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IN RE THE MEETING OF THE)
BAY-DELTA OVERSIGHT COUNCIL)
_____)

TRANSCRIPT OF PROCEEDINGS
PUBLIC HEARING

Jean Harvie Center
14273 River Road
Walnut Grove, California

WEDNESDAY, MAY 6, 1998

Reporter By: Katherine L. Cardozo, CSR No. 6344

PORTALE & ASSOCIATES DEPOSITION REPORTERS

211 East Weber Avenue
Stockton, California 95202

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APPEARANCES:

BOARD MEMBERS:

Walt Pettit
A.J. Yates
Felicia Marcus
Joe Bodovitz
J.R. Flores
Bob Potter

PUBLIC SPEAKERS

Malcolm McCormick
Warren Merwin
Gene Dorren
David Okita
Jim Foster
Christopher Wilcox
Jerry Robinson
Russ Vanlogencells
Topper Vanlogencells
Charlie Vicaria
Christopher Lee
Marna Miller
David Briggs
Mike Wakeman
Al Medvitz
Daniel Wilson
Lowell Landowski
Tom Stokes
Bill Jennings
Steven Mello
Dennis Fox
Margaret Aranboru
Forrest Sprague
Neil Stone

1 MR. BODOVITZ: I'd like to welcome all of
2 you to the eighth of seventeen public hearings being held
3 on the environmental documents prepared by the CalFed
4 Bay-Delta Project.

5 Last night we were in Irvine, tomorrow
6 night we'll be in Chico. We'll be back in the Delta area
7 May 13th, a week from tonight in Pittsburgh, May 27th in
8 Stockton. You'll also see that we're going to be in
9 Vacaville.

10 There's complete list of the hearings on
11 one of the tables at the back should you wish to know
12 exactly how many more there are and where there are.

13 I'll explain in a moment what the ground
14 rules for tonight are. But the key one is that if you
15 wish to speak it's necessary to sign one of these yellow
16 cards. They are on the table at the back. I know a
17 number of you have already signed them. We have a fair
18 number of cards. But for any of you who wish to speak
19 and haven't yet done, so please fill out a card at the
20 back.

21 My name is Joe Bodovitz and I'll be
22 presiding at tonight's hearing. I'm actually not a part
23 of the CalFed Bay-Delta project. I had a small nonprofit
24 organization that works to help people find as much
25 agreement as possible on contentious issues in California

1 affecting the economy and the environment.

2 My own background is that I was the first
3 executive director of the San Francisco Bay Conservation
4 and Development Commission, later the first executive
5 director of the State Coastal Commission, and after that
6 executive director of the State Public Utilities
7 Commission, which as many of you know, among other things
8 regulates all the investor owned water companies in
9 California. So I have at least some background on the
10 issues we'll be talking about tonight, and we are talking
11 about at all the other hearings.

12 The purpose in having an outsider preside
13 at the hearings is to ensure that the hearings are as
14 independent, unbiased, and complete as we can make them.

15 Now I know when you come to a public
16 hearing on an important subject you like to know you're
17 talking to the people who are actually going to be making
18 the decisions.

19 The CalFed Bay-Delta project, which we'll
20 explain in a bit more detail later, has as its decision
21 makers a group of the top federal and state agency
22 administrators in California. Not all of them can be at
23 all of the hearings, but a fair number of them are
24 attending each hearing and I'd like to introduce the ones
25 who are here tonight. Because I know you all can't see

1 as they're seated up here, I'll ask them to stand quickly
2 as I introduce them.
3 First Felicia Markus, Regional
4 Administrator of the Environmental Protection Agency.
5 Bob Potter, Chief Deputy Director of the Department of
6 Water Resources. Brian Broderick I think is coming but
7 is not here. A.J. Yates, Undersecretary of the
8 Department of Food and Agriculture. J.R. Flores of the
9 Natural Resources Conservation Service. And Walt Pettit,
10 Executive Director of the State Water Resources Control
11 Board.

12 There's one more thing I'd like to do
13 quickly before we take your testimony, and that is I'd
14 like to ask Rick Bridenbach (phonetic) of the CalFed
15 Bay-Delta staff to summarize the reasons we're all here
16 tonight, what the reports that you'll commenting on
17 discussed, and what happens next. Rick.

18 MR. BRIDENBACH: Thank you, Joe. I'm just
19 going to take a few minutes to talk about a couple of
20 observations about the program. Make a couple
21 observations about the program, and then turn it over to
22 you because I know you're all really interested in
23 telling us what you think about the program so far.

24 I'd like to begin with who's involved in
25 this program. At the top of the chart you see the

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1 back to the program.

2 As you can also see, they make up some of
3 the work groups that the program is involved in because
4 they are interested in seeing that we fix the problems in
5 the Delta.

6 So what are the problems that we're
7 working on in the Delta. What's broken in the Delta that
8 we're trying to fix. Well, first of all, the ecosystem
9 is on a decline. Reliability of water for ag and urban
10 areas has declined over the years. The levees around the
11 Delta, as you all know, aren't in the best condition.
12 The water quality in the Delta seems to be on the drop.
13 Decline.

14 In the past there have been efforts to fix
15 these different programs, or these different problems,
16 and usually they focus on one of them. Someone will come
17 up with a plan to improve water supply. Someone will
18 come up with a plan to improve the levees. And in doing
19 so, you usually wind up with a conflict with one of the
20 other programs.

21 What we're trying to do in the Bay-Delta
22 program is come up with a fix that deals with all four of
23 these programs, problem areas, at the same time without
24 having these residual conflicts.

25 So what does an alternative look like.

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1 Governor and the Secretary of Interior. And that's an
2 indication of the importance both the state and the
3 federal government place on this program and in seeing
4 this program resolved. Seeing the programs that are in
5 the Delta fixed.

6 Embodied within the CalFed Bay-Delta
7 program box are fifteen state and federal agencies. Five
8 on the state side, ten on the federal side. All with
9 either regulatory or management responsibilities in the
10 Delta. All interested in seeing that the problems of the
11 Delta are fixed. And the five that are up here at the
12 table tonight are administrators of all -- of one or
13 more -- excuse me, of one of those agencies. One or
14 more. Sure.

15 We're also working with a lot of different
16 people in the public. The Bay-Delta Advisory Council
17 that you see up here consists of about thirty, thirty-one
18 different individuals representing vast interests all
19 across California. Alex Hildebrand from the Delta is
20 part of that Bay-Delta Advisory Council.

21 These people have been appointed by the
22 Governor and the Secretary of Interior to review the work
23 that the program produces, to provide advice to the
24 program, to carry that information back to their
25 constituents and get advice from them and then bring it

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1 There's eight different pieces to each alternative. Six
2 of them are the same for each alternative when you read
3 the documents that refer to as the common program. Two
4 of them differ among the alternatives. And those again
5 when you read the documents are called variable programs.

6 And I'd like to, before talking about the
7 programs, I'd like to mention land use conversion that's
8 associated with each of these.

9 We've received a lot of questions about
10 how much land is going to be converted when you implement
11 these different programs. And the answer is just about
12 everyone of these programs could result in some change of
13 land use.

14 The one that won't change land use is the
15 water use efficiency program. We're not contemplating
16 retiring lands in order to conserve additional water.
17 That's not in the program. We have put out a white paper
18 that many of you might have seen where we took a shot at
19 taking a guess at what might happen if you did retire
20 land. How much water you might conserve, but that did
21 not become a part of the program.

22 Let me just step through the different
23 programs to give you a sense of what they're about. The
24 water use efficiency program, what we're trying to do
25 there is maximize to the best we can the efficient use of

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1 existing water supplies as well as any new water supplies
 2 that are developed by the program.
 3 The ecosystem restoration program, we're
 4 interested in improving the habitat that's in the Delta.
 5 And then the species as well that go along with the
 6 habitat.
 7 Watershed management, we're interested in
 8 promoting locally-led activities within the watershed, so
 9 that things can happen in the watershed that improve
 10 what's going on in the Bay-Delta system.
 11 The levee system integrity program,
 12 obviously what we're interested in there is fixing the
 13 levees. Seeing that the levees are stable.
 14 Water transfers programs, we're looking
 15 for ways to move water among the various users while at
 16 the same time protecting the resources in the area that
 17 that water came from.
 18 Water quality program, we're interested in
 19 improving the quality of the water in the Delta by going
 20 to the source of the problem and fixing it there.
 21 Storage, we have a number of storage
 22 options, both in the Sacramento and San Joaquin Valley.
 23 Both surface and around water storage. With respect to
 24 conveyance we have three particular options. Using the
 25 existing facilities, going through the Delta, and then

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1 environmental documents. Site specific or project
 2 specific environmental documents.
 3 When you've read our report, I know you've
 4 got the good sense of what we intend to do, what the
 5 alternatives are about, and I know you've gotten a good
 6 sense of the consequence of those alternatives. But it's
 7 not the degree that you would have if you were reading a
 8 project specific or site specific document. That's
 9 because we've prepared a programmatic documents.
 10 We're not ready to make a decision about a
 11 specific action, so we haven't taken that step to look at
 12 specific actions. We're ready to make a decision or
 13 hopefully ready to make a decision about a direction for
 14 the program. Which way we should be heading.
 15 When we decide on that, we will come back
 16 and we'll do site specific or project specific
 17 environmental documents for each of the programs that we
 18 intend to implement with this project.
 19 The other document is the phase two
 20 report. If you don't get a chance to read any other
 21 documents, I really encourage you to read the phase two
 22 report. This is sort of a step beyond what was in the
 23 main document. It gives you a better sense
 24 alternatives -- what the alternatives are going to
 25 accomplish, and more importantly gives you a sense of the

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1 going through as well as around the Delta.
 2 And both storage and conveyance are fairly
 3 well laid out in the poster boards in the back, and I'd
 4 encourage all of you at break or after the meeting to go
 5 back and take a look at them to get a good sense of and
 6 what we're talking about with respect to storage and
 7 conveyance.
 8 Remember when you look at them they are
 9 just the part of the each of the alternatives. They are
 10 not the alternatives themselves. The alternative's made
 11 up of all eight of these pieces, and right now we believe
 12 a good number of the problems, if not all the problems,
 13 can be resolved just by implementing the common programs.
 14 The programs that are the same. And we may not have to
 15 go to storage, we may not have to go to conveyance.
 16 A couple of observations about some of the
 17 documents that were in the environmental document itself.
 18 The main document, this is where we talked about the
 19 consequences to the different resources.
 20 When you've read environmental documents,
 21 all of you have you read them all the time, I'm sure, you
 22 probably read those which are very specific. You know
 23 exactly what the alternatives are about, what is going to
 24 be built, and you know exactly what the consequences are
 25 going to be. They're very specific descriptions in those

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1 issues that we think we have to deal with in order to get
 2 to a preferred alternative.
 3 Here are a couple of the issues that we
 4 think we have to deal with. These are the same issues I
 5 think all of you are going to be addressing tonight. Let
 6 me just step through them real quickly.
 7 Evaluation of the program. We've written
 8 a report. In that report we have a sizable amount of
 9 evaluation. What the consequences to the different
 10 resources were as a result of implementing the
 11 alternatives.
 12 Did we do a good job, given that we're
 13 doing a programmatic document? Do you have some ideas
 14 about what we could do a little differently? The
 15 assumptions that we made, the tools that we used. Do you
 16 have any thoughts about any of those? This idea of
 17 willingness to pay. Who do you think should be paying
 18 for this program? Should beneficiaries pay? Should the
 19 public pay? Should it be a combination? How much are
 20 you willing to pay for?
 21 Assurances. This program is going to take
 22 a long time to implement once it gets going. Twenty-five
 23 maybe thirty years. How are we going to keep everybody
 24 together so that everything does eventually get built,
 25 everybody is comfortable.

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1 Those people that have to wait five or six
2 years before they see some of the work they are
3 interested getting underway, how are we going to keep
4 them at the table? So any thoughts you have about
5 assurances, we'd like to hear them tonight.

6 You've been reading the document. What do
7 you think should be in the preferred alternative? Of
8 those eight elements, should they all be in there?
9 Should just some of them be in there? Should we have
10 storage? Should we have conveyance? If so, which
11 pieces?

12 What's next. Obviously we're taking
13 public comments. Both orally and in writing. The public
14 comment period ends June 1st, and at that time we hope to
15 use all the information you provide us to adjust the
16 documents that we have prepared to make a better
17 document.

18 We're going to select a preferred
19 alternative. Right now that's scheduled to happen
20 sometime in the late summer. We'll certify the EIS/EIR
21 by the end of the year. Then start implementing the
22 program next year. As I said, that's twenty-five to
23 thirty year period, cost of maybe nine and a half to ten
24 billion dollars.

25 That concludes my presentation. Joe.

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1 row and we're also taping the meeting. So the comments
2 that are made tonight will be available to everyone in
3 transcribed form and in taped form.

4 How I will proceed tonight is to call
5 speakers three at a time. That way we don't lose a lot
6 of time as people shuffle out of the middle of rows.
7 When I call your name, I suggest you come down if you're
8 not pretty close to an aisle. We've got some reserved
9 seats right in the front row. And as I say I'll let you
10 know who's on first -- who's first and who's on tap.

11 Finally, people I know at hearings like
12 this often have questions or issues that could stand to
13 be debated. In fairness to the speakers who come later
14 we really won't try to answer questions or debate issues,
15 but as Rick said, during the break and after the meeting
16 and as all of you know before the meeting, members of the
17 CalFed Bay-Delta staff are here and will try to answer
18 questions you have. All clear so far?

19 Okay. In the order in which we got the
20 cards. First speaker, Malcolm McCormick, farmer, Walnut
21 Grove, followed by Gene W. Dorren of Lodi, followed by
22 Warren R., and I'm sorry to say I'm not sure I'm reading
23 your name, a farmer from Clarksburg. Merwin. Thank you.
24 Okay. Mr. McCormick.

25 MR. MCCORMICK: I live here in Walnut

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1 MR. BODOVITZ: Many things, Rick. Now
2 we'll go right to your comments and testimony. Let me go
3 quickly over some ground rules that I hope will ensure
4 fairness to everybody. These are the same ground rules
5 we followed in all the hearings and will in the ones yet
6 to come.

7 First, again, for those of you who came in
8 late, if you wish to speak it's necessary to fill out one
9 of these yellow cards. And we take speakers in the order
10 in which we receive the cards.

11 Secondly, we ask that you limit your
12 verbal testimony to three minutes. That way lots of
13 people can be heard before it gets to be terribly late.
14 I'll be the first to admit these are complicated subjects
15 and three minutes isn't a great deal of time, but we've
16 already seen in the hearings thus far how much ground can
17 be covered by people in three minutes whose thoughts are
18 pretty well organized.

19 Moreover, the three-minute limit isn't all
20 you can do. You may submit written comments of any
21 length on any part of the CalFed Bay-Delta draft
22 environmental documents. They must be received by June
23 1st. So if you plan to do that, obviously the time
24 deadline is coming quickly.

25 We have a court reporter here in the front

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14

1 Grove and for eight months I've been watching this water
2 go by the door and wishing that we'd either get the hell
3 out of here or stay up there because we're too wet here.
4 So I think why waste the water into the ocean if we --

5 MR. BODOVITZ: Mr. McCormick, may I
6 interrupt you. I'm sorry, I left out a key thing, and
7 you're turning that microphone around means you won't see
8 it.

9 We have a little stopwatch up here as a
10 means of ensuring the three-minute limit. When you start
11 I start. Green means you're underway, yellow means
12 there's one minute to go and red means please wind up
13 your presentation. So if you can both face that way and
14 see this, you're going to be fine. We'll start all over
15 since I interrupted you and I'm sorry. I think it's
16 better if you don't mind.

17 MR. MCCORMICK: So I think that storage is
18 a principal thing that we need. Storage around the upper
19 Sacramento Valley or Auburn Dam or down south off
20 aqueducts or Auburn Dam, Auburn Dam, Auburn Dam is where
21 I think we should have that water.

22 But as far as the three alternatives, it
23 seems to me, even though I voted dead against it in
24 the past, the alternative three, the peripheral canal, or
25 as you call it open channel isolated facility, probably

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16

1 to me is the best way. Because it gives LA the cleanest
2 water it can get, you can feed the cross channels as the
3 streams as it crosses the streams like Loss (phonetic)
4 Slough, Mokelumne River, Cosumnes, Calaveras, the Beaver
5 and Hoop Sloughs, all of these can get fresh water and you
6 can flush out the Delta salts and Delta drainage. It can
7 serve as a flood control assistance if there's enough
8 downstream drainage. Downstream storage.

9 A portion of the canal already being dug,
10 it will save tax dollars to utilize that present
11 alignment. The original alignment.

12 The land that was destroyed by that
13 previous digging and the Jerry Brown Ditch as we used to
14 call it, might as well go the same way and utilize that
15 land rather than disturb new land. On the maps of
16 alternative two and three, it looked like all alternative
17 two was to be a different alignment. Which hopefully it
18 would stay on the same alignment.

19 As far as the levee setbacks, that will
20 assist our getting the water out of here and reducing
21 flooding also. However, as the habitat grows up and
22 brushes up the stream, the stream flow isn't going to be
23 as big as maybe would have been assumed.

24 There's some bad things to that
25 alternative three that perpetual, positive, legal

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17

1 peripheral canal will do just the opposite.

2 This is a editorial that I took out of the
3 Desert Sun in Palm Desert on March 17th. I live down
4 there in the wintertime so I get the newspaper.

5 The study list rejected canal plan as a
6 possible fix for fragile Delta. The Delta is fragile,
7 but peripheral canal won't do it. There's an error in
8 here. I don't know who wrote this. It says: The source
9 of 80 percent of the California's drinking water comes
10 through the Delta. I hope not. I'm sure that's an error
11 because the most of the drinking water comes from the
12 dams up in the mountains.

13 The Stockton Record had a rebuttal to this
14 when I came home. It just happened a couple days later
15 was a rebuttal, and I was going to write them a letter to
16 the editor but I'm not a letter writer but I sent them a
17 copy of this letter that was -- editorial that was in the
18 Stockton Record. I also invited them to come up and rent
19 a house boat and maybe they'd change their mind.

20 I'm afraid the Delta is going to be
21 another -- might become another Owens Valley, we all know
22 what happened to it, if you take the canal -- if the
23 canal is built. And we all know what San Joaquin
24 River -- what has happened to the San Joaquin River when
25 they build the Friant Dam.

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19

1 guarantees that LA will not suck us dry. That's where we
2 really -- that's why we voted against it then and that's
3 why most of us and some of my neighbors are probably
4 going to shoot me in the back as soon as they get a
5 chance for saying this.

6 And the possible loss of the islands that
7 would be McCormick, Williamson Tract and Staten Islands
8 and some of the others, that's a terrible loss. However,
9 they do obstruct the channel, the whole Mokelumne
10 streambed and help to create flooding all the way from
11 Sacramento down to Isleton. So if they were to be
12 removed, that would certainly help the flooding problems.

13 So thank you very much.

14 MR. BODOVITZ: Thank you, Mr. McCormick,
15 Gene Dorren, Warren Merwin, then David Okita of Solano
16 County Water Resency.

17 MR. DORREN: I'm from Lodi and I
18 specifically live at Tarrow Park Village. The second
19 page of this magazine that we got in here on the
20 right-hand side: The mission of the CalFed Bay-Delta
21 program is to develop a long-term comprehensive plan that
22 will restore ecological health, improve the management of
23 the beneficial use of the Bay-Delta system.

24 Then why are we wanting to do a peripheral
25 canal? The peripheral canal will not do this. The

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18

1 I go to a festival in Indio in the
2 March -- February every year called the Big Festival.
3 The Coachella Valley Water District has a booth there and
4 I've talked to them on several different occasions. And
5 their attitude is this water up here is not ours, it's
6 theirs. They have told me that in so many words like
7 that.

8 The cost of that at one time building that
9 peripheral canal was \$1.3 billion. That was the original
10 cost. I'm sure it's higher than that. Those of you that
11 driven down south on particularly I-5 have noticed the
12 two canals. The Delta Mendota, the water level is only
13 about a foot from the top. The California Aqueduct is
14 only about -- appears to be about three feet from the
15 top. They can only get about another two feet of water
16 if they are going down.

17 MR. BODOVITZ: If you could wrap up, Mr.
18 Dorren. Your time is --

19 MR. DORREN: I see that. Well only got
20 halfway through.

21 MR. BODOVITZ: Submit the rest of the
22 comments, sir. They will be welcome and all comments get
23 attention and get responded to.

24 Mr. Merwin, David Okita, followed by Jim
25 Foster of Walnut Grove.

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20

1 MR. MERWIN: CalFed members or surrogate
2 members. My name is Warren Merwin. I live and farm in
3 District 999, and I'm wondering -- we grow seed crops.
4 Our major crops are cucumber, squash, water melon. And
5 many different varieties going on and we have other
6 things, too.

7 I pay part of my Yolo County taxes to the
8 Northern California Water Agency, and I wonder where
9 they're in the mix.

10 I have been to all Mr. Snow's meetings
11 over a year ago, and I knew then the peripheral canal was
12 going to be reenacted in different clothes. But I want
13 to make sure that where the outlet point is for this 44
14 mile ditch because it makes a lot of difference to the
15 reclamation district I live in where they are going to
16 get their water.

17 And I just -- I want my -- I'm 61 now and
18 I want my son who's 35 now to be able to farm in the
19 future. I'm quitting in four more years. So this
20 peripheral canal won't be built by then. But thank
21 you.

22 MR. BODOVITZ: Thank you, Mr. Merwin.
23 David Okita, Jim Foster, Christopher Wilcox.

24 MR. OKITA: Thank you. I'm the manager of
25 the Solano County Water Agency, and the water agency is

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21

1 consider the North Bay Aqueduct on par with Clifton Court
2 Forebay and the Contra Costa Water District intake. Some
3 of the data that was provided for those two export points
4 are not provided for the North Bay Aqueduct.

5 The other concern we have is the Delta
6 smelt concern. Our intake is located in an area that is
7 good habitat for Delta smelt. It's very close to
8 Prospect Island and Hastings Tract, which money has been
9 allocated already to created shallow water habitat.

10 That is an intentional CalFed project to
11 create more Delta smelt. We're concerned it's going to
12 impact our intake where we already have a problem with
13 Delta smelt.

14 So we're looking at it as CalFed process
15 for some type of a safe harbor or an exemption from the
16 Endangered Species Act if CalFed is going to be putting
17 all these baby Delta smelts so close to our intake.

18 The EIR does make some references to
19 relocating the intake and maybe some other things, and we
20 would want those kind of worked out.

21 We have not taken any position on any
22 particular alternatives. We think it's too early,
23 there's not enough information available. We really want
24 to see the assurance package. That's going to be key to
25 the folks in the north to see if there thing will really

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23

1 is a countywide agency covering all of Solano county and
2 a little bit of Yolo county.

3 Our board of directors includes all five
4 members of the county board of supervisors, all seven
5 mayors in the county, and three representatives from
6 agriculture irrigation districts.

7 We've been following the CalFed process
8 since day one. The board has been kept up to speed on
9 it. And their current position is they support the
10 process. Unanimously support the process to date.

11 They have concerns and trepidations just
12 like you've heard from -- and you're going to hear
13 tonight from many of the people. However, we have some
14 real problems that I think the CalFed process may be able
15 to help us. And I'm going to talk a little bit about
16 those today. Mainly it's in two areas. One is the North
17 Bay Aqueduct and the other is agricultural land
18 conversion concerns.

19 First of all, the North Bay Aqueduct,
20 people tend to forget that that's part of the state water
21 project but also exports water out of the Delta not too
22 far from here. That serves 365,000 people in Napa and
23 Solano county.

24 One of the comments we're going to make in
25 writing is that the draft EIR/EIS really needs to

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22

1 work.

2 Again, we'll be participating in the
3 Vacaville hearing, and we'll be providing some extensive
4 public comments and a lot more technical details at a
5 later date.

6 MR. BODOVITZ: Thank you, Mr. Okita. Jim
7 Foster, Christopher Wilcox, and Jerry Robinson of the
8 South Delta Water Regency.

9 MR. FOSTER: Yes, I'm Jim Foster. I moved
10 here to Walnut Grove 26 years ago. So I'm a relative
11 newcomer to the area. I moved here for recreation
12 purposes. I was working for a house boat company. And
13 I'm very aware of the recreation in this area and have
14 become quite aware of the farming in this area. And they
15 are both very, very important. And somewhat interrelated
16 when you get it close enough to see it.

17 We did have a problem with the U.S. Fish
18 and Wildlife Service a while back with their
19 environmental impact report. I would caution you when
20 your environmental impact report comes out, people will
21 be very, very interested in it.

22 They made -- the U.S. Fish and Wildlife
23 Service made some wild statements in theirs with regard
24 to the slow moving current, the numerous beaches in the
25 Sacramento River for the recreational boaters to use.

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1 And that was totally false. They're not here now. So I
2 would caution you about that.

3 Malcolm, I won't shoot you in the back. I
4 wouldn't even shoot you in the front, but I have a couple
5 problems with alternative number three.

6 One is that it's favored by the U.S. Fish
7 and Wildlife Service who would like to get this whole
8 area as most of us in this room know. They favor that,
9 sure. If they took the good fresh water around the Delta
10 and made it unusable for farms, they'd have a whole lot
11 of land they could grab ahold of as cheap as they wish.
12 So that's one thing I have against it.

13 The other is, Malcolm, you mentioned the
14 fresh water could be used to come in these other sloughs
15 off the south fork of the Mokelumne. I'm certain it
16 could be, but would it be. I have a problem with that.
17 So I'm really opposed to anything that takes water, fresh
18 water, good fresh water around the Delta.

19 I had some discussion with a couple people
20 in the room about the Auburn Dam. When I moved here in
21 1972, that was under construction and we were going to
22 have enough water and electricity for an awful lot of
23 people. But as I understand it, that is a dead issue in
24 the United States. It's a congressional matter. It's
25 going to be very, very difficult.

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1 permit these surface storage facilities, why don't the
2 CalFed project and the people take advantage of the land
3 that is already held by their signatory agencies, Sherman
4 Island for one, and try the habitat restoration on those
5 places as opposed to taking out productive tax paying
6 farmers. These lands are already off the tax roles, not
7 having any adverse affects for the California economy.

8 The redirected impacts would be crippling
9 to a small community as in this -- everybody in this
10 room. Everybody farms, everybody has fertilizer
11 salesmen, everybody has a tire man. Those people would
12 be pretty much crippled.

13 But if you did it in a way that went slow
14 and you knew exactly what you were doing with your
15 habitat restoration instead of taking away somewhere up
16 around 150,000 acres, I think you would get a much better
17 view and a much better feel for what actually is going to
18 happen when you take and flood an area or bring in
19 shallow water habitat and things like that.

20 But if you can take those twelve to
21 fifteen years in the permitting process to actually learn
22 how to do this massive project that you're going to
23 undertake, I think it would be time well spent and you
24 won't be taking away as much from the California economy
25 as taking good tax paying land off the tax roles.

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1 So I caution the people in this room be
2 very vigilant of what's going on. As I say, I'm new
3 here, but I want to stay here. I moved here from
4 southern California to get away from that mess down
5 there. They've allowed the mess to grow and grow and
6 grow. And now they want to take more fresh water down
7 there and make this like that, and I am opposed to it.

8 If they want fresh water, they've got
9 fresh water. Let them build a desalinization plant. Let
10 them take the water from the south Delta, if they wish.
11 Let them take the salt out of it. Ask any brewery, they
12 take the water wherever they are and make it the way they
13 want it.

14 So they don't need to take our good fresh
15 water around the Delta. That's all I have to say. Thank
16 you.

17 MR. BODOVITZ: Thank you, Mr. Foster.
18 Christopher Wilcox, Jerry Robinson, and Russ
19 Vanlogencells.

20 MR. FOSTER: I'm a fifth generation
21 California pear farmer. I'm very concerned with the
22 redirected impacts of retiring farm land as well as the
23 water storage issues that will take, according to Lester
24 Snow's talk to a meeting I attended, fifteen years in
25 permitting. So if it's going to take fifteen years to

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1 And a fifth generation California pear
2 farmer wanting his sixth generation farm the land that my
3 forefathers and mothers have put a lot of their hard
4 earned sweat, blood, and tears into. Thank you.

5 MR. BODOVITZ: Thank you, Mr. Wilcox. Let
6 me again say for those who came in late, if you wish to
7 speak it's necessary to fill out one of these yellow
8 cards on the table in the back.

9 Jerry Robinson of the South Delta Water
10 Agency, followed by Russ Vanlogencells, followed by
11 Topper Vanlogencells.

12 MR. ROBINSON: Thank you, Mr. Chairman.
13 I'm from the southern part of the Delta. I'm from south
14 of Stockton about fifteen miles. And we're extremely
15 concerned about this whole process and what it's doing
16 for the south Delta.

17 Actually it's a lack of any effort to make
18 a real change in there. And it seems to me that this
19 whole process is transferring water from one area of the
20 state to the other without building any storage.

21 Storage has just come on lately in the
22 last few months as kind after buzz word. We're taking
23 agriculture out of production by taking water away from
24 agriculture, I guess is what's going to happen.

25 Then we see as the gentleman before me

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1 said, and I guess mostly in this central and northern
2 part of the Delta we've heard anywhere from 30 to over
3 150,000 acres of land taken out of the Delta. And what's
4 that going to do for economic impacts in the whole area?

5 Another area I want to touch on just
6 briefly, and I've gone over this with Lester Snow before,
7 it's not in your scope of study but it's the San Joaquin
8 Valley Drain which is a direct impact on the whole
9 southern half of the Delta. And there's been absolutely
10 no mention of that or attempt to try to solve that or
11 even tackle it. It's kind of a hot potato that's been
12 skipped.

13 And it's just, as I said before, extreme
14 minimal commitment to new storage that makes us really
15 skeptical about how well this is going to fly.

16 And the last comment I'll make just very
17 briefly is on the peripheral canal issue. It seems as my
18 friend Warren Merwin said, about every fifteen years
19 somebody trots this out and we have to beat it back and
20 we're going to fight this vigorously and do it again.

21 As one gentlemen said, "We'll let water
22 out of this channel and into that channel." And that
23 channel, as I understand, there will be no releases into
24 the Delta in this system. And it actually gives southern
25 California the ability to take the entire flow of the

1 water users in the State of California and result in
2 shifts of water from agricultural production to urban
3 areas resulting again in significant negative impacts to
4 those communities where land retirement occurs and
5 economic activity is curtailed.

6 Number three, it has been estimated that
7 between water transfers, conservation, and habitat
8 restoration, as well as conveyance and storage, that
9 there will be between 250,000 and 914,000 acres of prime
10 agricultural land converted to other uses. This will
11 have severe negative impacts, and I believe they are
12 redirect impacts.

13 CalFed needs to acknowledge that the
14 program does not meet solution principle number six and
15 then fix it. Not as a -- not through proposing
16 conceptual mitigation strategies and menus of these
17 strategies as they do in the EIS as listed on page
18 8.1-30, but by addressing the issues now while we're in
19 phase two, not in phase three when specific programs are
20 approved. The time for mitigation is now and the time
21 for discussion is now.

22 CalFed needs to change the proposed
23 program to, number one, provide enough onstream and
24 offstream storage to meet future water needs for the
25 State of California for environmental, agriculture, and

1 Sacramento River during drier years, and we are going to
2 vigorously oppose that. And I plan on commenting further
3 at the Stockton meeting. Thank you.

4 MR. BODOVITZ: Thank you, Mr. Robinson.
5 Russ VanLogencells, Topper VanLogencells, and Charlie
6 Vicaria.

7 MR. R. VANLOGENCELLS: I'm a fourth
8 generation farmer in the Sacramento River Delta, and I'd
9 like to speak primarily to solution principal number six.

10 Solution principle number six states that
11 proposed solutions will have no significant redirected
12 impacts. The program as described in the document does
13 not meet the requirement for the following reasons.

14 In the Delta there will be 135,000, the
15 minimum number of acres converted, up to 199,500 acres in
16 alternative number three. This will have significant
17 negative redirected impacts on all the citizens,
18 businesses, and communities of the Delta. This magnitude
19 of conversion will have devastating socioeconomic
20 impacts.

21 Number two, rather than plan for the
22 increased water demand of the future by developing
23 sufficient water supplies, the plan relies heavily on
24 water transfer and conservation. The resultant shortages
25 will perpetuate the conflict that we have now between

1 urban users.

2 Number two, CalFed needs to remove from
3 the program conversion of agricultural land for habitat
4 and other environmental purpose.

5 Number three, CalFed needs to agree to
6 subject the program to local land use planning ordinances
7 and restrictions where the program will result in change
8 in land use.

9 CalFed will only succeed if it's fair to
10 all. In its present form it is very unfair to the
11 agricultural industry generally and to the Delta, this
12 area specifically. The result will result in significant
13 negative redirected impacts to all areas where
14 agriculture land is retired and/or converted to other
15 uses. Thank you.

16 MR. BODOVITZ: Thank you Mr.
17 VanLogencells. Topper VanLogencells, Charlie Vicaria and
18 Christopher Lee.

19 MR. T. VANLOGENCELLS: Good evening. My
20 name is Topper VanLogencells, I live and work in Walnut
21 Grove, and I have three concerns regarding the proposed
22 CalFed program as presented in your EIS.

23 My same three concerns show up in either
24 or all three of the alternatives regardless of the
25 preferred alternative. There's not time to discuss

1 anymore so I'll try to hammer on these three.
 2 Number one, in seeking a solution to
 3 environmental and water management problems of the
 4 California Delta Bay, number one, you must address the
 5 Cosumnes River watershed. I can find nothing in there or
 6 not adequate verbiage considering the problems created by
 7 that watershed, considering the ability to store and
 8 create water that we drastically need.

9 I'm referring to the hundreds of thousands
 10 of dollars that have been spent by the State of
 11 California researching and the engineering for a dam, in
 12 that time it was known as the Nashville Dam. That needs
 13 to be reintroduced into this fix-it, the perceived
 14 problem. That's part of the problem, it's not addressed.

15 The CalFed program appears to be able to
 16 satisfy this because I understand it's a \$2 billion, with
 17 a B, a \$2 billion program. We didn't have money to build
 18 the Nashville Dam. I think as part of the solution now
 19 we have the funding.

20 Number two. Additional advantages I can
 21 see, not only for agriculture, for water storage, but you
 22 can create water for the flora and the fauna, you can
 23 create water for wildlife, you can create water for your
 24 fisheries, and you can stop the flooding concerns.

25 My second concern is that if you're going

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1 Area, you have to make sure you're not devastating the
 2 Delta as you do it. At this point in time you're given
 3 yourself the ability to remove ~~200,000~~ acres of farmland,
 4 and I'm saying that would devastate this area.

5 You must present a plan that will fly
 6 politically. I am told at this time that we can get
 7 every board supervisors to vote against that, we can get
 8 every chamber of commerce to vote against that, our
 9 elected congressman is against it, and I was told as of
 10 last week our Governor did not realize that this was in
 11 the plan.

12 So you have to put it to yourself -- put
 13 together a core committee, the people within the Delta,
 14 that understand the farming, the recreation, and the
 15 wildlife, and not only that, you need North Delta Water
 16 Agency, Central Valley Flood Control, you need nonag
 17 concerns to help you formulate a plan that we know and
 18 that you know will work. Something that is politically
 19 feasible. Thank you very much.

20 MR. BODOVITZ: Thank you, Mr.
 21 VanLoencells. Charlie Vicaria, Christopher Lee, Mrs.
 22 Marna Miller.

23 MR. VICARIA: First of all, thank you very
 24 much for the opportunity to be here. My name is Charles
 25 Vicaria, I'm conservation vice-president for the Northern

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1 to seek a solution to the problem, number two, you have
 2 to present a solution that's not creating a bigger
 3 problem. You present a solution that does not determine
 4 land use in a zone, the Delta zone, for example, don't
 5 determine land use by willing seller only. We're looking
 6 for some controls on what we do and what we don't do in
 7 certain areas, and if we invest in agricultural property
 8 we expect some zoning laws to maintain our ability to
 9 produce with that property.

10 Basically what I'm trying to say is that
 11 in order to preserve and protect the agriculture base
 12 that we have here, I don't think any government agency,
 13 and I don't think CalFed wants to, but you've allowed
 14 yourself the ability to do this.

15 No government agency should be allowed to
 16 checkerboard an island, with nonconforming uses, or
 17 checkerboard the Delta with every other island being used
 18 for nonfarm uses. So you have to step back and say,
 19 "We're going to have an overview, there will be areas
 20 that will be satisfactory for environmental restoration,
 21 other areas are going to be preserved and protected for
 22 agriculture.

23 Number three, now to put that in terms --
 24 I can see I'm running out of time. Number three is to
 25 develop a plan to solve this problem in the Delta Bay

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1 California Federation of Fly Fishers.

2 I spent eleven years with the state
 3 Department of Water Resources, Mr. Potter, and this was
 4 during the height of the water project. I worked in the
 5 south San Joaquin as well as in Oroville and in southern
 6 California.

7 The point I would make from that
 8 perspective as a former state employee is that those of
 9 us who were in the working ranks had no sense that the
 10 fisheries in our state would be decimated to the extent
 11 that they have been in the San Joaquin Sacramento
 12 drainages as a result of the water project and the
 13 federal projects that accompanied them.

14 So to the extent that there is a fix
 15 possible in CalFed, we appreciate the opportunity to
 16 participate in a program which can restore some of these
 17 missing links.

18 In order to do that, we ask that very
 19 careful consideration to increasing reservoirs, such as
 20 Shasta, take into consideration existing wild trout
 21 waters which a growing population is going to need.

22 We're certainly supportive of programs
 23 such as either taking down dams or supplying fishery
 24 ladders such as might take place on the Yuba to restore
 25 some runs that are in very bad condition.

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1 There are also vast acreages in the south
2 San Joaquin that contribute selenium. We heard mention
3 of the master drain which is continuing to be a problem.
4 Those acreages need to be taken out of production. And
5 to the extent that we can increase our water capacities
6 by reducing water uses, conservation on both agricultural
7 lands and in urban areas as needed.

8 There's no reason why we ought to allow
9 the construction of lake-oriented communities which
10 evaporate water in urban areas. There's no reason why we
11 shouldn't as part of a funding mechanism on a statewide
12 basis fund water meters in those areas that don't now
13 have them. And we definitely need to have more urban and
14 rural water conservation. Including the monitoring of
15 wells in those agricultural areas that decide they want
16 to take water out of our ground sources. Thank you.

17 MR. BODOVITZ: Thank you. Christopher
18 Lee, Marna Miller, David Briggs.

19 MR. LEE: Good evening ladies and
20 gentlemen. I speak to you tonight as president of
21 Reclamation District 556 and also serve on the Board of
22 Commissioners of Walnut Grove Fire Protection Commission
23 which services forty square miles of this Delta.

24 What concerns me is much like Topper
25 Vanlogencells told you, in your entire environmental

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1 terms like this are used in 8.140. The alternatives
2 could result in significant but perhaps mitigatable
3 impact to farmers, farm workers and agribusiness.
4 I can tell you serving on local tax based
5 boards this is going to be impossible. Our source, our
6 revenue is going to dry up, our communities are going to
7 dry up, and our culture that's existed here 150 years. I
8 strongly urge that these EIR be revisited and this
9 massive land grab, whatever you call it, like assisting
10 us here in the Delta, we don't need this. And what's
11 going to happen is you're going to culturally devastate
12 this area if this part of the EIR analysis is not further
13 revisited.

14 MR. BODOVITZ: Thank you, Mr. Lee. Could
15 one of you help with the microphone.

16 MR. BRIDENBACH: She has a hand-held one.

17 MR. BODOVITZ: You're ahead of me. Marna
18 Miller followed by David Briggs, followed by Mike
19 Walkman.

20 MR. MILLER: Basically you've heard a half
21 a dozen water urbrats fuming because their room is not
22 going to get a new toy. Talking like these people don't
23 own their land. And my problem with this bureaucracy is
24 I like a water world bureaucracy. I think California has
25 to have it. It's going to need it.

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1 report you only have one individual that deals with
2 agriculture economics and what's going to happen to this.

3 You must understand this Delta of 450 to
4 500 farmable acres is 150 years old. The reason it's
5 being farmed is because this is the best ground. This is
6 the pear capital of the world. And what this proposal
7 does, seeks to take 200,000 in reality terms farmable
8 acreage out of production.

9 Now your own EIR is out of date in 8.1 on
10 page 21. That only has your economic data as late as
11 1992. It doesn't even bring it up to date. The
12 misconception of the staff here feels that the farmland
13 is like putting up a subdivision here or subdivision
14 there where you just make a few changes in the ground and
15 you need to put a subdivision in.

16 You can't do that with farming. Now the
17 economic dislocation to these river Delta towns is going
18 to be, if this plan is implemented and not dropped,
19 because in your EIR the political bribe is there and it's
20 called on page 8.16 Ecosystem Restoration.

21 Now that's the bribe to the environmental
22 community to get this program off the dime. The problem
23 is it's going to be devastating to these river towns and
24 there's not addressing this. There's just may and might
25 and there's going to be economic dislocation and such

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1 The point is I want some validity in if
2 the science, which is fantasy world right now and
3 certainly not tied down. I don't want somebody saying we
4 don't need a lake when they haven't presented a way to
5 recharge the deep aquifers.

6 I don't want to see Matsui in the
7 Sacramento Bee showing plumbing the Delta when he ought
8 to be like Ventura and built his own saline plant. It is
9 not everybody else's problem. I don't want an
10 alternative who makes one pool so the Delta can sell our
11 water to southern California and we don't even benefit
12 that way.

13 I don't want to see a wedding ring of
14 money put on the Delta when the water's coming from up
15 here and we're promised with a big pregnant growth that
16 we'll be taken care of tomorrow. I don't like all three
17 of the alternatives. I don't want an alternative. I
18 want a system that gives money to the local entities who
19 own the water, who work the land because they know what
20 to do with it.

21 We need smaller dams and reservoirs all up
22 and down Sacramento. I have relatives in Redding to San
23 Diego. Within a hundred mile everywhere I go I can stop
24 for coffee. I'm from earthquake land in southern
25 California. I just got back from Anaheim. If you don't

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1 make smaller dams we have a problem which everybody keeps
2 predicting. You will really have a problem. You will
3 have people -- anyway. We need to make it local and take
4 care of that problem.

5 Lester Snow's in the paper saying it's a
6 give and take mechanism. That EIR says we will give our
7 water to southern California, and they will take it. I
8 have a problem with that.

9 Let's see. I'm from West Sacramento.
10 Started me because we have problems. I want each county
11 and each city, like we had to do, pay through the nose to
12 clean up our room. Like little brats we took bad care of
13 our system. Well, fine everybody else can do the same.

14 I don't want deep pockets like Sacramento
15 and the Bay Area who can pay to pollute and pay through
16 the nose to study a dam problem that they never have to
17 clean up because you haven't solved the process whereby
18 they can slip through loop holes because they got more
19 money than the man in the moon. So for me I want real
20 science and the money spread equally all through the
21 state to solve the problems and make the solutions.

22 And I want to slow down the public input
23 on that EIR. It's a foot tall. You don't make yourself
24 look reputable when you're flim-flamming through. And a
25 quality assurance document here --

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1 a major part of their revenue. Tax base and also sales
2 tax.

3 The EIR does not sufficiently address
4 these issues within the conversion of farmland. As
5 stated before, it is a real concern in the whole plan
6 throughout the whole state that the amount of farmland
7 which is going to be taken out of production.
8 California's the number one agricultural state in the
9 nation. It feeds not only California, this nation, but
10 we also feed the world. Agriculture is still the number
11 one exporter when it comes to commodities within the
12 great nation of ours.

13 We're one of the few commodities that has
14 a plus on the export side. We also need to maintain the
15 common pool. If we isolate the Delta and move water
16 around the Delta, we don't have a common pool. So that
17 everybody has to address the issues within the Delta.
18 Everybody must take from this common pool in order for
19 the Delta to maintain its ecosystem and also the
20 viability of agriculture in its communities.

21 Also the program does not address water
22 supply sufficiently. I've heard 800,000 acre feet of new
23 yield would be available. That is miniscule to the
24 amount of water that is going to be needed for this
25 state.

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1 MR. BODOVITZ: Ms. Miller, your time has
2 expired. If you could wrap up.

3 MS. MILLER: Okay. I hope it expires this
4 unless you become more reputable.

5 MR. BODOVITZ: David Briggs, Mike Walkman
6 and I think Mura -- I can't read it. Medvitz maybe. Al
7 Medvitz.

8 MR. BRIGGS: I'm David Briggs from Contra
9 Costa Water District. I wanted to express my support in
10 general for the CalFed and their very challenging task,
11 and in particular CalFed's efforts to protect drinking
12 water quality and all beneficial uses for the water that
13 comes out of the Delta. Thank you.

14 MR. BODOVITZ: Thank you. Mike Walkman,
15 Al Medvitz, Daniel Wilson.

16 MR. WAKEMAN: I'm Mike Wakeman, president
17 of Sacramento Farm Bureau. We represent over 2,000
18 members in Sacramento County. I'm encouraged by what
19 CalFed is trying to do, however, there's some major flaws
20 within this plan.

21 As mentioned before, the idea of taking
22 out over 200,000 acres of farmland within the Delta would
23 be devastating not only to the local economy, but it
24 would be devastating to the Sacramento and San Joaquin
25 county economies which relies heavily on agriculture for

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1 This state needs more water supply,
2 whether it's above ground storage, below ground storage,
3 or offstream storage. It needs water supply. And if
4 this program thinks you're going to solve the water
5 problems by just spending \$8 billion to fix the Delta and
6 get good water quality to the pumps, yet you don't
7 address more water supply, you're living in a dream
8 world. It needs to be addressed. The water supply must
9 be addressed.

10 And the last thing is assurances. We need
11 assurances that water rights within this area are
12 protected. We need assurances that water rights and the
13 whole northern part of the state are protected and not
14 superceded by southern California and many of the other
15 water districts which are trying to claim -- make claim
16 on this water. Area of origin is very important to many
17 of these people around here, and it must be addressed
18 within the plan. Thank you.

19 MR. BODOVITZ: Thank you. Al Medvitz,
20 Daniel Wilson, Lowell Landowski.

21 MR. MEDVITZ: My name is Al Medvitz. I
22 live in Rio Vista and I am district director of
23 California Farm Bureau Federation for District 11 which
24 includes Solano, Alameda, and Contra Costa counties.

25 I would like to address what I regard as

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1 three serious errors in the EIS, or three serious
2 problems in the EIS/EIR, which taken together I believe
3 make them fatal.

4 The first one is lack of clarity in the
5 notion of restoration. As we all know the science of
6 restoration is very young and also incomplete. Those are
7 the documents I just presented to you. Without clear set
8 of criteria what restoration means, the program would
9 continue as a, "Yes, but" game of not being clear about
10 what outcomes are, leaving the farmers,
11 environmentalists, and urban people in a constant battle
12 about what needs to be done.

13 That's a very serious area and it needs to
14 be resolved. Otherwise, we'll have a lot of very costly
15 land conversion and the costs of getting the new science
16 and understanding will fall solidly on the backs of the
17 farmers in this area.

18 Second very serious problem, as I
19 mentioned, is the lack of a detailed economic
20 environmental statement. 200,000 acres represents \$200
21 million of Farmgate losses. It represents on the order
22 of \$600 million, almost more than half a billion dollars,
23 of processing of the multiplier effect. That effect is
24 not just local, that would influence Vallejo, Oakland,
25 Stockton, Sacramento, all of the processing sites around.

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1 And just do say a couple good things about
2 the project, I think the idea of having flood control on
3 the Cosumnes River system is a good idea, which we see in
4 alternative two, and it was spoken tonight the national
5 dam should be put back on the plate, and I think it
6 should be. Thank you.

7 MR. BODOVITZ: Thank you. Lowell
8 Landowski, Tom Stokes, and Bill Jennings.

9 MR. LANDOWSKI: I guess I represent a
10 group called the Bay Fisherman's Alliance and also the
11 marina community. I love the Delta. Pretty much where I
12 spend all my free time. My boat's docked at Snug Harbor,
13 29-foot wooden boat. It's about as old as I am.

14 And it seems to me that the Delta is being
15 torn apart and people are all trying to take a piece of
16 it. Southern California wants the water, and
17 environmental groups want the land.

18 I think that this program is legally
19 negligent in that an alternative was in effect suggested
20 and a very meritorious alternative was suggested by the
21 public and has been virtually ignored in this process.
22 And I think that's not legal.

23 And that alternative is to provide for
24 more storage of fresh water and to analyze the ecological
25 benefits of having stored fresh water to release into the

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1 Finally, the other issue is water
2 accounting. There's a serious lack of water accounting
3 in the EIR. It needs to be seriously addressed. With 15
4 million new people within 20 years there simply is not
5 enough water to do what this plan says it's going to do.
6 ALL three of those together make this EIR very incomplete
7 and seriously deficient.

8 Finally in terms of if we were going to
9 make a choice of one of the possible solutions, the
10 solution two it seems to me modified along with Alex
11 Hildebrand's notions might be viable. Thank you.

12 MR. BODOVITZ: Thank you, Mr. Medvitz.
13 Daniel Wilson, Lowell Landowski, Tom Stokes.

14 MR. WILSON: It seems to be very important
15 to establish our pedigree around here, so I represent a
16 number of local reclamation districts in the area and
17 I'm, I guess a sixth generation farmer.

18 A couple items that have all been said but
19 I think should be said again, the common pool concept in
20 alternative two is extremely important. I don't think
21 any of us feel safe in this area with another peripheral
22 canal. The impact on 200,000 acres, 150,000 acres
23 depending on who you talk to, is, in our opinion,
24 entirely too concentrated in the Delta and will probably
25 devastate our community.

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1 ecosystem at critical times when that fresh water is
2 needed for to enhance environmental benefits.

3 That is a critical flaw in this whole
4 equation that pretty much could solve everybody's
5 problem. If the problem was truly the ecology and the
6 environment, that fresh water would be worth it's weight
7 in gold.

8 In the long-term sense with the growing
9 population we know we're going to need more fresh water,
10 and it's simply irresponsible not to include an
11 alternative, especially one that's been voiced repeatedly
12 for more fresh water storage simply because major
13 lobbies, probably mainly the environmental groups, don't
14 want more stored fresh water as a means to discourage
15 further growth in the state. A state that's going to
16 grow anyway. There's no way to stop it.

17 So if you know there's going to be a
18 significant impact growth and you do not address it, then
19 that's not an adequate environmental analysis and I would
20 say that this environmental analysis, therefore, is
21 legally flawed.

22 MR. BODOVITZ: Thank you, Mr. Landowski,
23 Tom Stokes, Bill Jennings, and Steven Mello.

24 MR. STOKES: Tom Stokes, Lodi. We're more
25 concerned on what affect it's going to have on us as

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1 farmers in the Delta in the area. We're involved in all
2 three of your projects with what you're going to do, and
3 we would like to know what we're going to do because we
4 all raise permanent crops that last for generations and
5 we don't want to go in and plant 3 or 4,000 dollars an
6 acre on some crops and have you come back ten years later
7 and say, "Hey, we want to buy that from you." And then
8 you're going to pay us a nickel on the dollar and we're
9 going to have to turn around and replace those plants
10 with inflated dollars and that's really not fair.

11 So we really want to know if and when
12 you're going to do it, and I think it's going to be done
13 because all the votes are in the southern part of the
14 state and that's what you people are after is the votes
15 so you can get reelected. So we'd just like to know when
16 you're going to do it and where you're going to do it and
17 when. Thank you.

18 MR. BODOVITZ: Thank you, Mr. Stokes.

19 MR. BODOVITZ: Bill Jennings, Steven Mello
20 Dennis Fox.

21 MR. JENNINGS: Good evening. My name is
22 Bill Jennings, representing Delta Keeper, San Francisco
23 Bay Keeper. I'm also chairman of the California Sport
24 Fish and Protection Alliance. We'll be filing detailed
25 comments on the EIS/EIR. I'd like to make just a few

1 Does CalFed really believe that
2 constructing a peripheral canal and diverting clean water
3 around the Delta will somehow enable the south Delta to
4 meet federal Clean Water Act requirements?

5 And considering the failures of the past,
6 does CalFed really believe that another round of Rube
7 Goldberg technofixes in lieu of increased water will
8 restore the Delta?

9 Several years ago in the ill-fated
10 Bay-Delta hearings, CSPA presented an analysis of water
11 rights and storage permits that revealed that California
12 wouldn't have a water problem, a shortage, if everyone
13 became 10 percent more efficient. If all water rights
14 holders conserved and contributed 10 percent of their
15 water supply as their fair share. There was enough water
16 to protect both our environment and provide for future
17 growth.

18 But, of course, no one wanted then nor
19 wants now to make a fair share contribution. So now
20 we're presented with a plan that will increase Delta
21 exports while rewarding and perpetuating water use
22 inefficiency. A plan that will institutionalize the
23 degradation of the Delta.

24 And as someone who is frequently on the
25 Delta, I'm deeply concerned by the inadequacies of the

1 general comments.

2 We had hoped for a selection of
3 thoughtful, innovative, and balanced alternatives instead
4 of shopworn failures of the past. We had hoped for a
5 smart alternative that would have guided us into a
6 substantial future.

7 Unfortunately, all three alternatives fail
8 that. Does CalFed really believe agriculture cannot
9 conserve more than one percent of current water usage?
10 Does CalFed really believe an obsession with spending
11 billions of dollars for new dams and ignoring the
12 cost-effective savings of increased water efficiency is
13 the most prudent solution to meeting California's future
14 water needs and protecting beleaguered waterways?

15 Does CalFed really believe that
16 emphasizing supply and ignoring demand is a reasonable
17 and balanced approach, that abandoning meaningful
18 agriculture water conservation, dismissing mandatory
19 retirement of marginal lands that poison rivers with
20 toxic drainage and rejecting realistic true cost water
21 pricing represents a fair and equitable solution?

22 Would it be more prudent to insist upon
23 universal water meters, efficient home fixtures, and home
24 recycling prior to constructing more environment wrecking
25 dams?

1 water quality component. There are few assurances that
2 sufficient water quality monitoring will be conducted to
3 enable us to identify the cause of impairments to
4 beneficiary use, prioritize potential projects or to
5 serve as a yardstick to measure the effectiveness of
6 those projects. Nor are there sufficient assurances that
7 sources of impairments will be effectively remediated.

8 In regarding the EIS/EIR, four things are
9 abundantly clear. One CalFed should create and select a
10 fourth alternative based on water conservation and
11 restoration of watersheds to improve water quality.

12 Two, CalFed should maximize water
13 conservation and efficiency before considering new dams,
14 reservoirs, or canals.

15 Three, if new dams and canals are
16 constructed, CalFed should insist that those who directly
17 benefit for them pay for them. And considering the
18 complexity of this issue, the public quite simply needs
19 more time to review the documents and make meaningful
20 comments and, therefore, the comment period should be
21 extended. Thank you very much.

22 MR. BODOVITZ: Thank you. Steven Mello,
23 Dennis Fox, Margaret Aranburu.

24 MR. MELLO: Hello, I'm Steve Mello. I'm a
25 Delta farmer, a landowner, a trustee of Reclamation

1 District 563, a director on the Central Valley Flood
2 Control Association, a commissioner on the Delta
3 Protection Commission, I'm a director of North Delta
4 Water -- North Delta Conservancy.

5 So as you can see, I've looked at this
6 CalFed process from a number of different prospective. I
7 oppose any isolated facility for exporting water. I
8 support moving any water to be exported through the Delta
9 in order to maintain the common Delta pool.

10 The common Delta pool is the only way to
11 assure adequate water quality and quantity for inDelta
12 uses, which include agricultural and environmental water
13 needs. I support additional on and offstream storage in
14 order to meet both inDelta needs and export requirements,
15 while at the same time providing greater system
16 flexibility to better address environmental concerns
17 during critical periods.

18 I support reducing the negative
19 socioeconomic impacts to the Delta area by a number of
20 means. First, the environmental restoration program plan
21 should enhance habitat values or create habitat on lands
22 already owned by the state or federal governments.

23 Second, the urb should use already flooded
24 lands, such as Frank's Tract, to create land/water
25 interface that would provide shaded and shallow river

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1 municipalities to give the true picture of the effect to
2 the Delta region's economy.

3 To remain true to the CalFed solution
4 principle of no significant redirected impacts, the
5 negative socioeconomic impacts in the Delta region need
6 to be minimized. All impacts, including third party
7 impacts, need to be mitigated.

8 The urb needs to be carried out through an
9 overall plan, not piecemeal as is currently being done by
10 agencies that are participants and signatories in CalFed.
11 Individual CalFed agencies are now carrying out CalFed
12 goals outside of the CalFed process. This should stop.

13 The comment in regards to the land in the
14 Delta that is being purchased by the government should be
15 owned by the state because --

16 MR. BODOVITZ: Mr. Mellow, your time has
17 expired.

18 MR. MELLO: Sir, I'm sorry about that. In
19 closing, I would like to say that 75 days is not enough
20 time for local governmental and other agencies staff nor
21 concerned citizens to read the 2400 pages and formulate
22 comments. And due to the distribution delays caused by
23 unforeseen demand for the report many people had far
24 fewer than the 75 days, and I hereby request an extension
25 on the written comment period for another sixty-one days.

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1 water habitat.

2 Third, the urb should enhance habitat on
3 inchannel Islands, waterside levee berms and on the
4 waterside toe of levees.

5 Fourth, wildlife-friendly agricultural
6 practices can be encouraged by purchasing agricultural
7 conservation easements to enhance habitat values of
8 farmland while allowing the land to remain in production
9 and part of the local economy.

10 In the CalFed March '98 draft technical
11 report the environmental consequences regional economics,
12 on page 17 CalFed states that there will be no
13 significant economic impacts in the Delta. That's bull.

14 CalFed has included all economic activity
15 in the Delta region counties of Sacramento San Joaquin,
16 Solano, Yolo, and Contra Costa counties when studying the
17 effect on the regional economy. This area includes the
18 cities of Sacramento, Stockton, Lathrop, Tracy,
19 Brentwood, Antloch, Pittsburg, Fairfield, Vacaville, Rio
20 Vista, Suisun, and there are others.

21 Most of the land to be used to accomplish
22 the urb goals will come from an area defined as the
23 primary zone by the Delta Protection Act of 1992. The
24 negative socioeconomic impacts on the primary zone need
25 to be studied separately from the surrounding

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1 Thank you.

2 MR. BODOVITZ: Thank you. I have three
3 more cards. May I again say that if anyone else wishes
4 to speak, please fill out one of the yellow cards at the
5 back.

6 Dennis Fox, followed by Margaret Aranboru,
7 followed by Forest Sprague.

8 MR. FOX: I'm Dennis Fox. I'm continuing
9 discussion on pricing. I believe that urban pricing will
10 increase turf use change. If you change the turf from
11 that which is currently used in cities which use 140
12 inches of water down to use 10 inches of water, there's
13 over more than 800,000 acre feet.

14 It would also fund your restoration
15 program and hopefully it should become rather neutral as
16 your restoration needs are met. Also you with changing
17 of turfs you would have air quality impacts very
18 positive.

19 Also I believe that there should be fire
20 wise planning. I'm talking not about water to fight the
21 fires, but the sheet runoff you get afterwards. That's
22 not in the document and it's a big concern.

23 Therefore, there should be other agencies.
24 Why is the state ensuring places, fire trap roofs, why
25 are CalVet loans given to buildings that are against

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1 state policy and the policy of CalFed. Think about it.
2 Agencies will need mandates. Because they
3 Just pass the costs on to the taxpayers. So I would
4 exempt athletic turf, but turfs in the medians and stuff
5 like that, no gas tax to that city. That will get their
6 attention.

7 And I believe a pump tax on the basin and
8 a diversion tax. A pump tax would perhaps even out the
9 surface water costs and the ground water costs as you've
10 been hearing.

11 Ag pricing is high. I propose rebates and
12 discounts for performing public desired uses, public rec,
13 species habitat, recharge et cetera, filter stripping.
14 However, there has been poor compliance with the CRP
15 program in the southern valley. It might work up here,
16 but down there you're going to have to have a full time
17 IG. It may be necessary to operate management
18 auditing -- audit it biannually to cover the compliance
19 and the adaptive managements and to keep maintaining
20 focus. Thank you.

21 MR. BODOVITZ: Thank you, Mr. Fox.
22 Margaret Aranboru of the Delta Protection Commission,
23 Forrest Sprague.

24 MS. ARANBORU: Thank you. I'm not used to
25 being on this side of the microphone in this room where

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1 on.
2 In particular, I'd like to direct focusing
3 on improving the quality of the existing aquatic
4 habitats. There are over 60,000 acres of water covered
5 lands in the legal Delta.

6 The DEIR does seem to gloss over the
7 economic impacts to the Delta region associated with the
8 retirement of over 100,000 acres of agricultural lands.
9 In addition the DEIR does not address the cumulative
10 adverse impacts to the state's natural resources
11 associated with the loss of this prime agriculture lands
12 and no mitigation is suggested for this loss.

13 The commission supports the levee
14 component of the CalFed program which would bring all the
15 Delta levees to a more stable cross-section. The PL99
16 stand which is recommended by CalFed is also recommended
17 in the commission's land use plan.

18 Water quality is a key component to the
19 CalFed program and to the delta because water quality has
20 a direct relationship to land use as those in agriculture
21 know. And the preferred alternative which is eventually
22 selected for CalFed should ensure that water quality
23 throughout the Delta be maintained or enhanced for the
24 existing land uses, including agriculture, wildlife,
25 habitat, and recreation.

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1 we have our meetings and we don't get turnout like this,
2 I'm sorry to say.

3 But I wanted to speak briefly. The Delta
4 Protection Commission has not yet reviewed or taken
5 action on the DEIR that is scheduled at their May 28th
6 meeting, but these items will be discussed at that time.

7 The ERPP common element proposed an
8 excessive habitat enhancement program in the Delta,
9 probably affecting well over 100,000 acres of ag land in
10 the next 25 years. About half that will be restored to
11 title action, and about half will be retired from
12 agriculture and managed year 'round as wetlands.

13 The commissions caught us on the draft
14 ERPP last summer recommended modification to focus on the
15 unique qualities of the Delta, particularly the wildlife
16 from the agriculture here, thousands of acres are flooded
17 every year and used by migratory water fowl.

18 By keeping the land in private ownership
19 and managing it for the seasonal habitat, there would be
20 much more cost to the CalFed program and we could have
21 continued economic viability in the Delta region.

22 The commission also suggested that all
23 government owned lands be enhanced before any additional
24 private lands are acquired and suggested that existing
25 habitat areas be enhanced before new projects taken are

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1 The physical structures imposed as part of
2 CalFed will impact recreation uses. Those impacts should
3 be further analyzed in the DEIR. These issues and others
4 will be raise to the commission for their considerations
5 and a letter will be submitted by the June 1st, 1998
6 comment deadline. Thank you.

7 MR. BODOVITZ: Thank you, Ms. Aranboru.
8 Forest Sprague who is Chief of Staff for Senator Johanson
9 and also consultant to the Senate Select Committee on
10 CalFed. And I now have one more card, Neil Stone of
11 Reclamation District 556. Mr. Sprague.

12 MR. SPRAGUE: Thank you for the
13 opportunity to speak. I don't know that I have a comment
14 as much as I have an observation and maybe a question.

15 With a lot of the comments that have been
16 made, within them there are also questions that have been
17 expressed by these people. My question of you is the
18 procedural process then to be able to answer and respond
19 to the questions and the comments that have been made
20 this evening.

21 MR. BODOVITZ: We had said earlier,
22 perhaps before you came in, that in fairness to all the
23 people who had three-minute limits, we're not going to
24 try to answer questions in the public meeting. But as
25 there's only one more speaker, I know some of the CalFed

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1 staff people would be very glad to answer the question
2 and some of the folks up here with me may as well. But
3 we've had a ground rule at all of our hearings trying not
4 to get in back and forth discussions.

5 MR. SPRAGUE: That's very convenient.

6 MR. BODOVITZ: Well, it's also worked very
7 well.

8 MR. SPRAGUE: For your side, but not for
9 the sides of these people. You're here to represent the
10 government to the public. This is the public, and they
11 have the right to ask specific questions about this
12 program and know what the impacts are going to be.

13 I've attended dozens or a half a dozen of
14 these other meetings that have been held by CalFed in
15 regard to this. A presentation has been made, an open
16 dialogue has been allowed. This is the first one that
17 I've attended where it's been a one-way conversation.

18 MR. BODOVITZ: Well, as this is a hearing
19 on the draft environmental documents it does have some
20 legal requirements.

21 Let me offer a practical suggestion.
22 There's one more speaker. I think in fairness let's let
23 him be heard. Then we'll see what we can do in response
24 to the question you're raising.

25 MR. SPRAGUE: I'll yield for that moment

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1 Look at a local tax base, you haven't addressed the
2 impacts on these.

3 When we look at a progress of the next 15
4 to 30 years, I believe those were the numbers that were
5 given to the process involved in front of us, perhaps 75
6 days is an insufficient amount of time to have public
7 input. And at this time I would like to yield the
8 microphone to my predecessor.

9 MR. BODOVITZ: Let me suggest since we
10 have legal requirements with regard to the Draft
11 Environmental Impact Reports, let's end that part of the
12 meeting because we've heard from all the people who wish
13 to comment on the draft EIR.

14 I think the thing to do is those of you
15 who want to stay for this discussion, we'll turn off the
16 microphones and have a meeting all over here and let all
17 who want to be in on the discussion be in on it.

18 I think you've raised some questions that
19 will be very hard for this group to respond in a way
20 you're going to feel adequately satisfied, but let's try.

21 MR. SPRAGUE: Does this mean this is on or
22 off the record? Because to date at this point in time we
23 are on the record.

24 MR. BODOVITZ: That's correct.

25 MR. SPRAGUE: I feel the continuance of

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1 then. Thank you.

2 MR. BODOVITZ: Neil Stone of Reclamation
3 District 556.

4 MR. STONE: In addition to 556, I'm on the
5 board of director for Sacramento County Farm Bureau. And
6 at this time I have several questions that I'd like to
7 address.

8 First of all, when we look at the
9 reclamation districts, we've had a tax base that's come
10 from assessments from a local district when these
11 districts are broken up, and we have ownership under them
12 private, there may be some questions here as what
13 percentage of the taxes will be paid by the private part
14 and what percentage will be paid by the government
15 entity. If we have a mitigation process or if we have
16 levee setbacks and now the state and federal government
17 own these, where does this reclamation district draw
18 their funds from.

19 In the past, participation has been
20 somewhat minimal. The loss of sales tax revenues to
21 local governments hasn't been addressed yet because there
22 are farm ground that will be taken out, there are
23 chemicals, there are fertilizers, there are equipment,
24 all of these issues have not been addressed. You can
25 bunch it into Sacramento and San Joaquin, but when you

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1 this meeting should be on the record.

2 MR. BODOVITZ: Well, as a practical
3 matter, all of the people who are here are going to hear
4 it. As a matter of the legal requirements on the draft
5 environmental documents, I believe this kind of
6 discussion is not part of that same record.

7 One is a legal requirement, we're
8 satisfying that requirement. The other is things that
9 are of concern to everybody in the room and we want to
10 have an opportunity to discuss them.

11 MR. SPRAGUE: I object to that.

12 AUDIENCE: Could we please leave the
13 microphone on.

14 MR. SPRAGUE: I think everything that is
15 discussed here tonight should be on legal record.

16 MR. BODOVITZ: Okay. Well, Rick, do you
17 want to take a shot at answering? I don't --

18 MR. BRIDENBACH: I don't have an answer
19 other than the one you've offered Joe. It's a public
20 hearing to receive your comments on the document. We've
21 received, I believe, your comments on the document. We'd
22 be glad to engage in any discussions you want with it,
23 but because of the legal requirements we've got to
24 maintain that aspect of the hearing and shut it down so
25 we do have those comments and we can respond to those

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1 comments in the document. Or else we're -- we don't meet
2 the legal tests required in SEQA or NEPA.

3 That doesn't mean we're not interested in
4 answering your questions. I mean, we'll stay here all
5 night and talk to you if that's what you'd like to do,
6 but I think the hearing part has to end and then we can
7 move on to the question and answer part.

8 MR. BODOVITZ: So be it. So we'll end the
9 formal hearing part. I assume many of you want to stay
10 and hear the ensuing discussion. Okay. Then we're off
11 the environmental impact report hearing record, but all
12 who are here will hear the discussion.

13 I think since we've been going for an hour
14 and a half, let's take a ten-minute break, come back, and
15 we'll get into Mr. Sprague's question.

16 (Conclusion of proceedings at 8:30 p.m.)
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REPORTER'S CERTIFICATE

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5 STATE OF CALIFORNIA)
6) ss.
7 COUNTY OF SACRAMENTO)
8

9 I do hereby certify that the foregoing
10 transcript was taken by me in shorthand at the time of
11 the proceedings herein, on the date therein set forth,
12 and that the foregoing is a full, true and correct
13 transcript of the proceedings at said time.
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16 Dated: _____, 1998.
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19 Katherine L. Cardozo, CSR 6344
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Dated: May 8, 1998.

K.L. Cardozo
Katherine L. Cardozo, CSR 6344