973 film noir classic. And so I did a little study on the history of L.A. and water use. And in 1860, L.A. was able to -- with 6 percent of the habitable land in the state, but .06 hundreds of the available water, they were able to sustain themselves with diversions from their local canals. Within a generation, they pumped out all the artesian wells and the local streams were mined. So as we know, in 1900, a group of investors prepared a $25 million dollar water bond and that was to take water from the Owens Valley. On the eve of that water bond, the city of L.A. went to rationing. Of
course, the water bond passed, and a 238-mile canal was brought from the Owens Valley. But it never reached the City of Los Angeles. It only made it to the edge of the San Fernando Valley. And so that water never made it into the city of L.A., and L.A. still was in a shortage. So the next step was to go to the Colorado River, which required a 400-mile aqueduct to be built. And that water made it to the city, but that wasn't enough. In the next subsequent period of time, there were two additional extensions of the Owens Valley up into Mono Lake. But that still wasn't enough. So in the 1950's, water became -- coming from the state water project. At first, it was 1-million acre feet, then it was 1.7, 3-million acre feet, 4-million acre feet, and currently, 7-million acre feet. I think we're like a squirrel on a treadmill that's running around. And all we're

Re: Stockton Public Comments
proposing is to add more to the structure without looking at the history of where we've been. If we continue to do what we call now an alternative conveyance instead of calling it what it is, which is a peripheral canal, we're going to stay on that treadmill. And we can say that it's -- we're doing this for conservation. But conservation and exports have never been in conjunction with each other. It's either exports or it is conservation. So please take this into consideration. Look at the history of what has gone on. We know what happened to the Owens Valley. And we can see what would happen to the Delta if this was to take place. Thank you.

Chair: John, and then Dante Nomellini, Junior.

Mr. Herrick: My name is John Herrick. I'm the attorney for the South Delta Walter Agency. The prior commenters have expressed it pretty good.
But let me just make a couple of points. We don't think it's appropriate or legal to ask for scoping comments on a project that has not yet been clearly defined. The purpose of scoping is to get input on what people think you should examine for a specified project. Right now, the project is we want to move forward with investigations, and then decide on something later. So we think that's inadequate. The major problem with the BDCP process is that rather than seeking to develop habitat conservation plans to protect fisheries or the environment, it's an effort to protect species and the environment and having minimum amount of exports. Now, that's not my opinion. We all know that's the studies that have been done. The preliminary modeling. And if any modeling or studying results in, I don't know what it is, somewhere less than 6-million
acre feet average annual exports, then it is discarded and we move on to some other proposal. Now, the fact that the fishery agencies would be involved in a process that has as a starting point a minimum amount of exports before they have determined how much water is available in the system, as Dante recognized, is just inexcusable. Because the result of the process by which you determine what is protective of fish may result in you saying there's only 2-million acre feet available average annual. So if you have a starting process that is to protect exports in a habitat conservation plan, we believe you're in violation of the law. Dante briefly talked about the February incident. And I just want to highlight that. Because as you're examining the impacts of these proposed actions, you have to explain to us how future operations will be regulated. The
outflow in February was 4,000 CFS below the standard. The existing standard. Without any releases from upstream reservoirs, exports were 4,000 CFS. So the current process chose to violate the permits rather than protect the fish. So how do you model future operations if current operations are choices contrary to permit conditions and not even enforced by the State Water Resources Control Board? Finally, let me just remind you that 15,000 CFS canal assumes that you can use 15,000 CFS of the export pumps at the state and federal project. That's not permitted now. And federal law says you can only -- once you go up, increase in exports, the bureau has to have figured out how it's going to meet all of its water quality obligations on the San Joaquin River, and decrease its use of new Melones. (phonetic) that's entirely absent from this.

Re: Stockton Public Comments
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.

Re: Stockton Public Comments
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

Re: Stockton Public Comments
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

Re: Stockton Public Comments
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 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

Re: Stockton Public Comments
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.

Re: Stockton Public Comments
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

Re: Stockton Public Comments
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

Re: Stockton Public Comments
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 came 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 statutorial
changes that allow the latitude that agencies
have been freed to take in the interest of
the public good, which sometimes is

Re: Stockton Public Comments
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?

Re: Stockton Public Comments
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

Re: Stockton Public Comments
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,

Re: Stockton Public Comments
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.

Re: Stockton Public Comments
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. 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

Re: Stockton Public Comments
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

Re: Stockton Public Comments
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

Re: Stockton Public Comments
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.

Re: Stockton Public Comments
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

Re: Stockton Public Comments
west end. But we're pretty much just going to take it from the Delta." And then you guys are saying Sacramento River. So you're just -- I mean, what are you going to do when you're taking all that water? I mean, it's got to affect the environment. I mean, even if you do all those floods --

Chair: Wesley, I'm going to ask you to wrap it up now. And I'm also going to ask you -- we have five or six -- five -- three or four more. We're about twenty minutes overdue. Will you stay until 9:00 and answer these questions? Okay. So I'm going to ask Richard Robertson, and then Tim Neuharth.

Ms. Nemeth: You know, I do want to respond to some of the issues raised, because I think there are some misconceptions. And I get that there is a ton of skepticism in this room. I mean, that's to put it mildly. I do understand that. But there are a couple of things that
I think we all need to remember. That this isn't about water simply for Southern California. There's a lot of folks up and down the state -- there's a lot of folks up and down the state that rely on water that's currently conveyed through the Delta. And it's important that we recognize all of that.

Audience: We were here first.

Ms. Nemeth: Fair enough. Fair enough. I just want to explain that it is water for folks throughout the state, Bay Area included. So it's not simply a north/south issue. But I appreciate the sentiment and the skepticism absolutely. The second piece of it is, absolutely flow issues are important. And when we're considering a canal as part of this plan, as part of this conservation plan, we are looking at a couple of aspects of it that are essential to helping species recover. And that is simply reducing fish that get trapped
currently in the pumps. Folks mentioned fish screens. And there are ways to do that with fish screens. The other piece of that is flows and how flows move through the Delta in terms of bypassing any new diversion to keep -- to deal with that issue of fish getting trapped in the screens. But it's also about how water moves through the Delta in terms of several aspects of its quality, in terms of its turbidity, in terms of its solidity, the direction that it's moving, its temperature, its volume. All of those things are key parts to the puzzle, and they are things that we are examining as part of this plan. And again, I appreciate the kinds of comments and the skepticism. But I do want to make sure that folks understand that all of this is a part of the analysis moving forward.

Mr. Robertson: Hi everybody. I'm from ground zero.
I don't talk real well until I get going.
Okay? Okay. We know this pipeline is going to go in. They're talking about how much saltwater is in the Delta. I brought this up last time. I was at the Brentwood meeting. It was interesting. Anyway. Sherman Island. October. Week before duck season. Jellyfish in Sherman Island. How about that? That's a saltwater species. Okay. Walnut Grove. December. No water coming into the Delta. Everybody who lives on the water knows that. Flounders. Two days, three days of three and four-pound flounders at Walnut Grove. Another saltwater species. These are all environmental little guys that aren't supposed to be here. That's how bad the water is in the Delta right now. No flow coming into the Delta. Zero. Behind our docks, I have a harbor. We saw three feet of water of no water. We still see two feet of
no water. Some water come into the Delta. We got a little bit of rain. This water quality is crap. The east bay, East Contra Water District is moving their pumps to beyond Disco Bay. The water coming into Rock Slough is bad. They know it. And they supply a lot of water to -- East Contra County, Diablo Water, East Contra Costa Water District, these all are impacted by this bad flow of water. And they're going to be taking the water out of the Sacramento River before it even gets to the Delta. Impact on islands. Water is going to -- the pipeline is going to be underground that we're never going to see how much water is going down. It's going to go by the Deepwater Channel, come across Twitchell, come across Three-Mile Slough, come across Bradford, come across Bethel Island, come across Jersey Island, and go all the way to

Re: Stockton Public Comments
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

Re: Stockton Public Comments
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 Neuhrath 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

Re: Stockton Public Comments
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

Re: Stockton Public Comments
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

Re: Stockton Public Comments
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 McTaggert.

Ms. McTaggert: My name is Mary McTaggert. 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. McTaggert: 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. McTaggert: 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. McTaggert: 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.

Re: Stockton Public Comments
Was that being -- has that been considered in your process?

Ms. Nemeth: I think we want input on all those kinds of alternatives.

Ms. McTaggert: No. The question is, has it been considered?

Ms. Nemeth: It is being considered. Absolutely.

Ms. McTaggert: Is it?

Ms. Nemeth: It is. Absolutely.

Ms. McTaggert: Okay.

Ms. Nemeth: That's why we're here tonight.

Ms. McTaggert: I'll look to see it somewhere, then, in print. Maybe you can give me that.

Ms. Nemeth: Yeah.

Ms. McTaggert: 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. McTaggert: 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. McTaggert: 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. McTaggert: Where are the limits?

Mr. Cylinder: Well, that will be described in the document.

Ms. McTaggert: 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. McTaggert: 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. McTaggert: Well, I -- I don't know. No.

Mr. Cylinder: Did you want me to answer the question about the funding?

Ms. McTaggert: 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. McTaggert: So how will that --

Chair: Mary, could you make a concluding comment, and then you can carry on the conversation.

Ms. McTaggert: 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.)

--o0o--
CERTIFICATE OF REPORTER

I, JAMIE LYNNE GUILES, a Certified Shorthand Reporter of the State of California, License No. 8086, do hereby certify:

That said proceedings were recorded in stenographic shorthand by me, a Certified Shorthand Reporter, at the time and place herein stated, and were thereafter reduced to typewriting under my direction, and that the transcript is a true record of the proceedings;

That I am not of counsel or attorney for any of the parties hereto, or in any way interested in the event of this cause, and that I am not related to any of the parties hereto.

WITNESS MY HAND this 17th day of April, 2009.

_________________________
JAMIE LYNNE GUILES, C.S.R.
License No. 8086
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
ATTACHMENTS:

BDCP Speaker Card - EIR/EIS Scoping Meeting:
Name: Woody Alspaugh
Affiliation: "Citizen" Alspaugh Foundation
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