

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN RE THE PUBLIC HEARING OF THE)
CALFED BAY-DELTA PROGRAM)
_____)

TRANSCRIPT OF PROCEEDINGS

Holiday Inn
3400 Shelby Street
Ontario, California

Tuesday, April 21, 1998, at 7:00 p.m.

REPORTED BY: MELINI A. CARREON, CSR NO. 7511

PORTALE & ASSOCIATES DEPOSITION REPORTERS
211 East Weber Avenue
Stockton, California 95202
(209) 462-3377

1 APPEARANCES:

2 JOSEPH BODOVITZ, Hearing Officer

3 RYAN BRODDRICK, Chief Deputy Director of State of
California Department of Fish and Game

4 RICK BREITENBACH, Assistant Director for Environmental
5 Documentation CALFED

6 JAMES LECKY, Chief of Protected Species Management
Division of Natural Marine Fishery Service

7

8

---o0o---

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1	SPEAKER PRESENTATIONS:	PAGE:
2	Mr. Breitenbach	6
3	Mr. Krueger	18
4	Mr. Heil	21
5	Mr. Vanden Heuvel	24
6	Ms. Tandy	26
7	Mr. Hughes	27
8	Mr. Robinson	30
9	Ms. Mikels	33
10	Mr. Cherbak	37
11	Ms. Clark	38
12	Mr. Kiriakos	41

13
14
15
16
17
18
19
20
21
22
23
24
25

---o0o---

1 (All parties present, the following proceedings were had
2 at 7:00 p.m.)

3
4 MR. BODOVITZ: If everybody would be
5 seated, we'd like to get started, in the interests of
6 hearing from as many people as early as possible tonight.

7 I'd like to welcome all of you to a historic
8 moment. This is the first of 17 hearings that the CALFED
9 Bay-Delta project will be holding around the State.

10 We will be back in Southern California, as the
11 schedule at the back points out, April 28th in Burbank;
12 May 5th in Irvine; May 12th in San Diego, in Encinitas.

13 My name is Joe Bodovitz, and I will be
14 presiding at tonight's hearing. I'm not part of the
15 CALFED Bay-Delta project, but, rather, head of a small,
16 nonprofit organization that works to help people find as
17 much consensus as possible on contentious issues.

18 My own background is that I was
19 Executive Director of the San Francisco Bay Commission,
20 later of the State Coastal Commission, and still later of
21 the State Public Utilities Commission, which, as I'm sure
22 many of you know, regulates all the investor-owned water
23 companies in California, so I've had some background and
24 experience in the issues we'll be dealing tonight -- with
25 tonight.

1 In a few moments, I'll go over the ground
2 rules. They're posted on a big board at the back called
3 "Public Hearing," but the most important thing now is: If
4 you wish to speak tonight, you need to fill out a yellow
5 card. They're on the table at the back. We will
6 religiously take people in the order in which they have
7 signed up, so if you wish to speak and have not signed up,
8 I encourage you to do that right now.

9 Next, I'd like to introduce the two men who
10 are up here with me, who are part of the Bay-Delta --
11 CALFED Bay-Delta project decision-making apparatus. They
12 are the people from the public agencies that have steered
13 this project and will be the ones that will be making
14 decisions as we go forward, so tonight there will be an
15 opportunity to talk directly to two of the decision makers
16 and to compile a written record that will be reviewed by
17 everybody.

18 First, on my right, Jim Lecky, Chief of
19 Protect -- Protected Species Management Division of the
20 Natural Marine Fishery Service, Jim, and on my left, your
21 right, Ryan Broddrick, Chief Deputy Director of the State
22 Department of Fish and Game.

23:03P 23 Next, I think, in the interest of making sure
24 everybody is clear exactly what we're talking about, this
25 is a hearing on the Environmental Impact Report,

5

1 Environmental Impact Statement, the programmatic one done
2 for the CALFED Bay-Delta project, and I'll ask Rick --
3 Rick Breitenbach, Assistant Director for Environmental
4 Compliance for the Bureau of Reclamation and the Bay-Delta
5 project, to summarize some of the issues and some of the
6 work that's gone in to what we'll be considering tonight.
7 Rick.

8 MR. BREITENBACH: Thank you, Joe.
9 Can everybody hear me in the back all right?
10 Great.

11 Most of you -- well, all of you have been
12 reading the documents, so I'm not going to spend a good
13 deal of time telling you all about the program, because
14 you know as much about it as I do, I'm sure.

15 What I'd like to do is just take a few minutes
16 to make a couple of observations about some of the
17 different pieces of -- of the program.

7:04P 18 To begin with, I'd like to talk about the
19 organization structure, just for a few minutes.

20 We've got a fairly unique organization
21 structure. When you see the Governor and the Secretary of
22 Interior sitting on top of any organization structure, to
23 me that speaks volumes about the interest that those --
24 that the State and the Federal Government have, in terms
25 of seeing that this program comes to fruition, seeing that

6

1 we do come to some answer with respect to the problems in
2 the Delta.

3 What you don't see here are five State and ten
4 Federal agencies, that have either regulatory or
5 management responsibility in the Delta, working together
6 with the CALFED Bay-Delta Program to come to some
7 solution, some way to solve the problems in the Delta.

8 We also interact extensively with the public.
9 For example, the Bay-Delta Advisory Council, now that's
10 made up of 31 individuals representing varied interests
11 from across the State, people that represent sport fishing
12 and commercial interest, people that represent rural and
13 urban economies, people that work in the business
14 community, people that represent agriculture and water --
15 excuse me -- agriculture and urban water agencies. So
16 there's just a -- a variety of folks on that council.
17 They were appointed by the Governor and the Secretary of
18 Interior to provide advice to the program, to carry
19 information from the program back to their constituents.

20 Not only do they do that, but they also work
21 with us in these interagency teams, where they actually
22:05P 22 come to some consensus about what we should have in the
23 solutions to resolve the problems of the Delta.

24 So what are those problems that I was just
25 mentioning?

7

1 We've come up with some alternative solutions
2 to deal with four very complicated problems in the Delta.

7:06P 3 There's the reduction and the reliability of
4 water to agricultural and urban interest. The habitat in
5 the Delta is degraded. It's on a decline. The quality of
6 water seems to be on the decline, as well. The levees are
7 deteriorating.

8 In the past people have attempted to resolve
9 these problems by working on water supply or habitat
10 improvement, and normally what happens is you wind up with
11 a conflict. If you do something for water supply, you're
12 probably going to wind up con -- having a conflict with
13 one of the other problem areas. You come up with great
14 solutions that are going to work, but you wind up having
15 some impact on habitat, or you perhaps don't do as well as
16 you'd like to do for water quality.

17 So what the program has done -- the CALFED
18 Bay-Delta Program has done is come up with a plan or
19 alternative solutions that help us resolve all four of
20 those together and re -- and eliminate that conflict that
21 normally occurs when you try to work on one or another by
22 themselves.

7:07P 23 So what do we have in each of the
24 alternatives?

25 There are six elements that are the same in

8

1 every alternative. If you go to alternative one, we have
2 the same water-use efficiency program. You go to
3 alternative two, we have the same water-use efficiency
4 program. You go to alternative three, the same water-use
5 efficiency program. These are the same in all of our
6 alternatives. There's no difference.

7 Where the alternatives differ are here, in the
8 storage and conveyance aspects of the program, how we're
9 going to store water if -- if that becomes a part of the
10 alternatives, and how we're going to convey water across
11 the Delta.

12 I would encourage all of you, either when we
13 have a break or at the end of the meeting, to go back and
14 look at those three charts in the back, because they give
15 you a clear picture of what we're talking about with
16 respect to what type of storage might be in each
17 alternative and what type of conveyance might be in each
18 alternative.

7:08P 19 Let me just step through these real briefly.

20 Water-use efficiency program, what we're
21 contemplating there is promoting the more efficient, wise
22 use of -- of the existing water that we have, as well as
23 any new water that we -- that we develop, through water
24 conservation, through water recycling, through water
25 transfers.

9

1 Speaking of water transfers, we have a program
2 which we hope will facilitate the movement of water
3 between willing buyers, willing sellers, while at the same
4 time protecting the source area, the place where the water
5 comes from, protecting those resources there, including
6 human resources in those source areas.

7 Ecosystem restoration program, what we're
8 interested in doing there is restoring the habitat that
9 has been degraded, while at the same time trying to deal
10 with those elements that have caused the program in the
11 Delta.

12 Levee system integrity, fairly
13 straightforward. The levees are deteriorating. What we'd
14 like to do is -- is rebuild the levees that protect the
15 islands in the Delta, as -- as well as maintain the
16 channels so water can flow between the islands.

17 Water quality program, what we're trying to do
18 is clean up the water that's discharged into -- the
19 material that's discharged into the water.

7:09P 20 And the water -- let's see. The last one,
21 watershed management, we'd like to promote the -- the
22 local use or the local -- local activities, local
23 development in watersheds. We're not active -- actually
24 going to get involved in doing it, but we're going to try
25 to bring people together so that they can actively work in

10

1 the watersheds and hopefully use -- use the watersheds to
2 improve the Bay-Delta system or cleaning up the watersheds
3 so they will improve the Bay-Delta system.

4 You have been reading the documents, so you
5 know it's made up of more than one report.

6 I'd like to make just a couple of observations
7 about content of a couple of them. The first is this main
8 document.

7:10P 9 I would imagine that those of you that have
10 read environmental documents in the past read or have read
11 what I call "project specific" or "action specific"
12 documents. You get a real good sense of what the
13 alternatives are, and you get a real good sense of what
14 the consequences of those alternatives are. They give you
15 very specific, very clear descriptions of the alternative
16 and the consequences.

17 When you've read our document, I know you've
18 got a good understanding of what we're -- we're about and
19 what the alternatives are going to consist of, and you've
20 got a good understanding of the consequences, but I know
21 you didn't get a description that is -- that you would get
22 if it was a "project specific" document. That's because
23 we prepared a programmatic document, rather than a
24 "project specific" document.

25 We're not -- we're not intending to make a

11

1 decision about a particular action when this is all done.
2 We're intending to make a decision about a direction of a
3 program, and then subsequently, as we identify actions, we
4 will do additional studies; we will do additional
5 environmental documents, so that we do get you that
6 information, that very site-specific information about
7 consequences.

7:11P 8 The next document is this Phase II report, and
9 if you don't read any -- any of the other documents, I'd
10 encourage you to try to read that Phase II document. It's
11 sort of where we're going. It takes the -- the main
12 document -- the evaluations in the main document a step
13 further, in terms of consequences and how the alternatives
14 do with respect to different situations, but more
15 importantly, it -- it identifies all those issues that we
16 think -- or a good number of those issues -- I wouldn't
17 say "all," even though I just did -- a lot of issues that
18 we believe we've got to deal with in order to identify
19 that preferred alternative, so I'm -- I'm encouraging you
20 to take a look and see if -- see if you have some answers
21 with respect to some of those issues, because we certainly
22 need some help there.

7:12P 23 As I just mentioned, the preferred alternative
24 hasn't been identified yet, and we've still got a long way
25 to go to get there, and these are some of the issues that

12

1 we need to deal with, and we certainly don't intend to try
2 to identify the preferred alternative alone. We're going
3 to work with elected officials at the local, state, and
4 national level. We're going to work with local interest
5 groups. We're going to work with stakeholders. We're
6 going to work with anyone that will come -- come before us
7 and -- and spend some time with us and try to get an
8 answer about what the preferred alternative is.

9 Tonight you're here to talk about what you've
10 read in the document, and in doing that, I'm certain that
11 you're going to touch on each and every one of these
12 issues, as well as a whole lot more that we -- we don't
13 have up here. For instance, evaluation of the program,
14 that's at the heart of what you're here for tonight.

15 We put together a lot of technical information
16 in this document. What do you think about it? Do you
17 think we're on the right track? Have we missed something?
18 What is it that we've missed, so we can do it better the
19 next time?

20 What do you think about paying for the
21 program? You know, is there enough money around that we
22 can pay for this program?

23 You know, we're talking about nine-and-a-half
24 to ten billion dollars, over a period of 25 to 30 years,
25 putting this together.

13

1 What do you think about who should pay for it?
2 Should the users, the people that are going to
3 benefit pay for it? Should the public pay for it? Should
4 it be a mixture of both?

5 We'd like to get -- get your opinions on that.
6 Assurances, given that it's going to take 25
7 or 30 years in order to put together, how are we going to
8 hold everybody together?

9 You know, once you get yours, are you still
10 going to stay at the table, or are you going to walk away
11 and -- and leave the rest of them trying to get theirs?

12 We've got to find a way to make sure everybody
13 stays together, all the stakeholders stay there, all
14 working together to make the program a success.

15 And then lastly -- and we've talked about
16 this -- is the selection of preferred alternative. You
17 know, with -- it's going to take a sizable amount of
18 effort and all of -- all of your help, in order to make it
19 happen.

20 So tonight, when you -- when you do get a
21 chance to talk, please do speak about all of these issues,
22 and -- and particularly, if you've got some thoughts on
23 the preferred alternative, we'd like to hear them.

7:15P 24 Last slide, I promise, and then it will be
25 your turn.

14

1 What's next, well, obviously we just started
2 the -- the public hearing process. We released the
3 document March 16th, so that's been going on for a while,
4 but we're going to go to 16 more communities to get some
5 sense of what everybody's thinking about. We will use
6 that information to help revise the document, and then
7 between now and -- and hopefully September, we'll identify
8 the preferred alternative.

9 We'll certify the environmental document by
10 the end of the year, and then, starting as soon as we can
11 next year, start implementing the solutions, actually
12 getting out, doing additional studies, doing environmental
13 documents, and putting this -- putting this on the ground,
14 so we can finally resolve the problems in the Delta.

15 And that concludes my presentation.

7:16P 16 MR. BODOVITZ: Thank you, Rick.

17 For any of you who have come in since we
18 started, let me, again, remind you that we're taking
19 speakers in the order we receive these yellow sign-up
20 cards at the back.

21 Let me now go over very quickly the ground
22 rules for tonight.

23 First, as you already know, we have a court
24 reporter, so we will have a verbatim transcript of our
25 hearing tonight.

15

1 Our purpose in all of these hearings, all 17,
2 is to develop a complete, unbiased, independent record of
3 public comments of just the kind Rick was describing.

4 Now, in the interest of letting everybody
5 speak, again, at a reasonable hour, we ask that you limit
6 your comments tonight to three minutes, and to help you do
7 that, we have a complicated gadget here that, with luck,
8 will work just as we intend it to.

9 When you start, there will be a green light.
10 When you have one minute left to go, there will be a
11 yellow light, and when your time is up, we ask you to
12 complete the sentence you're on, and then stop. There
13 will be a red light.

14 That, however, does not mean all you can
15 comment on this very complicated project. It's what you
16 can say in three minutes.

17 Written comments of any length may be sent to
18 CALFED before June 1st, and every comment, whether in
19 writing or verbal, whether tonight or in writing before
20 June 1st, will be responded to in the final Environmental
21 Impact Report, so you may be assured that the points you
22 make clearly either tonight or in writing will be paid
23 attention to.

7:17P 24 Sometimes, at hearings like this, as we all
25 know, people ask questions or raise issues that could

16

1 stand some discussion, but in fairness to the people who
2 are coming afterwards, let's not try to debate things
3 tonight, and we won't take the time to try to answer
4 questions.

5 Assuming we're done at a reasonable time,
6 however, as apparently we will be, there are staff people,
7 whom you may have seen as you came into the room, who will
8 be available to discuss further anything that you may want
9 to ask questions about or talk about.

7:18P 10 Now final ground rule, and we'll get started,
11 there are a couple of chairs on the row right here that
12 have reserved signs on them, and to help move things
13 along, I'm going to call speakers three at a time, so if
14 you would come up and take one of these chairs, so we
15 won't have a lot of rustling and people getting in and out
16 of aisles, that will help us get along.

17 So let me call now the first three speakers,
18 and then I'll call one each time somebody finishes.

19 Okay so far?

20 Any questions about how we're going to go or
21 what we're doing?

22 Okay. First speaker is Andrew Krueger of the
23 Three Valleys Municipal Water District; second is
24 Dick Hell of the Eastern Municipal Water District, and
25 third is Geoffrey Vanden Heuvel, a dairy farmer from

17

1 Chino.

2 All three of you are still here, I hope.
3 Actually, if we just do those couple of --
4 somewhere in there, anyhow, so everybody doesn't -- okay.
5 Andrew Krueger.

7:19P 6 MR. KRUEGER: I'll give you these.

7 MR. BODOVITZ: Good. Thank you.

8 MR. KRUEGER: Thank you for coming here
9 tonight, and I -- to introduce myself, I'm Andy Krueger,
10 President of Three Valleys Municipal Water District, and
11 I'll be speaking on behalf of the Board of Directors.

12 My comments will be kept brief and will be
13 more general than specific and detailed.

14 Our staff has had not -- has not had
15 sufficient time to fully read and understand the EIR and
16 draft EIS, so we anticipate sending more written, detailed
17 comments later.

18 A few remarks about Three Valleys Municipal
19 Water District will help put my testimony in context.

20 Three Valleys is a wholesale provider of water
21 for direct use and for ground water recharge. Our
22 population is about half a million people in Pomona,
23 Walnut, and the Eastern San Gabriel Valleys. Our -- our
24 immediate customers are several retail water agencies,
25 cities, districts, and private utilities that serve the

18

1 area.

7:20P 2 We operate the Miramar Water Treatment Plant
3 in Claremont, which supplies drinking water to several of
4 these water purveyors. I mention that because the Miramar
5 treatment plant receives a hundred percent State water.
6 That is the water that is being pumped out of the Delta
7 and giving us a direct and immediate interest in the
8 CALFED process.

9 As another general comment, I would emphasize
10 the -- the very positive results that urban water agencies
11 in Southern California are achieving in the area of
12 conservation. These results are a direct outgrowth of the
13 remarkable voluntary initiative to implement best
14 management practices for urban water conservation.

15 As an example, the City of Pomona, where I
16 live, has just completed the distribution of a thousand
17 ultra-low-flow toilets and plans to give away 3,000 more
18 this year.

19 The same kind of projects and more are
20 occurring in other cities in our district, with financial
21 and in-kind assistance from Three Valleys and the
22 Municipal -- and the Metropolitan Water District.

23 In the area of water-use efficiency, CALFED
24 should ensure that all regions that impact the Delta share
25 the responsibility for achieving these same results. This

19

1 would include upstream diverters for municipal use, as
2 well as agricultural and water exporters, such as the
3 Central Valley Project.

4 At the same time, CALFED must not be deceived
5 into thinking that conservation alone can solve the
6 problems. Water quality is of the utmost importance to a
7 successful CALFED outcome. The quality of water in the
8 State water project needs to be improved so higher
9 drinking water standards remain within reach.

10 There is a misconception among some people
11 that simply applying enough technology and money in the
12 treatment process can solve the problem, but the water
13 quality objective set forth by CALFED is essential and
14 must not be sacrificed.

7:22P 15 MR. BODOVITZ: Now the red light came on
16 quicker, I know, than you expected it to.

17 If you could --

18 MR. KRUEGER: It always --

19 MR. BODOVITZ: -- give us --

20 MR. KRUEGER: It always does.

21 MR. BODOVITZ: Well --

22 MR. KRUEGER: You have the written

23 comments.

24 MR. BODOVITZ: Right.

25 MR. KRUEGER: And I've also provided you

20

1 with some guiding principals that the Three Valleys Board
2 has adopted, and if you'd look those over, we'd certainly
3 appreciate it.

4 Thank you --

5 MR. BODOVITZ: Yes.

6 MR. KRUEGER: -- very much --

7 MR. BODOVITZ: No. It's a very --

8 MR. KRUEGER: -- for your time.

9 MR. BODOVITZ: It's a very succinct
10 statement, and I'm sorry three minutes doesn't let you get
11 through it all, but thanks very much for doing it in such
12 a concise and clear form.

13 Next speaker is Dick Heil of the
14 Eastern Municipal Water District, and Marg Tandy of the
15 Hemet -- Hemet City Council will follow, after
16 Geoffrey Vanden Heuvel.

17 MR. HEIL: Good evening. I'm Dick Heil
18 with Eastern Municipal Water District, and as the previous
19 speaker's comments were more general than specific, I'll
20 go the other way and be more specific than general.

21 Eastern is a member agency of
22 Metropolitan Water District of Southern California,
23 serving an arid 555-square-mile area, with about 400,000
24 residents in western Riverside County.

25 Traditionally, because of the lack of usable

21

1 ground water, we have served our customers with a mix of
2 imported water and local ground water.

3 However, over the long haul, the fact is that
4 we will always be heavily reliant on imported water,
5 despite our best efforts to the contrary, including an
6 aggressive, award-winning conservation program and a
7 record of many years with a strong water reclamation
8 program.

9 We are unlikely to see any significant
10 increases in Colorado River water availability, in light
11 of the increasing demands that -- of other users within
12 California's entitlement and the needs of the other states
13 that draw water from the Colorado River, so that leaves
14 Northern California and the Sacramento, San Joaquin Delta
15 for those of us who rely on imported water.

16 We recognize the critical needs of the Delta
17 and of the obligation to meet the needs of plants, fish,
18 animals, the structural reliability of the Delta,
19 recreation, and all of the other very legitimate needs of
20 the Delta. However, we believe that all those needs can
21 be reasonably met if the proper approach is taken.

22 Now I said I was going to be more specific
23 than general.

24 We, at Eastern, view that correct approach as
25 CALFED's alternative three, or something very similar to

22

1 that, something along those lines, which not only
2 addresses current, critical problems with the Delta, but
3 improves upon the present operation and structure.

4 In particular, we strongly support the concept
5 of a new, isolated channel what would move water beyond
6 the amount that actually flows through the Delta itself.
7 This is -- approach is especially important from a water
8 quality standpoint, as well as water supply.

9 Increasingly, water quality has become a major
10 issue. The State Department of Health Services study
11 released earlier this spring, warning of the dangers of
12 trihalomethanes is but one of many examples.

13 Delta water is especially susceptible to the
14 formation of THMs, because of the organic matter and
15 traces of sea water that it contains. An isolated channel
16 would help overcome that and other water quality problems.

17 The bottom line, we believe, is that there is
18 enough water in California to meet all legitimate needs,
19 if we are wise enough to take the right steps.

20 The CALFED alternative three, we believe, is
21 one of those right steps.

22 Thank you.

23 MR. BODOVITZ: Thank you very much for
24 that concise presentation.

25 Geoffrey Vanden Heuvel, followed by

23

1 Marg Tandy, followed by Elden Hughes of the Sierra Club.
2 MR. VANDEN HEUVEL: Geoffrey Vanden
3 Heuvel, dairy farmer and also involved in the Chino Basin
4 Water Master.

5 I want to be, first of all, complimentary of
6 the CALFED process. I have been watching this unfold over
7 the past several years, and I want to congratulate you on
8 your openness and your attempt to really address and allow
9 everyone to have input.

10 It's now getting to decision time. I think
11 the solution that -- or the problems that -- that were
12 outlined should drive the solution.

13 We -- we need to take care of fish, people,
14 water quality, and water supply, and I think it's pretty
15 clear, from looking at these alternatives, since we're
16 looking out over the next fifty to a hundred years, that,
17 if we're going to make the investment, we need to solve
18 the fish problem; we need to solve the water supply
19 problem, and we need to solve the water quality problem,
20 and I think alternative three clearly gets us the farthest
21 down the track in -- in solving that problem, and -- and
22 so I want to strongly endorse alternative three and
23 encourage you folks to -- to keep moving in that
24 direction.

25 You know, when -- when -- I appreciate that

24

1 you're having these meetings and you're going out and
 2 meeting the people of the State of California, and what
 3 we're going to be talking about is values, because there's
 4 always tradeoffs with what -- whatever you do, and I
 5 thought the L.A. Times on Sunday had a very provocative
 6 article in the opinion page by a Mr. David Friedman,
 7:27P 7 and -- and the early opposition to alternative three
 8 has -- has come from some San Francisco based
 9 environmental organizations, and Mr. Friedman points out
 10 some very interesting things and some contradictions, and
 11 I have copies of this article, if anyone's in the -- in
 12 the audience is interested in it, and I'd like to submit
 13 the article into the -- into the record of the hearing.
 14 But I think we need to be careful, when we
 15 look at water planning, that we don't try to do social
 16 engineering, and far too often, in the water debate, there
 17 have been attempts to prevent solving problems, like in
 18 the Delta, because the objective is to somehow choke off
 19 population growth in some parts of the State. It doesn't
 20 work, and it's not good for fish, and we need to be
 21 sticking true to our principals, which is to really solve
 22 fish problems and really solve real water quality problems
 23 and really solve really water supply -- real salt water
 24 supply problems.
 25 I want to compliment CALFED. I think

25

1 alternative three is the one that does those things, and I
 2 think that as we go around the State and as we debate
 3 values, we need to uphold those values of solving problems
 4 and not preventing the solutions of problems to try to
 5 achieve some other types of values, which I think the
 6 people of the State of California ought to be rejecting.
 7 Thank you very much.
 7:28P 8 MR. BODOVITZ: Thank you very much.
 9 If you want to submit that article, which I'm
 10 sure many of us have already read, thank you.
 11 Council Member Marg Tandy and then
 12 Bill Robinson of the Upper San Gabriel Valley Municipal
 13 Water District, welcome.
 14 MS. TANDY: Thank you.
 15 I really didn't have any intention to speak
 16 tonight, but I'd -- I've just got through -- indoctrinated
 17 by Eastern Municipal Water District, because I just got
 18 through, back from their -- their tour of the
 19 Colorado River, but I have followed this for quite some
 20 time.
 21 You know that our City of Hemet is getting a
 22 new reservoir, and we are relying on water from both
 23 areas, but I do feel that the Delta is something that
 24 needs to be saved and preserved, and I feel that very
 25 strongly, if you do just one or two, you're only going to

26

1 put a bandage on the problem, and down the line we'll
 2 still have to spend all the money, so I would like to see
 3 and -- and stand up for -- for doing number three. I
 4 really think it will be a big solution for all of us on
 5 both ends.
 6 And I thank you for letting me speak. Thank
 7 you.
 7:29P 8 MR. BODOVITZ: Thank you very much.
 9 Elden Hughes of the Sierra Club and Marg --
 10 forgive me if I mispronounce names -- Mikels or "Mickels"
 11 of Upland.
 12 Mr. Hughes.
 13 MR. HUGHES: I'm Elden Hughes of
 14 Whittier, California. I'm a past chair of the 50,000
 15 member Angeles Chapter of the Sierra Club and speak for
 16 the Sierra Club. I'm also Director of a water district.
 17 I was at the recent Association of California
 18 Water Agencies, ACWA, conference, where CALFED was being
 19 presented. It was being stressed that all the
 20 stakeholders were at the table.
 21 A voice from the audience said, "What do the
 22 environmentalists bring to the table?"
 23 And the audience seemed to join him in the --
 24 in sentiment. The man's question should be addressed.
 25 Someone needs to tell the man that the Delta

27

1 and Bay are sick. If they should die, a lot more than
 2 fish and critters will die. A healthy Delta serves us
 3 all. A terminal Delta and Bay could take the State.
 4 It is a sickness of the Delta that is driving
 5 CALFED.
 6 Sure, we want better water assurance,
 7 reliability, quality, and more, if we can, but if we --
 8 but if we fix the levees without fixing the Delta, nothing
 9 is fixed.
 10 We've used a Band-Aid where heroic measures
 11 are called for. We had need to understand and stress
 12 water efficiency. We need efficiency in both agriculture
 13 and urban uses.
 14 My water district just distributed 1,000
 15 low-flow -- low-flow toilets. It's a beginning.
 16 We need lots of beginnings and lots of
 17 follow-through.
 18 Some urban area -- urban areas do not even
 19 meter water.
 7:31P 20 We're doing lots better in using recycled
 21 water. There's so much potential.
 22 The CALFED DEIS assumes that, if agriculture
 23 really goes after conservation, it can save one percent
 24 Ave, come on. I have lots more faith in
 25 California Farmers than CALFED does. Every farmer has,

28

1 somewhere in his mind, a plan for what he will do in a
2 drought year and what if it's really a drought.

3 Water efficiency doesn't mean you stop growing
4 things. Agricultural is absolutely vital to California.
5 Water efficiency has to do with how water is applied and
6 to what crops. Some crops use less water. Some more --
7 crops use more water, but provide -- but provide a far
8 greater return. There's a whole range of choices.

9 If CALFED is going to succeed, it is going to
10 have to come down with better than one-percent choices.

11 Building more dams is not a solution and can
12 make problems worse. Dams in arid land have a lot of
13 evaporation. Consider, Lake Powell loses to the air
14 one-million-acre feet of water per year.

?:33P 15 Peripheral canal that increases water
16 diversions from the Delta is not the solution. There are
17 no guarantees in CALFED that this won't happen.

18 California has been -- not been kind to its
19 environment. A sick Delta and Bay are part of the dues.

20 CALFED has the potential of making the Delta
21 and Bay well. The payment is due.

22 The CALFED DEIS does not properly consider
23 water conservation and water efficiency. Without these,
24 it is only a proposal for more dams and canals and
25 business as usual. It will not bring health to the Delta

1 and Bay.

2 Thank you.

3 MR. BODOVITZ: Thank you very much,
4 Mr. Hughes.

5 Bill Robinson, and the third speaker will be
6 Peter Cherbak of Upland.

?:34P 7 MR. ROBINSON: I only have two copies.
8 MR. BODOVITZ: That's okay.
9 MR. ROBINSON: Good evening,
10 Mr. Chairman.

11 Contrary to popular opinion, there are no
12 water shortages in California. Our problems are water
13 industry efficiency problems and water allocation
14 problems.

15 The water industry in California is
16 notoriously inefficient. The industry exists at the -- at
17 the sufferance of its people.

18 The draft environmental reports represent the
19 re -- the results of three years of technical engineering
20 analysis and politicking, an extremely good effort so far,
21 but I doubt the economic sufficiency of the alternatives
22 and recommendations.

23 We see the results of pork-barrel politics.

24 The critical questions of who pays, which rate
25 payers and taxpayers will be asked to pay for the

1 proposals, how many dollars will be assessed, and for how
2 long, is unclear.

3 The State's voters should eventually -- could
4 eventually invest about ten-and-a-half-billion dollars on
5 the proposals.

6 First, the economic sufficiency problems in
7 the plan could be addressed.

8 If the Governor and the legislature would
9 appoint a Blue Ribbon committee consisting only of
10 economists to address the "cost" questions and "who pays"
11 questions and the "taxing bond issue" questions, that
12 would be progress.

?:35P 13 The alternative plans need to be assessed by
14 an independent panel of economists, before being finalized
15 later this year. The panel could consist of natural
16 resource economists, public utility economists,
17 agricultural economists.

18 The economic panel should search for economic
19 incentives and market incentives that improve the water
20 allocation of -- of water resources of our state to direct
21 to the highest and best uses; that is the water to the
22 most beneficial uses.

23 Proposed changes in the law could be submitted
24 to the State legislature.

25 I recommend that the State current long lists

1 of water infrastructure problems be attacked in the
2 following priority order:

3 One, attempt to restore the Bay-Delta to the
4 condition that existed 30 years ago.

5 Two, establish secondary markets for leasing
6 of water rights and improve water markets through
7 legislative action. This policy makes possible staged
8 voluntary land fallowing deals that are phased to minimize
9 third-party impacts.

10 Three, restore our State's best ground water
11 basins and apply public investments so that the basins may
12 be used more intensely during droughts to free up space so
13 that water may be recharged during wet years, providing
14 more drought water banking conjunctive use opportunities.

?:36P 15 These special areas are as valuable to the State and its
16 people as the Bay-Delta itself.

17 Four, locate more "off-streams" storage
18 reservoirs to serve the needs of the State's major urban
19 and metropolitan areas. These cities deserve our priority
20 for this improvement.

?:37P 21 Just in summary, my last sentence, let's get a
22 Blue Ribbon team of economists busy on an analysis of --
23 of this report so that the final proposal doesn't emerge
24 as the biggest piece of wet pork in the State's history.
25 Thank you.

1 MR. BODOVITZ: Thank you, Mr. Robinson.
 2 Marjorie Nikels -- Nikels and Margaret Clark,
 3 Member of the City Council in -- in Rosemead, after, after
 4 Mr. Cherbak.
 5 MS. NIKELS: Good evening.
 6 Marjorie Nikels.
 7 I thank you for being here, and I guess
 8 everyone in this room is vitally interested in water.
 9 We look around this rapidly developing area,
 10 and we realize that -- that this extraordinary development
 11 cannot be sustained without transport of water from
 12 various places.
 13 I see the Governor's name first thing on the
 14 first chart, and so I have drawn the circle a little
 15 larger tonight than just your Northern California
 16 transport of water concerns.
 17 I would like to read a short poem.
 18 "Come to me Asian countries:
 19 "Give me your plutonium, your cesium, your
 20 strontium of which you're longing to be free,
 21 "And pay to me an appropriate fee.
 22 "You may bury your deadliest waste
 23 "In our virgin soil, near our pristine water.
 24 "We'll send our giants, Bechtel, Edison,
 25 Westinghouse,

33

1 "To erect your nuclear power plants;
 2 "You'll have energy, bounty, and potent
 3 power--
 4 "and will pay me forever to dispose of your
 5 waste.
 6 "Come to me great Utilities and Mighty Lords
 7 of Water and Power:
 8 "I grant you riches and fortune.
 9 "You may dispose of your deadly nuclear waste
 10 from your reactors
 11 "Anonymously, in the sands of -- at
 12 Water Road.
 13 "The identity of the source will be forever
 14 lost, buried in my virgin soil.
 15 "Support my campaigns and those of my friends
 16 "And see that we are rewarded with reelection,
 17 destruction of mine enemies and continued reign over this
 18 land and its resources.
 19 "I grant you monopoly over all forms of power
 20 by deregulation;
 21 "You may grant large corporate citizens cost
 22 reductions, and retrieve your largess from resident
 23 taxpayers -- rate -- ratepayers.
 2:39P 24 "Thus shall you be more powerful, as you
 25 devour small competitors and consolidate your dominance.

34

1 "But you must pay me, destroy mine enemies,
 2 and deliver my fair city--San Diego, by the sea,
 3 "Extractions from the precious mine hidden
 4 under the DUMP, at Ward Valley.
 5 "Come to me my fair City of San Diego:
 6 "Your loyal son presents you LIFE of pristine
 7 water of virgin desert land far away.
 8 "See how cleverly I have wrought emergency,
 9 "Demanding export of precious life substance
 10 "for your fortune and bounty!
 11 "Is not our great City more worthy of life
 12 than the pitiful towns full of dirty Indians, welfare
 13 scum, crying children, and brown-skinned workers found
 14 along the polluted, dying, drying Colorado River?
 15 "Come to me United States of America:
 16 "Using the purse of the taxpayers of the State
 17 of California,
 18 "I demand of your courts: GRANT ME THE LAND
 19 NOW!
 20 "I gave those who would PAY
 21 "the Right to rape California's Desert largest
 22 groundwater aquifer.
 23 "You shall not cause me to breach my contract!
 24 Your laws permit it.
 25 "The polluters paid. Tonite's The Night.

35

1 "And so it came to pass. . .
 2 "And Ward Valley was raped; and the pure life
 3 blood encased in the womb of the virgin soil gouged from
 4 her,
 5 "And pumped, and carried over miles and miles
 6 of hot desert terrain, and deposited in reservoirs blasted
 7 into the earth in the Land of the Governor's friends.
 8 "And great plunder and riches abounded, as
 9 golf courses, casinos, hotels with fountains of water,
 10 palm trees and lawns sprang up around the new lake far
 11 from the scene of the rape.
 12 "For twenty years it all boomed.
 13 "And then. . . the River died, and was no
 14 more.
 15 "The Ancient Tortoise died; the Wet Tribes
 16 died; Needles died" -- I'm on the last sentence -- "Havasu
 17 died; Parker Dam died; Mexico died; and Arizona fought
 18 valiantly, and died.
 19 "And the People of San Diego, and all of the
 20 customers of Metropolitan Water District lived. . . a
 21 while longer.
 22 "And then, the Eastside Reservoir was
 23 exhausted. . . and the water was no more. . . and the
 24 Governor's mistress, by the sea, died."
 25 And, with that, I leave my question --

36

7:41P 1 MR. BODOVITZ: No, please.
 2 MS. NIKELS: -- which is --
 3 MR. BODOVITZ: You've taken --
 4 MS. NIKELS: -- are we going --
 5 MR. BODOVITZ: -- much more time --
 6 MS. NIKELS: -- to --
 7 MR. BODOVITZ: -- than --
 8 MS. NIKELS: -- put a --
 9 MR. BODOVITZ: -- everyone else.
 10 MS. NIKELS: -- nuclear dump over
 11 36 million acre feet of ground water?
 12 MR. CHERBAK: It's my turn.
 13 MS. NIKELS: Thank you, Mr. Cherbak.
 14 MR. CHERBAK: My name is Peter Cherbak.
 15 I'm a member of the San Bernardino County Farm Bureau, and
 16 I hope I'm going to be a little more uplifting than
 17 perhaps we've had in the last several people.
 18 The -- the Delta has been -- well, first of
 19 all, the legislature usually doesn't have the fortitude to
 20 go ahead and do the things they need to do, so they pawn
 21 it off on a -- on a committee, as yourself, and I hope you
 22 can take the heat, because there does something need to be
 23 done.
 24 We've studied the Delta to where it's back and
 25 forward. The -- your alternative three is certainly a

1 right step in the right direction. However, we do need to
 2 have water -- more water storage
 3 82 percent of the State of California is
 4 either owned by the Federal Government or under the
 5 control of the State of California. There are a lot of
 6 areas within that that could be used for storage of water
 7 facilities and that it would be a lot more practical than
 8 some of the other ways of wasting the water that we're
 9 doing.
 10 We could flush the Delta much more practically
 11 than we do today, if we just take the initiative to do
 12 this.
 13 And I'm going to finish before the green
 14 light goes out.
 7:42P 15 MR. BODOVITZ: Thank you very much,
 16 Mr. Cherbak.
 17 Margaret Clark, City Council Member in
 18 Rosemead.
 19 MS. CLARK: Good evening.
 20 I hadn't planned to speak, but I decided, so
 21 mine won't be polished like some of the others, but I did
 22 say this at the Bay-Delta Advisory Council Meeting in
 23 Burbank, and I want to say it again, that I really hope
 24 that there will be meetings where we can have back and
 25 forth dialogue.

1 I do appreciate Rick's answering all my
 2 questions in the 6:00 o'clock hour that I had, but I know
 3 during this meeting I'll have more questions, and I think,
 4 if we don't get people to the table, the average person
 5 that can air the feelings and get answers on the different
 6 controversies and then we get it on the ballot, you're
 7 going to have the buzz words that come down from the
 8 political consultants that are paid to past propositions
 9 or to defeat them, and untruths will -- will be,
 10 throughout the state, on the TV spots and whatever, and I
 11 think it would be much better if we can get answers to
 12 questions face-to-face.
 7:43P 13 Some of the concerns that I have -- I read the
 14 article in "Western Water" that talks about it.
 15 Obviously, as a resident -- lifelong resident
 16 of the south, I would like to have the water coming here.
 17 Our population is going to double in the not
 18 too distant future, projections are, and we need the
 19 water.
 20 However, I am very concerned about the
 21 environ -- environmental communities' problems that they
 22 have with the conveyance channel, and one of them being
 23 that they say that the public money should not be used, if
 24 we can't prove in the south that we are conserving water,
 25 and I would like to know what we need to do and what

1 proofs we need to make that satisfactory to the com --
 2 environmental community.
 3 The other problem that I have is how we will
 4 meet the needs of the Delta.
 5 It says here the current system requires all
 6 water to pass through the Delta. Without a common pool,
 7 in-Delta users fear there would be no reason for the
 8 agencies to continue to provide fresh water flows to keep
 9 salty Pacific Ocean water at bay, and so that's a --
 10 that's a very valid concern, I think, and -- and I'd like
 11 to know what we're going to do about that, and I'd like to
 12 get answers, back and forth, so I -- I really hope that
 13 you will build that into the process.
 14 On the City Council, when we have public
 15 hearings, very often the people will come and you'll have
 16 a couple of questions maybe, a couple of answers, and then
 17 we vote, and -- and often our minds are made up before we
 18 even have the public hearing, so I don't think we should
 19 rely on the public hearing, per se, to make this process
 20 work, because it's going to have to be consensus. Someone
 21 is going to come out of the woodwork and oppose it if
 22 everybody isn't at the table.
 23 I know they're at the table on your level, but
 24 if it doesn't happen at the local level, the voters are
 25 the ones that are going to make the difference, so I

1 appreciate your consideration.
 2 Thank you.
 7:45P 3 MR. BODOVITZ: Thank you very much.
 4 That completes the cards I have.
 5 Is anyone else wishing to speak?
 6 If so, would you please sign a card?
 7 We'll -- so our court reporter will have your
 7:46P 8 name and address.
 9 Again, if any of you wish to speak, the cards
 10 are available at the back.
 11 Peter Kiriakos of the Sierra Club,
 12 San Geronimo Chapter.
 13 MR. KIRIAKOS: Yes. I'm Peter Kiriakos,
 14 as that indicates.
 15 Our chapter of the Sierra Club covers
 16 Riverside and San Bernardino Counties, two quite large
 17 counties which run to the Colorado River.
 18 The observations I guess I would -- would
 19 provide on the process, I think it is excellent, as has
 20 been stated, that there is such a variety of inputs taken,
 21 but the -- the observation on the construction of the --
 22 the alternatives, as we see them, there still needs to be
 23 more work done.
 24 The -- their need -- need to be solutions
 25 crafted which are closer to nature, particularly

1 alternatives two and three. They're -- they're manmade
 2 solutions, engineering solutions.
 3 Traditionally, what has happened with manmade
 4 solutions, with moving water from "A" to "B" and dealing
 5 with the issues of water and things such as flooding and
 6 streams, they've failed.
 7 Basically our -- our National policy, as it's
 8 existed in the past, and our State policy has failed, as
 9 far as how we deal with streams, which are the major
 10 source for water, and that's the key of what we're dealing
 11 with, in addition to the streams' impact in the estuary
 12 and -- and the San Francisco Bay, and I'd like to point
 13 out that what the -- the Federal and State task forces are
 14 looking at, as far as dealing with the streams, is you
 15 need to go to floodplain management.
 16 Floodplain management, rather than trying to
 17 craft some narrow band, which the Army Corps of Engineers
 18 has promoted for a year -- a hundred years -- excuse me --
 19 and now they're changing is -- is to have a wider flow
 20 area, and those of you who are from the north, you're
 21 aware of the yellow bypass.
 22 We need to encourage this throughout the water
 23 bodies. We -- we need to minimize the -- the -- the
 24 engineered solutions, which are -- are indicated back
 25 here, because they fail, and when you -- when you get an

1 integral -- integral linking series of mechanical
 2 solutions, when one fails, then you have this horrible
 3 impact, so we think that there's not real dependability,
 4 and in the long-term, you do -- you do harm.
 5 You look at what happened with Mono Lake
 6 and -- and the export water down the Eastern Sierra, this
 7 is man-crafted solutions avoiding the -- the forces of
 8 nature.
 9 So I see the time is growing short, but -- but
 10 the -- really what we are recommending is that you'd try
 11 to craft even another solution, maybe a fourth solution,
 12 which tries to get back closer to nature.
 13 Yes, there can be water supply.
 14 And the other key point I -- I think I need to
 15 make, which has come up from analysis by -- by many
 16 organizations, is the fact that there needs to be a much
 17 harder look at water eff -- use efficiency, particularly
 18 in the case of agriculture, that there -- there's much
 19 more saving that could take place there by using different
 20 types of crops, different methods of irrigation, and there
 21 could be massive -- massive improvements in that area, so
 22 I'd really encourage then another look.
 23 And we're strongly against alternative three,
 24 which is the least natural of all. It's the redone
 25 peripheral canal. The environmental community is strongly

1 against that, in Southern California as well.
 7:49P 2 MR. BODOVITZ: Good. Thank you very
 3 much, Mr. Kiriakos.
 4 That completes the cards that I have. I'll --
 5 I'll take a one -- one-second pause and see if anybody
 6 else wishes to sign up.
 7 You might be wondering, since we haven't had a
 8 great number of speakers, why the three-minute limit.
 9 Obviously, we could have gone a lot longer tonight, but we
 10 are going to be having 17 of these around the State, and
 11 it's going to be important that we treat everybody the
 12 same, and I can guarantee that some nights, at three
 13 minutes per speaker, we're going to be here something
 14 close to breakfast time, I think, and I think there's
 15 really not a way to be fair to everybody to -- to kind of
 16 say some people get a lot of time to talk and some people
 17 don't get much time at all, so I appreciate you may wonder
 18 why there is that kind of rule, but I think in terms of
 19 the overall statewide series of hearings, it's a sound
 20 one.
 21 I think we'll conclude, then, the formal part
 22 of our hearing tonight, but I think one benefit of your
 23 brevity is that you'll have a good shot at the staff
 24 people for a considerable period of time, should you wish
 25 to look at the chart some more, ask them some questions,

7:50P 1 enter into some sort of discussion.
2 Thank you all very, very much for coming.
3 It's been a very enlightening beginning to our hearings.
4
5 (End of proceedings: 7:50 p.m.)
6
7 * * * * *
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE
OF
CERTIFIED SHORTHAND REPORTER

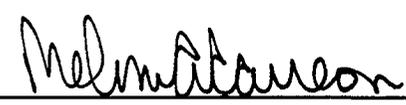
I, MELINI A. CARREON, a Certified Shorthand Reporter, License No. 7511, do hereby certify:

That the proceedings of the CALFED Bay-Delta Program Public Hearing, made at the time and place therein set forth, was recorded stenographically by me and thereafter transcribed into typewriting under my direction and supervision.

That the foregoing transcript is a full, true, and correct record of the proceedings.

I further certify that I am neither counsel for nor related to any party to said action nor in any way interested in the outcome thereof.

EXECUTED this 22nd day of April 1998,
at Yorba Linda, California.


MELINI A. CARREON, CSR No. 7511