Public Comment

CALFED Bay-Delta Program Public Meeting 7/29/96

1. Alex Hildebrand

As many of you know, I am a farmer. I am also an engineer and a director of the South Delta Water Agency, but I'm here today as a member of BDAC. Under the competent guidance of Lester Snow, a lot of progress has been made as you've just heard, and I don't want my comments today to appear to reflect on any individual. I do believe that some policy guidance is needed in this process. Gov. Wilson, in his policy statement some time ago, made it very clear that the water needs of agriculture, environment and urban - should be equally addressed in our management of the water supplies of the state. But, I don't believe that's what is happening, whether intentional or not. The programs that have presented to you have been laced with numerous schemes for transferring both water and land away from agriculture for other uses. Starting at the top here - I would observe that it will always take more water to grow food for the public than to take care of the publics other needs. Yet the Dept of Agri is notably absent from your front table here. Even the Corps managed to get in without being members, but the Dept of Agriculture is not. Other things that make us nervous are that - although Lester has backed away from it - earlier it was proposed to take 2 maf water from agriculture with permanent fallowing agricultural land. Although that is no longer the plan, it makes us nervous that it even got on the table. We still hear the idea that although municipal industries must have a reliable source of water - even in dry years, somehow its okay to provide that reliability by taking water away from agriculture during dry years - dry year fallowing. What happens then, regardless of whether you have willing sellers or shut it down by some other means, what happens to the agriculture employment - the rural economy to handling the agricultural dept to maintaining the food processing industries and all the other service industries that go with agriculture. They just can't shut down for several years during a drought and then start up again, any more than can be done if you're making computer chips. There is an attitude here that somehow its okay to bash agriculture and take care of other needs by so doing. This is very worrisome. We have about 3 times as many people in CA as when Friant Dam was finished. We have 12 times as many people as when I was born. We have 90m more people to feed on a world-wide basis. We have 3m more people to feed in the United States every year. Its forecast that within the lifetime of many people in this room - we have 50m Californians to feed, yet, . destroying the salt balance in the S.J. Valley, but yet that ultimately put a large segment of our food production out of business - it just takes awhile to do it. We are continuing to reduce the allocation of water to grow food on a per capita basis in a rather substantial manner, decade to decade. Yet the proposals you have before you will exacerbate that process and it seems to me that is inappropriate for the CALFED process to ignore this problem. So I leave you with the question of what is the policy of this committee with regard to the maintenance of our ability to produce food for this growing population.

2. Joe Horn

I'm a member of a grass roots organization called "Citizens for Safe Drinking Water." I'm also a member of West Delta Chapter of the Striped Bass Assoc. I'm concerned about the isolated facility that we keep talking about. As it will take the rest of the fresh water that we have in the north and bypass it around the discharge point from the valley drain to the grasslands. Its it the process of turning into mud slough. I don't know what this impact will be with the fresh water loss in the Delta. The general plan was that there was going to be some agricultural land in the San Joaquin Valley taken out of production. But now it seems that the land down there is too expensive to take out of production - but the delta can stand to afford a 1m af storage area, which is going to take agricultural land out of our production. And I don't think that the Delta wants to be the next Owens Valley for the City of Los Angeles or for the farmers in the San Joaquin Valley.

3. George Bayse

Attorney for the North Delta Water Agency - I'm here to express concern in behalf of the North Delta areas the suggestion that seems to be surfacing that existing leveed lands in the North Delta lands should be restored to tidal action. This is a great concern since from the stand point of the North Delta that land - most of those islands of have not been subject to tidal action certainly for 80 - 90 years, probably not within the history of the Delta. Those islands had natural channels that had banks like the Sac River that were above tidal action. They had to be reclaimed to protect them, not from tidal overflow, but from flood water. The remnants of those tidal island banks still exist - they're called channel islands now. They were cut off in many cases from the islands that had points that were not worth reclaiming so that the dredge that created the flood control levee which provided protection against the flood waters, cut off a piece of the natural bank and left it in the channel. Those channel islands still exist and are clearly above tidal water. The North Delta has to ask that this concept has to be put aside and that you not consider flooding - which we have to call it - North Delta islands that have been subject to tidal or flood waters except for emergencies for 90 years or more, should not be subjected to tidal overflow. If that were the case the economic base of Walnut Grove, Isleton, Rio Vista, and Sacramento County would be drastically impaired. We submit that should not be done for the benefit of fixing the Delta so- called for export of water. So that we urge that the this concept of so-called restoring North Delta islands to tidal overflow would not be pursued.

4. Greg Thomas

From Natural Heritage Institute - I'm pleased to have an opportunity to addresses the CALFED parent agencies that its seems a critical juncture in this process. As you know NHI supports this process. It is a remarkable undertaking when you think that this large scale planning process is not mandated law and not exactly authorized by law - and what its authorized to do, is take this shared common resource to a stage beyond legal mandates and plan for its long term future. That is very heady and very difficult, but it is at bottom really only a planning process and it is the current agencies in the end are going to be imposed with the burden of implementing the recommendations that come out of this process. It is important in light of that the agencies

consider and resolve in their own thinking whether or not the alternatives as they are now set up sufficiently broad. In part because the definition of alternatives in an EIR process, as you know so well, largely defines the scope of inquiry downstream. Its a point of no return in the sense that its always feasible in fact and part of the process to narrow alternatives as you but its very difficult to expand those alternatives. We shouldn't start this process with the notion that we have all the answers. Instead let's start with the process with the appropriate set of questions and that's of some concern to us with respect to the way the environmental or ecosystem restoration component is set-up. It does not appear to us that an effort has yet been made to define an environmentally optimal alternative within this process in a way that we think it should done. As Lester pointed out, I understand the rationale and I'm not unsympathetic to it - but the alter as they are configured now, are configured around three different options for water conveyance and export with the other components being regarded as common elements as though they are generic to those three facility options. In the case of ecosystem restoration, I'm not sure that the right place to begin. The problem is essentially this: The major constraint on ecosystem restoration as reflected in the common element is the pre-conception if I can use that term - that the only future for the Delta that is worth considering is one where the Delta levee system would remain intact as it is now with set-backs, maybe re-constructed to put it more fairly - in order to create a certain amount of shallow water habitat on the fringe and if you look at pages of 50-51 on preliminary phase alternatives you get a good idea of the order of magnitude that this would allow for. 8-12k acres of existing leveed land returned to tidal action, perhaps another 15k acres of new tidal wetlands elsewhere in the estuary in sum, something in the neighborhood of 25k acres. That leads to a question of whether or not that is the highest possible aiming point for environmental restoration to begin this process with, or to begin Phase II with. Now I'm not suggesting, and I want to be clear about this that the environmental component should be emphasized at the expense of the other four components. Far from it. We think there is potential for considerably more aggressive ecosystem restoration program, while fully satisfying the other three CALFED objectives - the water quality objective, the water supply reliability objective and the reduction of vulnerability to system failure. Really the question we're asking is what is the potential for returning the Delta to a Delta, instead a complex of diked farmlands? So this in our view raises a number of questions that need to be a part of the Phase II activity and in our view point are notably lacking from the list of issues that Lester was describing before.

1. What is the long-term maintainability or viability of these Delta levees? Is it realistic to expect them to remain in place indefinitely and to develop a entire planning process around that predicate?

> There may be a serious concern here, and we don't know just how serious this concern is, but that is why it needs to be a part of this process. These levees have been there for quite awhile and have been built up over time as these islands have subsided, and are built in an active earthquake zone. DWR did a review of some literature on this question of seismic vulnerability for the BDOC process, and the report is actually a little unnerving. This is the report called "Review of Seismic Stability Issues for Sac/S.J.

Levees." DWR did a problematic risk analysis, and on page 15 of this document it indicates that there is a 50% chance of a seismic event within the next 30 years of sufficient magnitude to cause levee failures that would flood perhaps ½ of the Delta islands. Now if that is even close to right, that is something that should be a serious concern to a long-term planning process like this one that is the only one we are going to see in our life - times for this particular resource. (Read again) That is a problem for all stakeholders, I would submit, and a problem for the farmers in the Delta, if this is anywhere near close to accurate. These lands once flooded to that extent, may not be recoverable. Problem for the ecosystem, because in their present subsided state, those flooded areas would provide open water habitat of no great habitat value, and it obviously be a disruption of the states' water supply as well. To be sure - the DWR information is based on very broad bands of uncertainty as to how this peat soils respond to seismic events, and the document is candid on that. But as I say, what we are trying to do is ask the right question, not necessarily start with the presumption that we know the right answer. Is there a better scenario? We think there may well be, that would be a gradual phased gradual acquisition and then restoration of these subsided areas, maintaining the levees until they're restored and then breaching them to provide what could be a vast mosaic of tidal wetland habitats, upland habitats, riparian habitats, and so on. A mosaic that could well include continuation of Delta agriculture and the production of crops of which waterfowl would depend - we don't know what that looks like yet. The point is, let's not start with a limited vision, when a much more ambitious vision seems to warrant consideration. The amount of land that we think is worth considering for some sort of restoration activity, could be as much as 350k acres. Somewhere between the 25k acres that is in the CALFED program and the 350k acres we suspect would find an optimum and this process ought to be concerned with finding that optimum. But this leads to the next question ...

2. What's the feasibility and cost of restoring the subsided islands that are now protected by these levees?

We are talking about land that has subsided any where from a few feet to as much as 20 feet in some places over 80 yrs that they have been in this diked condition. Again, that is the question and we don't know the answer, and it is important that answer be pursued in this process. We have done some preliminary work discussing this proposition with wetland restoration experts throughout the county. The situation is basically is unprecedented in scale to be sure, but its not a problem that is not unprecedented in kind. Without very much effort at all we've found about a dozen experts working on various restoration programs that involve this same kind of challenge.

Lots of possible things to consider - use of dredged soil, use of biological fill, use of scenario where we simply grow back the soils up to a level where this kind of scenario would be possible. Now bear in mind we talking about a long-term, gradual phased approach. It isn't something that will be accomplished overnight. Isn't that what this process is to be considering. And what's more - its now or never for restoration of this

sort. These lands continue to subside and will continue to subside, the challenge in maintaining the levees will grow ever larger, the cost of doing so will grow ever larger. There's never going to be a better time than now to begin thinking about, and planning about a restoration program of this sort. If we don't, we'll miss the option.

3. What is the feasibility of a voluntary acquisition program that would be designed to allow those diked farmlands, over time to come into public ownership for the purposes of such a restoration program?

Question of feasibility of acquisition, and on this point let me emphasize we're not seeking to pick a fight with anybody with this set of questions we're asking including George's clients or anybody else. Let me emphasize what we think CALFED ought to be looking at here, not a forced sale program at all, what we're talking about is if this seismic threat is as large as it appears to be, providing something in the nature of a life-line to the Delta agriculturalists, wherein they would have the option of selling their land at fair market value to a public entity that would undertake this kind of restoration program. A voluntary program that creates options for a segment of your constituency that is at risk at status quo. The degree of feasibility of that element also needs to be investigated and discussed- we need a serious dialog about that within this process. We've already started this process of dialog and believe it can be fruitful.

In conclusion, what do we believe CALFED parent agencies do?? - WE believe first of all you should satisfy yourself at this stage that the range of alternatives is set-up appropriately - this is a programmatic EIS to the extent that it is adequate in its execution, and that is provides a document that can be tiered off of in NEPA/CEQA parlance, in complying with the environmental planning responsibilities for the implementation actions - that's going to fall on you the parent agencies, and its very much in your interest to make sure that the this issue is satisfactorily resolved in that regard. We believe you should assure that the Phase II process is set-up to seriously investigate the extent of tidal wetland habitat restoration that could take place, that could feasibly be accomplished while also let me emphasize, fully accomplish the other CALFED objectives. NHI, as you know, has developed a sketch of such an alternative, that satisfies all the alternatives simultaneously and is much more ambitious in terms of this component and set-up the appropriate technical workshops to look at the degree of seismic risk, the extent to which the islands can be restored, the types of approaches and institutions that would work in terms of a voluntary acquisition program. So I leave you with those thoughts. Thank you.

5. Ed Steffani

I'd first like to start by supporting my dear friend Alex Hildebrand. His statements about the need to have agriculture more represented and more a part of this process is correct. I also support Alex with his desire that the CALFED solution address the salt problem - the S.J. River

salt problem. We've got to stop ducking that. You can't solve the overall problem by ignoring the salt problem.

Stockton East believes that a through Delta only solution is no solution. It doesn't answer the seismic questions that were mentioned a few minutes ago, it doesn't solve the fish problem. Stockton East favors a combination solution - through Delta and isolated facility. What kind of isolated facility - you're talking now about what used to be the old peripheral canal - I'd better not call it that, but it looks strangely like it - We think the canal should be shifted a bit further to the East so that it could avoid the seismic and flood problems, and so that it could function for more people. You probably know that Sac Co, EBMUD and Eastern San Joaquin Co have been working for some time to find a way to do a project that would be good for all of us. We are looking at a conveyance facility that would roughly follow the old Folsom South route. It may not be connected to Nimbus - we understand the Sacramento concerns about that, but if we're going to the trouble of building a huge conveyance system down the east side, why not make it a little larger and put you guys into it. As I say these things I'm threading on thin ice, I know how my friends Alex and Dante Nomellini feel about any kind of isolated facility, and you guys do too - they don't want any isolated facility. They will accept no assurances because they don't believe it is possible to have an ironclad assurance, that's why they want everyone in the common pool, so that if something goes wrong in the Delta, everyone must jump in and fix it. I'm wondering if there isn't a way to do this without putting everyone into the common pool. If you had one or two relatively large M &I agencies that had to take water out of the Delta, no matter what - wouldn't that be the ironclad assurance that Dante Nomellini is looking for? It seems like we're always talking about everyone being in the pool or everybody being out of the pool, but I'm not sure if we're talking about leaving someone in. Let's start with Contra Costa Co. - I know Sunne McPeak really likes the idea of a common pool, we could require that CCC would build the plumbing so that CCC always has to take out of the Delta, CCC would make darn sure that Dan's levees are repaired, etc. You've rejected the foothill canal, without really convincing me that it couldn't as good a job, if not a better job than the lower canal. You say that it doesn't allow for the storage facilities - I don't believe that. You say that it can't result in the same biological benefits - I don't believe that. I ask that you look at that a little more carefully.

6. Roberta Borgonovo-

Its a pleasure to address the CALFED agencies - a BDAC member, but also a coordinator for the environmental water caucus. - I'm hear today to talk to you about their concerns. We believe CALFED is moving in the right direction. We think the ecosystem program common to the preliminary alters incorporates sound principles of ecosystem ecology, but we think further work is needed in four areas.

1. The in-Delta component still falls far short of the large scale and scope necessary for a really successful restoration effort. We think there is a need to better define objectives and set targets and we have a continuing concern about the need to better articulate

ecosystem flow objectives that would be achieved with new environmental water.

2. We think the sources of new environmental water should not be limited to storage in your reservoirs. There is a preference - preference should be given to non-structural approaches in providing environmental water as well as in providing water for other purposes. In-storage should be considered as a second tier option because of the issue related to on site and down-stream environmental impacts of off-stream storage. On-stream storage should not be an option. Non- structural approaches could include acquisitions of water and water rights, banking of acquired environmental water in existing reservoirs, conjunction use programs and other measures.

3. We think that land retirement, where appropriate for ecosystem restoration needs, for water quality considerations, or for seismic concerns should continue to be an essential component of the long-term Bay-Delta solution. In this area we are sensitive to agri's concerns about community and other third-party effects, and how this component will affect that sector in general, so we emphasis the words long-term and voluntary, when we speak of land retirement.

These areas are of particular concern: the diked areas of the Delta with peat soils associated with severe subsidence problems and great seismic risk; and the areas on the areas on the west side of the San Joaquin Valley with water quality problems due to drainage.

3. Water pricing options should be evaluated in all the alternatives. We think there is ample evidence to demonstrate that demand for water is responsive to price. That the CALFED altern should evaluate how resulting changes in demand effect the performance of the alternatives. In particular, none structural solutions are likely to perform better when demand reductions due to water price increases are considered.

7. Jason Peltier

With the CVP. I want to compliment you and your staffs independently and collectively. You're doing a great job and they're doing a wonderful job. I think the work that Lester is getting out of his people is phenomenal and the responsiveness in most cases is really exciting to go from a meeting one day where an issue is discussed and the next day or week you're already on the route to having that issue defined and moving ahead. Given the short time line your working with that kind of hard work and progress is essential, and I think you need to give them a raise - probably.

I want to clarify our expectations that when you talk about water supply reliability as a cornerstone of this project we're taking on, that we insert another word in there - water supply and reliability. It is for many people that a lot of expectations that we are going to get more water out of the Delta when we're done and that we're going to do it in a better way a more

environmentally friendly way, but I don't think we should be cute or coy or anything about it. Whether we have some significant expectations and if you look at this program for setting the stage for the next 30-50 - 60 years, that we need to have that as an expectation. We need to design environmental restoration that is responsive to and anticipatory of the unquestionable future demands for water supply out of the Delta. I think that the enviro community get nervous when we talk like that, but its in the environments' best interest without a doubt, that we design a flexible system that can be responsive to met future water and environmental needs. I'd like to urge you to look to the CVPIA for some lessons, both positive and negative. I think that there are some lessons to be gained there with this massive environmental restoration legislation, there are a lot of tools available to be put to use - money, water authorizations, there is something to be learned there in terms of process and function. We've talked a lot in the past about bringing these activities closer together and making them more synergistic. I think there's a lot of opportunity there. Should also note that the EIS on the CVPIA is due out in draft form in August - some 8,000 pages - there's got to be something of value to the Bay-Delta process also.

I have a concern that we're not paying enough attention to the public understanding to the problem and to what it is you and your agencies are up to. I know its a tricky matter for public agencies to go about public education, but I think it is essential that we do more to help Californians understand where there water comes from and how vulnerable it is and what it is that is being done to deal with it.

Ops area - since formed, that you as a group have not seen the conflict/dispute resolution process exercised. There's not been that I'm aware of that has come to you for resolution. That's a good sign. But I want to give you a heads up that there is potential issue that could trigger that process right now and it has to do with voluntary shortages that took place in the spring on export pumping, and how we make that up in the Fall - I think we can solve that issue without triggering dispute resolution. The nature of that issue is similar to many of the issues that we're dealing with. Where we have got major biological uncertainty and biological advocates on one side and operational protocol and advocates for project accomplishment on the other and those two don't mix very well in very cases, and they don't mix well in dry years - they're not much of a problem in wet years like the last two, but at some point we're going to see that conflict get worse and worse.

The last point is to encourage you - I know you do this - you took an oath to do this. - make sure you're working with the broadest social and economic context in mind, not just of California, but particularly in the Central Valley - if you look at socially and economically - the Central Valley is one of the fastest growing areas of the state and its significance nationally and internationally and look at its reliability in the foundational reliance it has on a good water system- then you look at some of the economic challenges that are being faced today, all that mixes together to make the resolution of Delta problems more important than ever. And it can't be done in isolation by ignoring some of those fundamental human realities in the valley.