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

ORIGINAL

TRANSCRIPT OF PROCEEDINGS

PITTSBURG SENIOR HIGH SCHOOL COMPLEX
CREATIVE ARTS LITTLE THEATER
250 School Street
Pittsburg, California

Wednesday, May 13, 1998 at 7:00 p.m.

REPORTED BY: LESLEY D. SCHNEIDER, CSR NO. 10580, RPR

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



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

3

4 HEARING OFFICER BODOVITZ: I'd like
5 to welcome you to what is the 11th of 17 public
6 hearings on the CALFED Bay-Delta draft environmental
7 documents.

8 A week ago we were in Walnut Grove. Last
9 night we were in San Diego County in Encinitas in a
10 fantastic rainstorm for May 12th for Southern
11 California. Tomorrow night we will be in Redding.
12 Next week we'll be in San Jose, Vacaville, Yuba City,
13 the following week in Stockton and Santa Rosa. So
14 there are a number of hearings in this general area,
15 and there is a schedule of hearings on the outside
16 table.

17 In a moment I'll go over the ground rules
18 for tonight, but the key one is that if you wish to
19 speak, it's necessary to sign -- fill out one of these
20 yellow cards on the table outside. I know many of you
21 have done so. We have got a substantial pile of cards,
22 but if you wish to speak, please fill out one of these
23 cards.

24 My name is Joe Bodovitz, and I'll be
25 presiding at the hearing tonight. I am actually not a

1 part of the CALFED Bay-Delta project. Instead I run a
2 small nonprofit organization that works to help people
3 find as much agreement as possible on contentious
4 issues affecting the economy and environment in
5 California.

6 My own background includes having been the
7 first executive director of the San Francisco Bay
8 Conservation and Development Commission, later the
9 first executive director of the Coastal Commission, and
10 still later the director of the State Public Utilities
11 Commission, which as many of you know, among other
12 things, regulates all the investor-owned, privately
13 owned water companies in California, so I have some
14 background, anyhow, in the issues we'll be discussing.

15 With me at the table up here are two of
16 the people who are part of the decision making group
17 for the CALFED Bay-Delta project.

18 My role is to try to ensure that we have
19 as complete and impartial and unbiased a hearing record
20 as we can. Their jobs are to help make the decisions
21 that will go into the final CALFED Bay-Delta documents
22 and reports.

23 Katherine Kelly of the State Department of
24 Water Resources. Walter Yep of the Army Corps of
25 Engineers.

1 I'm sorry we're sitting kind of in the
2 shadow here tonight. Perhaps at the break if you wish
3 to talk to either of them, there will be an opportunity
4 to do so.

5 All of the people who are involved in the
6 CALFED Bay-Delta decision making process cannot be at
7 all of the hearings because, as I say, there is 17 in
8 kind of a quick period of time, but some of the people
9 who will be making the decisions are present at every
10 hearing, which ensures that wherever we are in the
11 state, those of you who speak at the hearings may be
12 assured you are talking to the people who will be
13 making the final decisions.

14 In addition, as you can see, we have a
15 court reporter transcribing all the testimony, and it's
16 being taped in addition.

17 Now, before we get to your comments, there
18 is one more thing I would like to do. We found it very
19 helpful in the hearings if we can take just a few
20 minutes for a quick presentation by the CALFED
21 Bay-Delta staff on what the issues are, why we're here,
22 what the documents are that we'll be discussing, and
23 where this project goes from here.

24 So Rick Breitenbach of the California
25 Bay-Delta staff will with some overheads do exactly

1 that.

2 MR. BREITENBACH: Thank you, Joe.
3 I'm not going to win. I'm going to be in
4 somebody's way irrespective of where I am, so I
5 apologize for those of you over here, but I think this
6 is probably the most effective place to work from, and
7 if you ask me every now and then to move, I'll be glad
8 to if I'm getting in the way too much.

9 I want to just take a few minutes to make
10 a couple of observations about the program, a couple of
11 items that you might have missed as you've been reading
12 through the document. What you see up here is an
13 organizational chart for the program. Stated right at
14 the top, "Governor and the Secretary of Interior," and
15 their presence on this chart is clearly an indication
16 of the importance that both the state and the federal
17 government place on this program and getting the
18 problems that are in the Delta fixed.

19 Within the CALFED Bay-Delta program box
20 itself there are five state and 10 federal agencies,
21 all with state -- or, excuse me, all with regulatory or
22 management responsibilities, all of them keenly
23 interested in seeing that the problems in the Delta are
24 fixed, and all of them working with the CALFED program
25 staff on a daily basis to accomplish that goal. We

1 The water quality within the Delta seems
2 to be on the decline, and, as you all know, if you live
3 in the Delta or been in the Delta very often, the
4 levees around those islands aren't the stablest in the
5 world, the problem with levee stability.

6 And so we're dealing with all four of
7 those problem areas at one time trying to come up with
8 solutions that resolve all four.

9 In the past people have attempted to focus
10 on one or the other of the problem areas, and they have
11 come up with really good solutions, but usually in
12 fixing one of them winds up with conflicts with
13 another. So, as I said just a minute ago, we are
14 trying to come up -- or we have come up with approaches
15 that resolve all four at the same time without those
16 conflicts between them.

17 So what do the alternatives look like?
18 All of you saw this on a poster board outside in the
19 hallway. Basically the alternatives are made up of
20 eight different pieces. Six of them are the same in
21 each alternative, and when you read the documents,
22 that's what we refer to as the common programs. These
23 six down here are the same. Each alternative has each
24 one of these in it.

25 Where the alternatives vary is with

1 also work extensively with the public, and you see
2 within the circle something called the Bay-Delta
3 Advisory Council.

4 Now, these are about 30, 31 individuals
5 representing varied interests from across the state
6 that have been appointed both by the Governor and the
7 Secretary of Interior to represent those various
8 interests, points of view at the table with CALFED.
9 They review the work we do, they provide advice to us,
10 they carry that advice back to all their constituents,
11 and they also participate in some work groups, so they
12 are actively involved also in trying to resolve the
13 problems in the Delta.

14 So I've said a whole lot of things about
15 problems. What are the problems that we are working
16 on?

17 Well, there is four problem areas in the
18 Delta that we're spending time with: Water supply.
19 Reliability of water to agricultural and urban areas
20 south of the Delta has been on the decline in recent
21 years.

22 Habitat within the Delta is certainly
23 degraded, and a number of species associated with that
24 habitat have dropped off as well, in fact, several of
25 them have been listed as endangered.

1 respect to conveyance and storage, and they were the
2 three poster boards that we had out there that showed
3 the pictures of the Delta, and we had one, two and
4 three, and that's because the alternatives vary around
5 how the water is going to be conveyed across the Delta
6 as well as where we might have storage.

7 Let me just talk a little bit about these
8 different programs, but before doing so several people
9 have asked a question about land use changes as a
10 result of implementing the program, and without going
11 into too great of detail, all of these elements, with
12 the exception of water use efficiency, will change
13 currently on uses if it's implemented -- if the program
14 is implemented as we're proposing to at the present
15 time.

16 Some of you might have read where we did a
17 study looking at retiring farmland, 500,000 acres of
18 farmland, as a water conservation tool. We did a why
19 paper. That's all that happened with that. We
20 determined that that was not something that would be
21 part of the program, and it is not part of the water
22 use efficiency program, so there is no land retirement
23 program associated with the water use efficiency
24 program, but there are land use changes associated with
25 the rest of the programs, including storage and

1 conveyance.
 2 A couple of words about the contents of a
 3 couple of documents that make up the EIS itself. The
 4 first is what we call the main document, and this is a
 5 document where we analyze the consequences, where we
 6 describe what is going to happen to fisheries or what
 7 is going to happen to cultural resources.
 8 Those of you that have read environmental
 9 documents in the past are probably used to something
 10 that I'll call a "project specific" or a "site
 11 specific" document. You get a real good sense of the
 12 consequences of what is going to happen if you build a
 13 project. You get a real good sense of what the project
 14 is all about.
 15 When you've read our document, I know you
 16 have gotten a good understanding of what we're
 17 proposing and a good understanding of the consequences,
 18 but you certainly didn't get what you would get if it
 19 was a site specific document. That's because we have
 20 prepared a programmatic environmental document. We're
 21 not ready to take a particular action, so we haven't
 22 prepared those very site specific documents that tell
 23 us exactly what the consequences are going to be.
 24 We're at a level in the planning process
 25 right now where what we want to be able to tell the

1 the Phase 2 Interim Report.
 2 Here is a list of some of the issues that
 3 you will find in the Interim Report, and it's also a
 4 list of issues that I think all of you are going to be
 5 talking about tonight. I think each of you when you
 6 come up to the microphone are going to be talking about
 7 how well we have done with respect to evaluating the
 8 consequences of the program, how well our assumptions
 9 that we put together work, how well the tools that we
 10 use work. Any question you have about the evaluation
 11 or any thoughts you have about the evaluation, we'd
 12 sure like to hear tonight.
 13 Willingness to pay. Who is going to pay
 14 for the program? Is the public going to pay for
 15 everything? Should the people that benefit pay for
 16 everything? Those are the types of things we'd like to
 17 hear from you. What do you think? Should it be a
 18 mixture of both public as well as people that benefit
 19 from it? Obviously the public benefits from it, or
 20 maybe just parts of it.
 21 Assurances. Over the next 30 years this
 22 project is going to be built. Some people are going to
 23 get their projects right away, some people are going to
 24 have to wait awhile to get their projects. How are we
 25 going to hold that coalition together so that everybody

1 people that are making a decision: Here is the overall
 2 effects of all the programs. As we move to the next
 3 step, we're going to analyze the consequences of each
 4 of those programs much more -- in much greater detail
 5 than we have at the present time.
 6 So the key point to carry away from all
 7 this is that the document you have read, the document
 8 we have prepared is a programmatic document. It
 9 doesn't get to the real site specific information that
 10 you're all really desirous of having, and we won't be
 11 there until, perhaps, next year when we get started in
 12 that -- in that process. But what you do get is a good
 13 sense of the overall consequences of the whole program
 14 stretching the length of California, actions that will
 15 be put in place for now, for 30 years from now.
 16 The other document to spend a little time
 17 looking at is what we call a Phase 2 Interim Report.
 18 This document steps forward from the main document and
 19 then it gives you a better idea of how the alternatives
 20 fair with respect to different resources. It also
 21 gives you, and this is what is particularly important,
 22 a list of the issues that we believe need to be covered
 23 before we can get to the preferred alternative. So if
 24 you don't have a chance to read any of the other
 25 documents, I'd really encourage you to take a look at

1 stays at the table and sees to it that this program is
 2 put together all the way to the end? You know, any
 3 ideas you have about assurances we'd certainly like to
 4 hear about them.
 5 Select a preferred alternative. You've
 6 read the document, or are reading the document, you got
 7 some sense of what the consequences of different
 8 alternatives are. We'd sure like to hear from you as
 9 to what you think should be the preferred alternative
 10 or which pieces should be in the preferred alternative.
 11 Maybe you don't think all eight pieces need to be
 12 there, maybe only a couple them is all that you think
 13 would be appropriate. Well, we'd like to hear what
 14 your thinking is about the preferred alternative.
 15 So what is next? Well, obviously the
 16 public-comment period is going to continue, and those
 17 that I didn't mention it to outside, it has been
 18 extended until July 1. We received a lot of comments
 19 from a lot of people, and the decision was made Monday
 20 to extend the comment period until July 1.
 21 We'll take all the comments that we
 22 receive and respond to them, so everything you say
 23 tonight, everything that comes in in writing, we're
 24 going to respond to.
 25 By the end of summer we're going to select

1 a draft-preferred alternative. We'll revise the draft
 2 rather than putting out a final. We had intended to
 3 put out a final by the end of the year. We're going to
 4 put out a reviewed draft by the end of the year, which
 5 will now contain a draft alternative, so when you see
 6 the document again, you'll have a sense of what the
 7 draft-preferred alternative is going to be, what is
 8 being proposed for the long-term solution.

9 The document will go out again for public
 10 comments. There hasn't been a decision as to how long
 11 that public-comment period will be, but I expect it
 12 will be anywhere from 75 to 105 days, which is what
 13 this one is turning out to be.

14 We'll finalize the preferred alternative
 15 with the help of your comments on that revised draft.
 16 We'll certify the environmental document by mid 1999,
 17 and then we'll begin to implement the program towards
 18 the end of 1999.

19 That concludes my presentation.

20 HEARING OFFICER BODOVITZ: Thanks
 21 very much, Rick.

22 Let me now quickly go over the
 23 ground rules for tonight's hearing, and we'll start
 24 taking your comments.

25 To repeat for those of you who may have

1 will be available, and to help you stay on the
 2 three-minute limit, we have a little traffic light here
 3 that probably everybody in the audience can see it at
 4 least as well as the speakers. When you start the
 5 green light will be on. When you have one minute to
 6 go, the yellow light will be on. When the red light
 7 comes on, your time is up, and we ask that you conclude
 8 the sentence you're in the middle of, or at least the
 9 paragraph you're in the middle of, and, as I say, that
 10 way we'll be able to hear from everybody in a
 11 reasonably short period of time.

12 Now, finally, at hearings like this many
 13 people have questions or items they would like to
 14 discuss or debate. The purpose of our hearing tonight
 15 is to get comments, as Rick said, that can be responded
 16 to by the CALFED Bay-Delta program.

17 If you would like discussion or more
 18 information or to ask why something was done the way it
 19 was done or wasn't done in some different way, members
 20 of the staff will be here at the break and after the
 21 hearing, so there will be plenty of opportunity to get
 22 those questions answered, but we won't interrupt the
 23 hearing to try to answer questions and discuss issues.

24 Lastly, before beginning I believe Karen
 25 Schwinn of the Environmental Protection Agency is here.

1 come in late: If you wish to speak, it's necessary to
 2 fill out one of these yellow cards on the table
 3 outside. We'll take the comments in the order in which
 4 we receive the cards.

5 Number two: We ask that you limit your
 6 statements tonight to three minutes. I appreciate
 7 that's not a long period of time, but we've already
 8 learned in these hearings how much information can be
 9 packed into three minutes if you organize your
 10 thoughts.

11 And, as Rick had said, written comments of
 12 any length may be submitted as long as they are
 13 received before July 1st, so this isn't your only
 14 opportunity to make your views known, but this way
 15 we'll be able to hear from the largest number of
 16 speakers without all being here incredibly late.

17 In the interest of keeping the hearing
 18 going, I will call three names, so you'll know where
 19 you are in line. We have reserved tags on a couple of
 20 the chairs, and if you're in the middle of a row when
 21 your name is called, it will probably help us if you'll
 22 come out to the end of an aisle or get one of those
 23 seats, so that when your name is called you'll be able
 24 to talk.

25 There are microphones in both aisles that

1 Karen, if you would like to sit in this dark area
 2 instead of that dark area, please come on up.

3 The first three speakers, and my apologies
 4 if I don't get your name exactly right, Mike Vukelich
 5 of El Sobrante, Russ Vaymire of the Kings County Farm
 6 Bureau; and, third, Michael Paquet of the Surfrider
 7 Foundation.

8 So, Mr. Vukelich, if you'd begin.

9 MIKE VUKELICH: Thank you. I'm Mike
 10 Vukelich. I've lived in the -- I was born in West
 11 Contra Costa County in 1930, and 68 years later I'm
 12 still in West Contra Costa County.

13 I'm very much concerned about the CALFED
 14 program.

15 A little story: Last week I took my
 16 granddaughter to the aquarium over in San Francisco,
 17 and she is very much -- she is 10 years old, very much
 18 involved with fish and things like that, and she asked
 19 me, she said, Grandpa, how come the Bay is all brown?
 20 And I stopped and thought, and I said, well, I said,
 21 that's all the sediment and all the erosion that comes
 22 down through the Delta, and so I was thinking
 23 tonight -- as I was coming over here tonight, I'm
 24 thinking that that's a serious concern, and nobody
 25 seems to address that. They say well, the oil company

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1 dropped some oil in or somebody did this or that,
 2 but the "I don't know" -- she was asking me how do the
 3 fish live; I said, I don't know, I guess they live
 4 there, people catch fish there.
 5 But I think this is a serious concern of
 6 ours, and I don't see it being addressed, and I'm
 7 speaking -- although, I belong to lots of
 8 organizations -- I'm speaking tonight personally, just
 9 my own personal opinion.
 10 I think one thing that I am really afraid
 11 of that I've seen over the years is how the government
 12 controls have gone after our property rights, and I
 13 spoke to one of the directors tonight, asked him about
 14 one of the payment vouchers that came out -- or the
 15 payment list that came out for \$60 million, which this
 16 program is funding, and \$30 million of it was to U.S.
 17 fish and wildlife organizations, and I was thinking,
 18 well, that seems to be like the -- like the fox
 19 guarding the hen house, but he told me, he said -- the
 20 first one that I looked at, he said that he was
 21 involved with that and he bought a piece of property,
 22 and it's going to be government property, but already
 23 we have -- 55 percent of our state is government
 24 property, so I'm afraid of this whole program.
 25 First of all, I think in order to stop the

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1 erosion, I think we have to have a big program of a
 2 combination of storage and dams all through the Delta
 3 area, through the area, that watershed that flows into
 4 the Delta because we're always going to have brown
 5 water if we don't do that.
 6 Another thing that I'm afraid of, I've
 7 seen how the U.S. Fish & Wildlife and the State Fish &
 8 Game have each got over 200 plus endangered species
 9 with no oversight, and so I'm afraid when these
 10 organizations get together, they're more thinking of
 11 there eco -- I call it "ecotheology." When you have
 12 ecotheology, you have environmental extremism.
 13 I've been involved with growing plants all
 14 my life, and I love to be in the soil. I love nature.
 15 I love trees. But I think that we've gone overboard,
 16 and I'm afraid that we might go overboard. I don't
 17 see, is it red yet, or is anything happening over here?
 18 HEARING OFFICER BODOVITZ: About
 19 15 seconds.
 20 MIKE VUKELICH: Well, I'm just
 21 afraid. I know that we have lots of good people. Some
 22 of the people that I have met in the organization seem
 23 to me highly intelligent. I'm seeing these -- all the
 24 literature and things that have come out. I know you
 25 had to have some very good people put that out. But

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1 I'm afraid of the whole program. I'm afraid of the
 2 oversight. I'm afraid how the money is going to be
 3 spent. I'm afraid of property rights being taken
 4 away. I'm afraid of farmland being taken out, that we
 5 can't grow things anymore.
 6 Okay. Thank you.
 7 HEARING OFFICER BODOVITZ: Thank
 8 you.
 9 You know, maybe we ought to use just this
 10 microphone, and then move the light over so it will be
 11 easier to see. I think in trying to make it possible
 12 to see from both of them, we may not make it work for
 13 either one of them.
 14 The video camera tonight is not part of
 15 our program. I don't know for whom this is being done.
 16 but if people, it seems to me, if they don't want to be
 17 filmed should have a right not to be filmed because
 18 this isn't being done by the CALFED Bay-Delta program.
 19 UNIDENTIFIED VOICE: Who's it for?
 20 UNIDENTIFIED VOICE: It's a public
 21 hearing.
 22 HEARING OFFICER BODOVITZ: It's
 23 perfectly all right, in any event.
 24 UNIDENTIFIED VOICE: I hope it is on
 25 channel 5.

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1 HEARING OFFICER BODOVITZ: For
 2 whoever it is, it's not part of this program.
 3 Okay. Mr. Waymire, King County Farm
 4 Bureau.
 5 RUSS WAYMIRE: Yes. Thank you for
 6 the opportunity to speak.
 7 I reside in Kings County, which is one of
 8 the areas targeted for an extensive amount of land
 9 retirement, and in short, in 1992 George Miller's CVPI
 10 legislation already diverted 800,000 acre feet to
 11 1.2 million acre feet of water from our central valley
 12 area. If this shortage is not restored, it will
 13 already cause 4 to 500,000 acres to go out of
 14 production.
 15 In current CVPI implementing hearings,
 16 they are also suggesting government purchase of an
 17 additional 500,000 to 1 million acres to retire it to
 18 increase environmental water flow objectives.
 19 A separate CALFED Bay-Delta program and
 20 its alternate plans are also indicating the potential
 21 to retire an additional 500,000 to 1 million acres of
 22 central farmland or more to satisfy CALFED'S
 23 environmental objectives. The public and our elected
 24 officials need to be aware of the combined a cumulative
 25 effect of retiring 2 million plus acres of central

1 valley farmland. All this seems to be under the false
2 premise that by doing so we'll solve California's
3 long-term water needs.

4 We came here today to suggest that we must
5 work together to solve this.

6 In order to avoid annual water wars, we
7 need to consider a CALFED Bay-Delta plan that offers a
8 long-term solution of 25 years or more.

9 Alternative plan 2 and Alternative plan 3
10 appears to provide this with increased storage for
11 environmental flows and increased reliability of water
12 for ag and urban users. Unreliable water supplies
13 already contribute to a high unemployment rate in our
14 area, which is one of the highest in the nation.

15 Dewatering and devaluing the central
16 valley directly defunds our schools. Seven out of 10
17 jobs in the central valley are ag dependent.

18 In the CALFED executive summary, buried in
19 the last pages, page 21, I read some very cavalier
20 statements none of us should tolerate: "Some actions,"
21 and this is a quote, "could have a disproportionate
22 impact on minorities and low income populations."
23 Well, I'm part of that, and it's sort of like if it
24 happens to them, so what, and it sounds a little
25 discriminatory and prejudice to me.

1 and water users in the Bay Area, and we do a variety of
2 things in regards to ocean water quality, education,
3 and once a month we also have beach cleanups out at
4 Ocean Beach just south of the Golden Gate.

5 The impacts from the trash from the
6 Bay-Delta is huge. All types of plastic and other
7 floatable debris ends up out there. This year we found
8 thousands of buckshot casings from hunters, obviously
9 in the Delta. This is only the visible trash, but I'm
10 more concerned about the invisible water pollution
11 coming out into the ocean.

12 This program is a huge program that covers
13 so much of the water in California, and these waters
14 were once clean-flowing, and now they are being
15 diverted, eventually to be dumped into the ocean,
16 polluted to some extent.

17 This program stops short of describing all
18 of the true scopes of the impacts from this project,
19 especially the total pollutant loads out at the Golden
20 Gate, as well as the sources indicated off from the
21 southern region after waters that are diverted are
22 discharged.

23 In this international year, the oceans, we
24 have a chance to address these cumulative impacts from
25 the pollution occurring in the state now, and I hope

1 At a recent hearing in Fresno, Barry
2 Nelson, the environmental spokesman that I heard,
3 stated, and I quote, that they would not agree to any
4 additional water storage for the central valley even if
5 it was to control excessive flood flows that would
6 serve everyone better if released at a more beneficial
7 time to enhance the environment and human protection,
8 while George Miller's Contra Costa area is using
9 taxpayer dollars to build Los Vaqueros dam, to provide
10 water to developments, converting habitat to houses,
11 and Los Angeles is building Domenigoni dam for the same
12 purpose.

13 We need to work together to properly fix
14 the Delta and develop more storage so that all of
15 California will benefit.

16 Thank you.

17 HEARING OFFICER BODOVITZ: Thank you,
18 Mr. Waymire.

19 Michael Paquet, Dr. Kitty-Sue Schlink, and
20 Supervisor Alene Taylor from Hanford.

21 MICHAEL PAQUET: Hi. Thank You.

22 My name is Michael Paquet, and I'm the
23 environmental committee chair for the San Francisco
24 Foundation of Surfrider.

25 Our chapter consists of about 800 surfers

1 this program will go that far.

2 The program's potential for water
3 conservation also seems to be very understated, to say
4 the least. We believe that all inefficiencies of water
5 use must be addressed and dealt with through market
6 fairness.

7 Water subsidies should be eventually
8 phased out and only increased efficient use, especially
9 agricultural waters, must be made for all the water,
10 not just the new waters made available for the program.

11 Money should be used to develop and
12 implement farming practices that are sustainable, not
13 only to the environment, but to the farmers.

14 Organic sustainable farming practices
15 would get the most money in grants and loans and
16 incentives, and nonsustainable toxic farming practices
17 that do not conserve water and use pesticides and
18 chemical fertilizers should pay the most due to their
19 damage to the environment and to the health of the
20 people.

21 We are most concerned with the possibility
22 that agricultural drainage -- polluted agricultural
23 drainage may end up in the ocean. It must be treated
24 on site, and exporting the waste water is not an
25 option.

1 The San Lewis drain or ocean outfalls in
2 San Francisco should not have a place in any possible
3 way to treat these programs. Export is not a
4 solution.

5 We have the technology now to treat better
6 on site through low costs, much lower costs to
7 taxpayers using decentralized technologies. These
8 technologies exist and have been around for quite a
9 long time. They just haven't been used. It's very
10 hard to find small projects, and hopefully this
11 project -- this program will address these issues.

12 HEARING OFFICER BODOVITZ: Mr.
13 Paquet, your time is up.

14 MICHAEL PAQUET: Thank you.

15 HEARING OFFICER BODOVITZ:
16 Dr. Kitty-Sue Schlink, Kings County Supervisor Alene
17 Taylor, and Jim Verboon of the Kings County Farm
18 Bureau.

19 DR. KITTY-SUE SCHLINK: Okay. I'm
20 not used to talking on microphones, so we'll try this.

21 On behalf of the members of the California
22 Farm Water Coalition, I appreciate the opportunity to
23 present our views on several components of CALFED'S
24 proposals to fix the Delta.

25 My name is Dr. Kitty-Sue Schlink, and I

1 regulatory water reallocations, as well as by cost
2 factors, as I have just mentioned.

3 At the on-farm level, innovative practices
4 adopted by growers include: Planting improved crop
5 varieties, leveling land using laser-guided technology,
6 designing irrigation techniques and delivery systems to
7 ensure optimum efficiency for specific crops and
8 applications, and adopting water recycling programs.

9 These measures have lead to dramatic
10 reductions in the amount of water used to grow crops.
11 For example: Sacramento valley rice growers have
12 reduced average, net water use from approximately 6.5
13 acre feet per acre in 1970 to 4.4 acre feet per acre
14 today.

15 The coalition is well aware of the
16 environmental concerns of public agencies and water
17 stakeholders relative to agricultural water use. We
18 support the efforts of CALFED to provide the public
19 with factual information on these matters.

20 The CALFED preferred alternative must
21 focus on water use management through region specific
22 plans that take into consideration such factors as
23 surface and groundwater quality and quantity, soil
24 quality and type, cultural practices, and economic and
25 environmental benefits. Furthermore, CALFED must

1 serve as the assistant executive director of the
2 California Farm Water Coalition.

3 We have a number of concerns regarding the
4 draft EIR/EIS, and I will focus my comments this
5 evening on a specific issue given the short time frame
6 for comments.

7 CALFED accurately reflects that
8 California's agriculture is already highly efficient in
9 its use of water. More efficient water application
10 does not necessarily increase water supply. Only
11 practices that reduce evaporation from water surfaces,
12 reduce evapo-transpiration or diminish unrecoverable
13 losses actually reduce depletions to water supply.
14 Furthermore, water saved within a district or on a farm
15 is used elsewhere within the same district or farm.
16 Increased application efficiency, therefore, does not
17 create new water supplies.

18 To maximize profits, agricultural
19 producers must hold down costs, including water costs,
20 which provides additional incentive to use water as
21 efficiently as possible.

22 California farmers and irrigation
23 districts have made significant investments in
24 improving water conservation and irrigation
25 technology. Most of this innovation has been driven by

1 recognize and disclose that increasing application
2 efficiency often reduces the incidental environment
3 benefits that are associated with agriculture.

4 The agricultural water management council
5 established by AB3616 and its underlying memorandum of
6 understanding will play a critical role in any CALFED
7 solution.

8 Voluntary activities undertaken by
9 signatories to the M.O.U. should fulfill agriculture's
10 obligations under CALFED; however, the caucus believes
11 that the acreage targets and the time lines set forth
12 in CALFED's proposal are inappropriate. Acreage
13 targets have apparently been arbitrarily established,
14 and CALFED's time line for certification of water
15 conservation plans by the Agricultural Water Management
16 Council directly conflicts with the certification time
17 line agreed to by the council's signatories.

18 HEARING OFFICER BODOVITZ:

19 Ms. Schlink, your time, likewise, is gone.

20 DR. KITTY-SUE SCHLINK: All right,
21 thanks.

22 HEARING OFFICER BODOVITZ:

23 Supervisor Taylor, followed by Jim Verboon, followed by
24 M.K. Veloz of the Northern California Marine
25 Association.

1 ALENE TAYLOR: My name is Alene
 2 Taylor. I'm a supervisor in Kings County, and kind of
 3 what brought me here was the discussion of idling of
 4 farm ground because it came to my attention that
 5 140,000 acres of that was in Kings County, and I went
 6 to my assessor, and I go, you know, if they idle this
 7 140,000 acres in particular, my reading of the proposal
 8 was that the state would take this ground over, and
 9 therefore our tax income would go to zero, that the
 10 cost to the schools, the county, the fire department,
 11 that is already underfunded, as they will tell you, is
 12 over \$3 million a year, and that's a hit that we can't
 13 take.

14 The loss of jobs was estimated to be
 15 22,000. Our percentage of that would be 7,700 jobs in
 16 Kings County. We already have 3 to 4,000 people we
 17 need to move off welfare. We have a 12 percent
 18 unemployment rate, and that is the lowest we've ever
 19 had -- I mean, it never gets below double digits, and
 20 we create an average of 450 jobs per year. Our jails
 21 are full. And the problems that are associated with
 22 this much of a job loss is just overwhelming just in
 23 our county.

24 And our problem is that the only reason
 25 for idling land seems to be that you have supply and

1 that's kind of our buy-in into this program, and if we
 2 get something out of it, and the Bay-Delta gets
 3 something out of it, then everybody walks away happy,
 4 maybe not totally satisfied, but happy. And if you
 5 take out any element, then you're not going to get the
 6 support you need to pass this through the entire state.

7 Thank you.

8 HEARING OFFICER BODOVITZ: Thank you
 9 very much supervisor.

10 As we have not held any hearing in Kings
 11 County, the folks from Kings County have had to come
 12 see us in a number of places, and I suspect that on a
 13 per capita basis we have had more comments from the
 14 Kings County than any other county in the state thus
 15 far.

16 Mr. Verboon of the Kings County Farm
 17 Bureau, followed by M.K. Veloz, followed by Seth
 18 Cockwell.

19 JIM VERBOON: As a farmer in south
 20 central San Joaquin Valley, Kings County, we have the
 21 most to lose or possibly benefit from the decisions
 22 that are going to be made here. We can either see a
 23 catastrophic disaster occur in Kings County or we can
 24 see back to some sense of reality and normalcy in our
 25 farming operations, and we can't have sustainable

1 you have demand. You either have to lower supply --
 2 or, excuse me, lower demand or increase supply, and in
 3 water that means extra storage, it means better
 4 delivery systems, and to avoid that you -- the only way
 5 you are going to avoid that in this state with our
 6 growing population is to decrease demand. And with the
 7 growing population, you're not going to decrease demand
 8 urban, you're going to go after the farmers and
 9 decrease demand there, but the cost to our county and
 10 our state and our nation when we feed the world is --
 11 in the long run, 10 years, 20 years down the road is
 12 too great, and I don't think that people look at it
 13 that way that aren't farmers.

14 I'm a farmer. And I can tell you we don't
 15 waste water. We pay too much for it to do that, and
 16 the only realistic way of being more efficient in water
 17 use for most farmers is just not to use water, which
 18 means you don't grow anything on the ground, which
 19 means your underground problems get worse because there
 20 is no water coming in to replace what is being taken
 21 from the underground. It means that there is less
 22 money within the economy being rolled over because
 23 people that lose jobs don't have paychecks to spend.

24 And we're very concerned about this. We
 25 want to have equal weight with Delta preservation, and

1 agriculture being toxic because one offsets the other.
 2 A healthy environment means healthy products and means
 3 healthy yields.

4 Alternative Number 1 is simply not
 5 acceptable to the southern San Joaquin Valley and
 6 probably none of California agriculture because it
 7 allows no certainty of water transfer from where the
 8 water is in a northern part of the state through the
 9 Delta without causing environmental problems.

10 Alternative Number 2 is what we would like
 11 to see as a preferred alternative because it has
 12 everybody's straw in basically the same bucket and
 13 everybody is dependent upon the water quality of the
 14 San Joaquin Sacramento River Delta in order to have a
 15 successful withdrawal of water.

16 Water storage is needed both north and
 17 south of the Delta, because once we can effectively
 18 move water from north to south without disrupting the
 19 environment -- we need storage both north and south
 20 because we're chronically water short of developed
 21 water on an average year, and we're making up for that
 22 by overdrafting our groundwater accounts. We can't do
 23 this forever because we are going to exhaust that
 24 groundwater supply.

25 If Alternative Number 2 is not sufficient

1 to meet water quality standards for Southern
2 California, then and then only might be the opportunity
3 to look at Alternative Number 3, which allows two
4 separate buckets for two separate entities to draw
5 from. I think that causes a potential problem.

6 Land retirement certainly is a
7 shortsighted decision. It will not develop new water.
8 It simply will reallocate water away from agriculture,
9 and at some point that is going to cause some shortages
10 in the future of the products that we have produced.
11 It's going to cause a shortage of jobs in the
12 processing and the shipping industries, which are
13 dependent upon the products we produce.

14 And, as I'm finishing up, we must remember
15 that if we develop an abundant supply of water, we're
16 going to have an abundant economy. If we do not
17 develop an adequate supply, we will have a very
18 deficient economy, and it doesn't matter whether it's
19 just the farmers. It's the state of California that
20 needs the water to be very successful in the future,
21 and thank you.

22 HEARING OFFICER BODOVITZ: Thank you
23 for all the traveling you have done to make very cogent
24 comments to us. Thank you, Mr. Verboon.

25 M.K. Veloz, Seth Cockwell, Joe Horn.

1 significance, and is a source of economic benefit to
2 the region." The boating industry contributes \$11
3 billion in gross state product to the state of
4 California as of 1995. That is \$6.8 billion directly
5 in terms of the boating industry and the other indirect
6 spending in terms of what boaters buy in a day of
7 boating at the fuel dock and at the bait shop and
8 restaurants, et cetera.

9 There are 183,000 jobs associated with the
10 industry, and it has generated \$569 billion in state
11 and local tax revenues.

12 Recreation is a recognized beneficial use,
13 and it seems to me in reviewing your documents it's a
14 missing piece in the jigsaw puzzle that you have on
15 your documents.

16 We certainly have concerns in terms of the
17 document when you talk about closing recreational
18 areas, closing waterways, reducing boat traffic.

19 If the goal of this process is to reach a
20 consensus on solving Bay-Delta issues, I think the
21 recreational importance and potential impacts on
22 recreation need to be more seriously addressed.

23 Thank you very much.

24 HEARING OFFICER BODOVITZ: Thank you,
25 Ms. Veloz.

1 M.K. VELOZ: Members of the panel, my
2 name is M.K. Veloz, and I'm representing the Northern
3 California Marine Association, which is a nonprofit
4 trade association representing approximately 300 member
5 businesses in the recreational marine industry,
6 primarily in the San Francisco Bay and Delta region.

7 To take a little different focus on this
8 discussion tonight, one that I think if you look at the
9 documents, and as I've reviewed it, I've been struck by
10 the lack of recognition in the document of the Delta as
11 a recreational resource. We're talking about an area
12 here of 1,000 miles of waterways, with over 12,000
13 birds, 250,000 registered boats in the Delta counties,
14 197,00 boaters use this waterway. There are
15 approximately 35.2 million active days in terms of
16 boating participation, cruising being the most popular,
17 others being fishing and water skiing, swimming in
18 relation to boating. Again, in reviewing your
19 documents, you wouldn't know that this is a
20 recreational resource.

21 I'd like to quote from language --
22 actually legislative language which established the
23 Delta Protection Commission in 1992, and I quote, "The
24 Delta's waterways and marinas and recreational boating
25 within the Delta is of statewide and local

1 Seth Cockwell, Joe Horn and Harvey
2 Goldberg.

3 SETH COCKWELL: Seth Cockwell. I'm
4 operations manager for Western Waterways, Incorporated.
5 We own and operate three marinas in the bay and Delta,
6 and I echo the previous speaker.

7 Thank you.

8 HEARING OFFICER BODOVITZ: Thank you,
9 sir.

10 Joe Horn, Allen Payton, Richard Oba.

11 JOSEPH HORN: Joseph Horn, and once
12 more into the breach when it comes to water.

13 Who can we trust? In the hope to save the
14 Delta, we are asked not only for the money, but also
15 for the loss of free-flowing water to be shipped out.

16 How many more acre feet do they want from
17 the upper river? Can you trust the people who are in
18 the water sales business -- or in the water sales
19 business to save the Delta? I don't think so.

20 Are these same people that are trying to
21 get the two-cycle outboard off the water because of the
22 M.T.B.E. in the water? Take the M.T.B.E. out of the
23 gas, and it will be out of the water.

24 In the past we have had a small problem
25 with the two-cycle engine. I remember when I went to

1 some of the first CALFED meetings, and they talked
 2 about retiring 800,000 acres of marginal land down
 3 south. Now, we're talking about 200 acres the north --
 4 200,000 acres in the north. Is this flooded storage
 5 water to be pumped down to the same land that you were
 6 talking about retiring three years ago? Who can we
 7 trust?

8 The Central Valley Improvement Act, CVPIA,
 9 was passed before Congress in 1992 to put fish and
 10 wildlife resources or par with agriculture and in the
 11 state of California. Now the 800,000 acre feet of
 12 water that was dedicated to the environment is in
 13 jeopardy by a lawsuit from the same people who were
 14 trying to pump their agricultural, chemical, salt,
 15 boron, and selenium water into our river in Pittsburg.

16 Thank you.

17 HEARING OFFICER BODOVITZ: Thank you,
 18 Mr. Horn.

19 Allen Payton, I believe, was a member of
 20 the city council in Antioch. Richard Oba and Nancy
 21 Jacobsen.

22 ALLEN PAYTON: I'm also a member of
 23 the East County Water Management Association.

24 The key thing is to, as far as I'm
 25 concerned, as far as I think, and, obviously, the

1 issues because the water is in California and stays in
 2 California, unlike Southern California water, which
 3 comes from the Colorado area that covers many states.
 4 And last, but not least, we need to protect the
 5 farmland from this retirement issue.

6 It's kind of funny up here, the
 7 environmentalists say protect the agricultural land,
 8 protect the prime ag land from development of
 9 noisemakers, yet in this instance it seems to be that
 10 they want to eliminate the prime ag land. It's kind of
 11 a hypocritical and a double way to speak, so those are
 12 the issues I wanted to put forward.

13 HEARING OFFICER BODOVITZ: Thank you,
 14 Mr. Payton.

15 Richard Oba, Nancy Jacobsen, Robert
 16 Pacini.

17 RICHARD OBA: Yes. My name is
 18 Richard Oba. I'm with United Anglers of California.
 19 United Anglers of California has been
 20 active in many of the environmental issues surrounding
 21 water in California for many years.

22 First I'd like to correct one statement
 23 made by a Kings County representative that Los Vaqueros
 24 reservoir is being built with taxpayers' dollars. That
 25 is not true. The Los Vaqueros reservoir is being built

1 people I represent is the improved water quality, both
 2 in the taste and in the use for -- whether it be
 3 industrial or agricultural users, and we also need to
 4 improve the environment, but what we need is balance.

5 We need additional storage to have that
 6 water quality, just like we have done here in this area
 7 with Los Vaqueros reservoir, pulling the water out when
 8 there was a greater flow and when the quality is
 9 better. We need -- as far as the pay issue you
 10 mentioned up there, we need to have it based on benefit
 11 primarily, but also public funding as well. We need to
 12 be sure we maintain a levee system, and -- but
 13 definitely no isolated facilities. This was voted down
 14 years ago. We don't need to bring it back up again.

15 We need water efficiency with recycling
 16 reuse and reclamation.

17 I would recommend either Alternatives 1 or
 18 2 as far as what would serve this area, obviously, and
 19 as far as balance and making sure that we all have our
 20 straws in the same pool. That way there is going to be
 21 balance and to make sure that we're all going to have
 22 an incentive to make sure we're all getting equal
 23 treatment.

24 I personally think we need to eliminate
 25 the federal involvement in California Delta water

1 by the Contra Costa Water District by a bond
 2 initiative passed within the water district and by the
 3 ratepayers paying double the rate for their water to
 4 build that reservoir. These people have sacrificed to
 5 get water quality for eastern Contra Costa County.

6 The United Anglers in many ways is
 7 concerned, like Congressman Miller, about the common
 8 program elements in the CALFED process. We feel that
 9 the common program elements should include more issues
 10 to make them the cornerstone of the non-arguable part
 11 of it, rather than arguing about facilities and
 12 structures.

13 We have built tremendous water conveyance
 14 systems in California, and I'm sure, just like the
 15 Assyrians and the Egyptians of Western civilization,
 16 and when our great Western civilization started in the
 17 Mesopotamia and on the Nile River, they did the same
 18 thing. They dammed the Euphrates and the Tigris
 19 Rivers, and they dammed the Nile River, and they
 20 created monstrous, beautiful civilizations in both of
 21 those areas, and they collapsed too, and I'm sure that
 22 in the end when they were arguing about why their
 23 civilizations collapsed, they were arguing over the
 24 very issues that we are arguing about now. And we need
 25 to be able to look back on history and to be able to

1 say that we are intelligent, we learned from history,
2 and we learned that there has been a balance between
3 nature and human potential and growth in our
4 civilizations.

5 Among the other things that I see that is
6 missing from the CALFED process -- or the CALFED
7 documents is there is no geographic information system
8 in it. There is no tracking of land use, which is part
9 of the demand equation of water that is being exported
10 from the Delta, and, also, the demand issues, such as
11 urban water conservation and agricultural water
12 conservation, is still in many ways not clearly thought
13 out.

14 Water districts like East Bay MUD that has
15 for years had tiered rate structures for their
16 water -- progressive water pricing on their -- on their
17 structures, have been fought vehemently by certain
18 elements within that district.

19 If CALFED expects that water users, both
20 urban and agricultural, will adopt some sort of
21 progressive water structure where the more you use the
22 more you pay, they are going to find there is going to
23 be a tremendous backlash to that kind of water use.

24 And so those are some of the issues that
25 we have to think about before we implement such a

1 through our systems south. And then today they
2 reassured me no, they only wanted to spend \$10 billion
3 to increase the quality of water going south, not to
4 send more. I don't know which distresses me more, the
5 \$10 billion to increase the quality of water being
6 taken from Northern California to Southern California,
7 or the fact that they are not going to take more; in
8 other words, it's like for \$10 billion, for that amount
9 of money they could create a cold water desalination
10 plant for Southern California and meet both needs --
11 the needs of water going through the Bay.

12 We also need increased quality, and we
13 need to enforce so we don't continue the contamination
14 into the Bay, but we need some serious consideration
15 here because quality of air and water in the Bay is the
16 entire -- you know, the drawing part of the Bay Area,
17 and when they literally have public announcements
18 "Please do not eat from the Bay," that means please
19 don't swim in it either. It you can't eat what's
20 swimming in it, then you can't swim in it either, and
21 that's not what California is all about.

22 Thank you.
23 HEARING OFFICER BODOVITZ: Thank you,
24 Ms. Jacobsen.
25 Robert Pacini, Alan Wilhelms and Harvey

1 broad-scale plan.

2 Thank you.

3 HEARING OFFICER BODOVITZ: Thank you,
4 Mr. Oba.

5 Nancy Jacobsen, Robert Pacini, Allen
6 Wilhelms.

7 NANCY JACOBSEN: My name is Nancy
8 Jacobsen. I was born and raised in Shasta County, and
9 I have lived here in the Bay Area the last 30 years. I
10 was delegate alternate to the democratic national
11 convention in 1978 when I lived in Benicia. My husband
12 works at U.C. Berkeley. He oversees the chemistry lab
13 for the engineering students as well as the sanitary
14 engineering students, so we are watching this project
15 very closely.

16 In the Bay Area we already have TV public
17 announcements saying, "Please do not eat the fish
18 caught in the Bay. If you only eat fish caught in the
19 Bay two months -- I mean, twice a month hopefully it
20 won't kill you, but if you eat it more often it
21 seriously poses a health threat, and if you're pregnant
22 or nursing, you should not eat fish caught in the Bay
23 at all."

24 This is not the kind of public health
25 awareness that I feel justifies more water going

1 Goldberg.

2 Robert Pacini.

3 ALAN WILHELMS: I'm not Robert.

4 HEARING OFFICER BODOVITZ: Well,
5 we'll put him to one side in case he comes in later.
6 Alan Wilhelms, Harvey Goldberg and Janess
7 Hanson.

8 ALAN WILHELMS: Good evening, I'm
9 Alan Wilhelms. I represent the California Striped
10 Bass Association.

11 The striped bass in California have had
12 quite a tough time of it since the state and federal
13 water projects began pumping in the '60s, and our
14 organization was formed in the '70s to help out the
15 striped bass and to help to promote the health of the
16 striped bass populations.

17 Congressman George Miller recently made
18 two comments about the problems with the water in
19 California and two issues that need to be addressed in
20 order to fix the problems with the Delta.

21 The first is that all water users in the
22 state of California have to pay the true cost of water,
23 and that's simply not occurring now.

24 The second issue is that in this state
25 agriculture uses approximately 80 percent of all the

1 water, and so conservation efforts and water use
 2 efficiency must be some of the primary issues addressed
 3 by the CALFED process.

4 Our view is that multibillion dollar water
 5 projects are not the way to fix the water problems that
 6 California faces.

7 Certainly the peripheral-canal type of
 8 project that is indicated by Alternative Number 3 in
 9 the CALFED process is not what this state and its
 10 taxpayers need, and certainly those types of projects
 11 generate new technical and environmental difficulties
 12 that were not anticipated by the engineers and
 13 scientists that helped create them.

14 So our view is that, number one, water
 15 pricing and the true cost of water must be addressed,
 16 number two, water efficiency should be addressed.

17 Thank you very much.

18 HEARING OFFICER BODOVITZ: Thank you
 19 Mr. Wilhelms.

20 Harvey Goldberg, Janess Hanson, Gloria
 21 Cannon.

22 HARVEY GOLDBERG: This is a public
 23 hearing, so under testimony and not comment, can I do
 24 that? Under testimony and not comment I'm going to
 25 give you a copy -- a certified copy from the Bureau of

1 Land Management --

2 HEARING OFFICER BODOVITZ: well, you
 3 may do --

4 HARVEY GOLDBERG: Don't stop me.
 5 Just let me go on because I don't want you to waste my
 6 three minutes.

7 HEARING OFFICER BODOVITZ: I haven't
 8 started your time yet. You may use your three minutes
 9 as you wish.

10 HARVEY GOLDBERG: Okay. Under
 11 testimony and not comment, I want to give you certified
 12 copies from the Bureau of Land Management of land
 13 patents. This dates back to 1876. You do not have
 14 jurisdiction in the north bay. You do not have
 15 jurisdiction in a lot of their area. You are using
 16 administrative law illegally. You are tricking, lying,
 17 deceiving, misguiding these people, stealing their
 18 land. You stole most of the land in the Suisun marsh
 19 in 1967 -- or '76, I believe.

20 BCDC -- I think that you said before
 21 you're from BCDC. I have serious concerns about their
 22 connections with ABAG, the infiltration of
 23 Environmental Protection Agency -- I said infiltration
 24 of Environmental Protection Agency -- into CALFED, into
 25 BCDC and into all the other agencies around.

1 There is also a copy of the Sumo
 2 Corporation landmark case of 1884, which proves beyond
 3 a shadow of a doubt that the United States Supreme
 4 Court says you do not have jurisdiction, we are under
 5 treaty law.

6 I am also giving you a copy of the Hetch
 7 Hechy area, which includes Skaggs Island and the north
 8 bay. This is swamp and overflowed land, and I would
 9 suggest to all you people to contact the Bureau of Land
 10 Management in Sacramento, ask for a copy of your
 11 original land patent, and see what rights you might
 12 have. They go to assigns forever, and forever is a
 13 long time.

14 You do not have to -- you already are
 15 being tricked by being here and them with their
 16 three-part theory, so it's a trick.

17 BCDC, it's unbelievable what they want to
 18 do here, and here is just one of the last things, is
 19 build a 46-unit condo, but they are approving -- these
 20 are builders. They want to take your land to do what
 21 they want with it. They are stealing it from you for
 22 2,000 an acre.

23 As land gets scarcer, it becomes more
 24 valuable. Is that not true? You got a farm. Is it
 25 less valuable as a city grows near you? Oh, no, it's

1 not, it's worth more. But they are going to come along
 2 and tell you oh, no, you have a rat over there, or a
 3 termite, or an endangered species, or some kind of
 4 sensitive habitat, and then they want to steal your
 5 land, but don't forget, they will give you 2,000 an
 6 acre. That land may have been in your family 150
 7 years, you've paid taxes for 150 years while these
 8 people got fat, while they are sitting in
 9 air-conditioned offices, while they are driving state
 10 cars or government cars that you are paying for, and
 11 they are going to come out and steal your land.

12 If they truly have an oath of office, if
 13 you have an oath of office, you are here to protect us,
 14 to protect our constitutional rights, and why don't you
 15 pledge allegiance to the flag when we start? I do want
 16 to present this to you now.

17 HEARING OFFICER BODOVITZ: All
 18 right. Thank you, Mr. Goldberg.

19 Janess Hanson, Gloria Cannon, John Viano.

20 HARVEY GOLDBERG: Oh, that is a
 21 declaration of assignment also.

22 JANESS HANSON: That was kind of a
 23 hard act to follow.

24 I am Janess Hanson. I'm from --
 25 representing tonight the Delta Regional Group of the

1 Sierra Club. I live in Bay Point. I have been there
 2 for 36 years. At Bay Point, we like to say -- we call
 3 ourselves the gateway to the Delta because you -- if
 4 you're traveling east on Highway 4, you come over
 5 Willow Pass, and there before you you see the Delta
 6 spread out in all its glory, and it's a wonderful site.
 7 It's beautiful.

8 As I say, I have lived there for 36 years.
 9 I have seen a lot of changes during my time there, and
 10 I always think of an old rancher that we were talking
 11 to many years ago in our area, and he was just
 12 philosophizing and saying that he could tell when -- he
 13 didn't have to look at the timetables because he knew
 14 when the tide went in and went out because he just
 15 watched his cows. If they drank the water, the tide
 16 was going out. If they wouldn't drink the water, the
 17 tide was coming in, and I thought at the time those are
 18 pretty smart cows, and this brings us to CALFED.

19 Looking at the alternatives, I'm not seeing
 20 that the Delta is going to be protected as we who live
 21 here know it. It looks to me like most of the water is
 22 going to be diverted before it gets to the Delta, and
 23 that if that rancher's cows want to drink clean water,
 24 they are going to have to walk to Southern California.
 25 Well, I have lived in California a long

1 Gloria Cannon, followed by John Viano,
 2 followed by Sherry Cameron.

3 GLORIA CANNON: Good evening. I'm
 4 representing the Mt. Diablo Audubon Society. We
 5 appreciate an opportunity to comment on the EIR/EIS.

6 As written, all three alternatives include
 7 5.5 million acre feet of new water storage facilities
 8 as a common element. Any alternative chosen must by
 9 default include those water storage facilities. The
 10 magnitude of these new storage facilities is based on
 11 unjustified assumptions of future water shortages.
 12 Moreover, the new water storage facilities will convert
 13 prime farmland, reduce open space, destroy habitat and
 14 stimulate local growth, yet these cumulative,
 15 environmental consequences are not adequately studied
 16 in the EIR/EIS. We urge that the package of new
 17 storage facilities be removed from the proposed
 18 alternatives and treated as a separate element.

19 None of the alternatives can adequately
 20 consider the prudent cost effectiveness of water
 21 conservation. In particular, CALFED anticipates that
 22 agriculture will conserve less than 1 percent of water
 23 currently used by agriculture, that goal is inadequate,
 24 and the EIR/EIS should include goals in the range of
 25 25 to 30 percent water conservation by agriculture.

1 time, and I'm originally from Wisconsin. We have
 2 10,000 lakes, and we don't worry about when it is going
 3 to rain because we get water -- we got water.

4 Here in California, I've grown to like the
 5 golden rolling hills, and I've also comes to terms with
 6 the fact that I live in a desert, even though I'm kind
 7 of waiting for the rain to stop now, but no matter how
 8 these -- how these -- this water is focused here and
 9 there around the state, it's not going to take care of
 10 our water problems. What we really need is wise water
 11 use, water efficiency. We have proved it before, that
 12 we can use less water during our drought years, it was
 13 amazing, that we all can think of ways to save water,
 14 and I think that both in agricultural and in
 15 residences, we have to start thinking in those terms.

16 The population is going to increase, but
 17 the water amount stays the same, and looking down the
 18 road, not 20 years or 25 years, but 100 years down the
 19 road, what we need is to conserve water.

20 Thank you.
 21 HEARING OFFICER BODOVITZ: Thank you,
 22 Ms. Hanson.

23 Let me again mention for any of you who
 24 came in late and wish to speak, it's necessary to sign
 25 one of the yellow cards on the table in back.

1 The EIR/EIS does not offer an alternative
 2 that fully explores the benefits of natural cleansing
 3 processes of restored wetlands as part of a broad
 4 program to include water quality.

5 A new alternative should be developed that
 6 focuses on nonchlorinated water treatment, such as
 7 ozonization of drinking water as a means to protect the
 8 public health.

9 It also fails to explore fully the impact
 10 of potential divestiture of hydroelectric facilities by
 11 PG&E and other California and Nevada electric utilities
 12 in the potential for operating these water facilities
 13 for water storage.

14 The EIR/EIS fails to provide adequate
 15 guarantees that proposed funding and governmental
 16 support for environmental restoration and mitigation
 17 will be forthcoming once an engineering solution is
 18 implemented.

19 We are disappointed in the selection of
 20 alternatives and its advocacy of old engineering fixes
 21 that offer tired solutions to existing problems.

22 Thank you.

23 HEARING OFFICER BODOVITZ: Thank you,
 24 Ms. Cannon.

25 John Viano, Sherry Cameron, Jenna Olsen.

1 JOHN VIANO: I'm John Viano. I'm
2 here with the Contra Costa County Farm Bureau. I'm a
3 third generation farmer here in Contra Costa.

4 The Farmers in the Delta are concerned
5 about the CALFED proposals, as it affects them
6 directly. As it works to solve the environmental
7 problems of our area, CALFED must also assure that it
8 meets the needs of the farmers' industry and all the
9 urban residents.

10 Solutions must include new water storage.
11 We can't -- there is no way that we will be able to
12 meet the needs of both the environment in an ever
13 increasing population without any new storage.

14 Conservation alone cannot meet these
15 needs, so we must be able to store the excess water
16 when we have years such as this one, so we'll have a
17 reliable and quality water for the future years when
18 there may be a drought.

19 We believe the cost of improvements must
20 be shared fairly throughout the state, meaning the
21 state as a whole benefits from it.

22 The solution must be planned in a way that
23 it benefits our Delta ag and not prohibits it. We
24 recognize that water development will require some land
25 to be taken out of ag production, but as it's proposed,

1 Thank you.

2 HEARING OFFICER BODOVITZ: Thank
3 you.

4 Jenna Olson, Melvin Rains, Marquerite
5 Young.

6 JENNA OLSON: My name is Jenna Olson.
7 I'm here with the Environmental Water Caucus Coalition
8 of 14 different environmental fishing and civic
9 organizations.

10 We've been talking a lot about
11 conservation to CALFED and demanding that CALFED do
12 more studies and do more to make sure that conservation
13 and efficiency is part of the solution.

14 We need to put maximum effort into
15 ensuring that we use our water as efficiently as
16 possible before we even consider building new dams,
17 reservoirs or canals. This is because of concern that
18 we have over the amount of water we're already taking
19 out of California's rivers. Over half of the water is
20 taken out of our rivers right now.

21 We're also concerned about the impacts of
22 these proposed dams, enlarged dams and new reservoirs
23 on habitat, on taking more water out of our streams and
24 out of taxpayers' pocketbooks. But we're also
25 concerned about what water conservation can do for the

1 CALFED proposes to convert several hundred thousands of
2 acres of prime farmland, some of the richest farmland
3 in this world.

4 California farmland is a global resource
5 and any conversion must be minimized.

6 CALFED must strengthen the water rights to
7 the ag users, and not just base solutions on
8 redirection or conversion of farmland.

9 Thank you.

10 HEARING OFFICER BODOVITZ: Thank
11 you, Mr. Viano.

12 Sherry Cameron, Jenna Olson, Melvin Rains.

13 SHERRY CAMERON: My name is Sherry
14 Cameron, and I own Cameron's Cove Yacht Sales, and I am
15 a member of Northern California Marine Association. I
16 reside here in Contra Costa County, and I have spent
17 most of my career in the boating industry.

18 I'm here tonight to express my concern
19 about the negative impact that this program would have
20 on the entire boating industry, not just the
21 recreational boaters, but everything from boat yards,
22 marinas, berthing, boat dealers, brokerage, sales,
23 which I'm involved in, and I can see a loss of revenue,
24 jobs, in the entire industry, and I really don't see
25 anything positive about the program.

1 environment by increasing the amount of fresh water
2 flowing through the Delta and the bay. This can
3 improve water quality for both people and wildlife, and
4 there is a potential for it to also improve chances for
5 fish migrating -- trying to migrate past the pumps and
6 not get sucked up into them. CALFED has not done
7 adequate analysis of this potential, so we have grave
8 concerns about the peripheral canal that CALFED has
9 proposed.

10 CALFED has not laid out the legal
11 assurances and guarantees that would ensure that this
12 canal would not mean death for the Delta.

13 The Delta is a flourishing ecosystem. It
14 nurtures 80 percent of the commercial fisheries in this
15 state, half of the pacific flyaway are nurtured there,
16 and it's not an ecosystem that we can afford to lose.

17 We urge CALFED to create and select a
18 fourth alternative that would be based on water
19 conservation and efficiency and restoration of
20 ecosystems to provide ample water and high quality
21 water for all Californians and California's wildlife.

22 I'd also like to say a few words about
23 land retirement. CALFED's solution should include a
24 program that would stop irrigating lands that poison
25 our water. Marginal lands that produce runoff with

1 toxins for people in wildlife should no longer be
2 irrigated, and a program that would pay willing sellers
3 to stop irrigating that land would be a good use of
4 taxpayer money. Water that is currently used to
5 irrigate those lands should instead be used to restore
6 the involvement or improve water supplier reliability
7 for other users.

8 Programs to stop the urbanization of prime
9 agriculture lands should also be a part of CALFED's to
10 ensure a strong agricultural economy and long-term
11 flood plane protection.

12 Thank you.

13 HEARING OFFICER BODOVITZ: Thank you,
14 Ms. Olson.

15 Melvin Rains, Marquerite Young, Case Van
16 Steyn.

17 MELVIN RAINS: Well, you notice I
18 don't have any notepads or anything in my hand, but one
19 of the reasons I'm here is for -- not only the water,
20 but it's for our drinking water at homes and stuff.

21 Most places I have been to in various
22 houses and stuff, they have got bottled water. Why,
23 because they get sick on the regular water coming out
24 of your faucet. And I ask them have they had these
25 faucets checked and everything, and they have, sure,

1 I have three more cards, so this is the
2 last call for cards. If you wish to speak, please sign
3 up now.

4 The remaining three speakers are Margaret
5 Young of the Clean Water Action; Case Van Steyn,
6 Sacramento County Farm Bureau; Assembly Member Tom
7 Torlakson.

8 MARQUERITE YOUNG: Thank you. My
9 name is Marquerite Young. I'm the California director
10 of the Clean Water Action. Our organization is a
11 public interest group focused on campaigning for
12 programs and policies which will provide clean, safe
13 water from the watershed all the way to the water tap.
14 As such, we're particularly interested in the water
15 quality component of the CALFED program.

16 We think that the water quality program
17 needs to assure both adequate water quality -- or
18 excellent water quality for the ecosystem as well as
19 safe drinking water for the 20 million or more
20 Californians who depend upon it.

21 After reviewing the water quality
22 component and participating in many of the water
23 quality discussions, we still think that there is a lot
24 to do and many unanswered questions, and as such we are
25 not convinced that any of the alternatives proposed

1 and it meets the standard that is set by the EPA or
2 whatever, but it still makes them sick.

3 Well, do we need to up the chlorine or
4 drop the chlorine out, or how do we do that to make it
5 safe to drink at home instead of having to go out and
6 buy bottled water? It's safe for everything else
7 because we use it to water our plants, you name it,
8 feed our animals, water our animals, you name it.

9 The thing of it is is the water quality
10 that's coming from the Delta into your home, is it
11 drinkable? According to the standards, they say it
12 is. But when a lot of people are getting sick on the
13 water through your house, even through the pipes and
14 stuff, and the pipes are fine, that's got to tell you
15 something about why the bottled water industry is
16 making a lot of money nowadays. So that is something I
17 would like for you guys to take a look at and look
18 into. The bottled watered industry is a quality water
19 that does not make you sick, but if you sit home and
20 drink out of your faucet and stuff, you will get sick
21 eventually. There are a lot of people that buy bottled
22 water that will tell you that.

23 Thank you.

24 HEARING OFFICER BODOVITZ: Thank you,
25 Mr. Rains.

1 under CALFED for storage and conveyance to improve
2 water quality will maximize the benefits of water
3 quality for all beneficial uses.

4 We urge CALFED to then look at a fourth
5 alternative. This alternative would phase decision
6 making rather than setting a preferred alternative to
7 allow time for the common programs to be further
8 developed and to base the further decisions upon
9 performance of the common programs, on development of
10 assurances to ensure a future Delta water quality, and
11 as we know more and more and more about treatment
12 technologies that are available for drinking water and
13 as we learn more about the health effects associated
14 with the contaminants currently under review for
15 regulation by EPA.

16 Second, we see the alternative needs to
17 emphasize conservation, as many other speakers have
18 said, including water use efficiency, land retirement,
19 agricultural and urban components and pricing.

20 Third, a greater emphasis on pollution
21 prevention, both to deal with the fish contamination
22 advisories as well as the future health of the
23 ecosystem. We need an alternative which accounts for
24 the varying needs of water systems that use Delta
25 water. For instance, Contra Costa uses a full range of

1 treatment technologies, whereas Metropolitan Water
 2 District barely uses a few and wants to use a canal in
 3 order to improve their water quality without having to
 4 pay themselves, perhaps, for increased water quality
 5 treatment.
 6 Finally, an alternative, whatever the
 7 water development component is, needs to have the users
 8 pay the true cost of the water.
 9 My final comment is to add 83 comments
 10 collected from people who live in and around Pittsburg
 11 over the last few weeks who weren't able to be here and
 12 express their comments and concerns about CALFED.
 13 HEARING OFFICER BODOVITZ: Good.
 14 Please give them to us. Thank you, Ms. Young.
 15 Case Van Steyn and Mr. Torlakson. We have
 16 one more.
 17 Go ahead.
 18 CASE VAN STEYN: My name is Case Van
 19 Steyn, and I've been a farmer in Sacramento County for
 20 as long as I can remember, and I just wanted to clarify
 21 one point. Somebody mentioned earlier that users
 22 should pay for the water.
 23 The users in California are the
 24 consumers. They are the ones that use the water.
 25 Agriculture processes the water into food, so we want

1 for many, many years.
 2 The families of the farmers that would be
 3 retired, I've heard estimates of 800,000 -- or 400,000
 4 to a million acres statewide. Those lives cannot be
 5 repaired. They will be, you know, changed forever
 6 without any -- without any valid compensation.
 7 Somebody earlier said that 80 percent of
 8 the water in California is used for ag. I would refute
 9 that and say that tomatoes contain water. The most --
 10 I don't know the percentage, but it's got to be 80 or
 11 90 percent of a tomato is water. Ag does not use the
 12 water, consumers use the water. That's what it's for.
 13 We feed -- we probably have the best, the highest
 14 quality produce or agricultural commodities in the
 15 world, and I think that I can get support of that from
 16 any state agency or even the feds, compared to even
 17 importing. And there are some areas that need
 18 attention, and there are some areas that will get
 19 better, and agriculture is working on it.
 20 I see that light changing. I better move
 21 fast here.
 22 Ag can't compete with a checkbook. We
 23 have to increase the flows through the Delta for
 24 wildlife, for agriculture, for fish, for everybody, and
 25 the only way we can do it is storage. We have to have

1 to be sure we are clear on that because otherwise we
 2 are going to import our food from who knows where.
 3 The answer, in my opinion, is storage,
 4 storage, storage because without it we are going to
 5 fight over water for eternity, and agriculture is the
 6 lowest common denominator that can't play the game, or
 7 doesn't have the money, and they will be forced out of
 8 business. And when farmers are forced out of business
 9 by land retirement or other schemes, most of them will
 10 look to development first to generate. When they have
 11 been in a family-farm situation for their lives and
 12 they have raised their children, they're accomplishing
 13 some goal, and then they are forced to abandon that
 14 lifestyle or that job, they are going to look to
 15 development before anything else.
 16 We're going to -- by official -- I've been
 17 asking everybody -- by official estimate from anybody,
 18 I can find where I can add 15 million people to
 19 California in the next 20 years. I don't see --
 20 without storage I just don't -- I just see the whole
 21 thing coming apart. If we are going to have a
 22 coalition of -- in CALFED of agreement -- of any kind
 23 of agreement, the number one issue is storage and the
 24 number two issue is probably land retirement. If we
 25 don't do it right, it's going to come back and haunt us

1 valid, increased new storage for California for the
 2 long-term benefit, and anybody that -- hopefully with a
 3 reasonable attitude in the long-term is going to see
 4 that if we are ourselves participating, our government
 5 leaders are participating for the future of all of us
 6 and our kids, that the answer is to have enough water
 7 for everybody and not to be fighting over it for
 8 eternity.
 9 Thank you very much.
 10 HEARING OFFICER BODOVITZ: Thank you,
 11 Mr. Van Steyn.
 12 Assembly Member Torlakson, followed by Tom
 13 Brumleve.
 14 TOM TORLAKSON: Good evening, and
 15 thank you for coming to the gateway to the Delta here
 16 in Contra Costa County.
 17 I appreciate the process you have been
 18 through and the process you have in front of you, and I
 19 just want to say a few things.
 20 I come wearing a number of hats from the
 21 past as well as currently. Having been the past year
 22 on the Water Policy Consensus Committee, I know the
 23 tough task you have of bringing all the parties
 24 together to the table to try to find a balanced
 25 solution that meets the common goals of our state and

1 the needs of this important cross-section that has been
 2 represented well in the hearing tonight.
 3 I also come as the first chairman of the Delta
 4 Protection Commission, currently a member representing
 5 the legislature and a member of the Water, Parks and
 6 Wildlife Committee, as many of you know, and I've been
 7 briefed previously about some of the details of your
 8 process.

9 I want to talk about a couple of points in
 10 terms of the balance, in terms of the -- before
 11 speaking of Alternatives 1, 2, 3, talking about some of
 12 the issues of balance.

13 I had the pleasure of driving down from a
 14 hearing in Sacramento just now through the beautiful
 15 Delta area, and I was reminded again, just from the
 16 visual aspect, of the tremendous, incredible natural
 17 wonder that the Delta represents, and that preservation
 18 and conservation of water supplies has to be a key
 19 component of any ultimate plan in achieving more water
 20 through that mechanism. I would also say that any
 21 preservation or conservation plan is incomplete without
 22 having an interpretive plan or an educational plan for
 23 the public to be able to understand, the public now and
 24 future generations to be able to know the inventory of
 25 the incredible natural resources that the Delta has, to

1 a marketing and water transfer plan that works and
 2 creates more water supply to that process.
 3 I am one for storage. If you plan storage
 4 in Contra Costa County, I pledge to work very closely
 5 with the board of supervisors and the local municipal
 6 councils and the landowners in that area to understand
 7 how best that may be done. We do need more storage.

8 I think the plan is positive in looking at
 9 the levees and looking at fully funding them. I was a
 10 member through the board of supervisors through several
 11 task forces in the assembly and in the legislature
 12 working on the levee issues. They need to be fully
 13 brought up to scale to have long-range protection for
 14 those resources.

15 As it relates to any of the particular
 16 plans, I think you know here in Contra Costa County we
 17 have had a long-term policy against isolated
 18 facilities, anything that would threaten that
 19 incredible natural resource, the quality. You know,
 20 the people of Contra Costa went to the ballot and voted
 21 a half billion dollars to build a reservoir -- to build
 22 a dam, which we just opened, to assure higher water
 23 quality. They invested a lot of money. The people in
 24 this county are quite resolved, quite focused, quite
 25 feisty and tough, if I might say so, in terms of what

1 understand the value of those resources, and then to
 2 comprehend the intricate balance of our dynamic Delta.

3 The Delta Science Center is one such
 4 project that should be fully funded, and all the
 5 agencies involved should work to achieve that goal
 6 because an ongoing preservation and conservation
 7 program has to have that understanding in a broad sense
 8 throughout the state and not just here in Contra Costa
 9 County.

10 The issues of groundwater management.
 11 Many other states have done this. We haven't done
 12 enough in California. We have depleted our storages.
 13 We need to talk about not only replenishing, but how to
 14 manage in the long run that resource.

15 The drainage issues, a number of speakers
 16 have addressed that. As a member of the board of
 17 supervisors previously in this county as well as
 18 currently, I'm very concerned about lands that bring
 19 pollutants into the Delta, lowering the water quality,
 20 the selenium problem, the need to retire some of those
 21 lands and take them out.

22 The idea of marketing and water transfers.
 23 We have to have a dynamic program. Again, other states
 24 have led the ways, set the patterns. We need to craft
 25 something that works for California, but we should have

1 they were able to do in the past in stopping a
 2 peripheral canal and I believe that they would in the
 3 future, and they are joined by the other Bay Area
 4 counties, and they were joined previously by the whole
 5 of the northern of the state and in the statewide
 6 effort because, again, this is a natural wonder, not
 7 just for the bay areas, a natural resource for the
 8 world, the Delta.

9 So the isolated facility, I think, is
 10 fraught with problems. Some of the other alternatives,
 11 some of the balance that we are looking for, I commend
 12 you for the effort to find that balance, and I'll say
 13 that I pledge to continue to work with you as well as
 14 with the local board of supervisors and landowners and
 15 communities in Contra Costa to assure that long-range
 16 protection of the Delta as well as to address the
 17 state's water needs.

18 Thank you for being here.

19 HEARING OFFICER BODOVITZ: Thank you
 20 for coming tonight, Mr. Torlakson.

21 Tom Brumleve. I hope I'm pronouncing your
 22 name right.

23 TOM BRUMLEVE: That was close enough.
 24 Tom Brumleve.

25 I just wanted to add some additional

1 emphasis on the question of storage primarily. I've
 2 been active for a long time in ag organizations, Farm
 3 Bureau, and the Cattlemen's Association in particular,
 4 and for a long time with the resource conservation
 5 district here in the county.
 6 I'm very aware of the benefits of
 7 conservation, water quality. That's our main focus of
 8 the resource conservation district. But I'm struck
 9 by -- I guess Case Van Steyn did it quite well, and Tom
 10 Torlakson too. It's necessary that we do all we can in
 11 the way of conservation, water quality improvement, but
 12 I'm afraid it's not sufficient, not in the long run.
 13 We're going to have to have more storage, and I think
 14 it's shortsighted if we try to de-emphasize that in any
 15 way. I think we should be moving forward on storage.
 16 I don't think, really, that we have a drastic shortage
 17 of water in this state. We're certainly not overly
 18 supplied, but I don't think we are short of water.
 19 We're short of storage so that we can smooth out the
 20 peaks and the valleys in the supply of water, so I
 21 would just like to add and emphasize we somehow need to
 22 get storage, storage, storage.
 23 HEARING OFFICER BODOVITZ: Thank you,
 24 Mr. Brumleve, and thanks to all of you for coming
 25 tonight.

1 STATE OF CALIFORNIA)
 2) ss.
 3 COUNTY OF CONTRA COSTA)
 4
 5 I, LESLEY D. SCHNEIDER, certified
 6 Shorthand Reporter of the State of California, do
 7 hereby certify:
 8 That on the 13th day of May, 1998, at the
 9 hour of 7:00 p.m., I took down in shorthand notes the
 10 said CALFED Bay-Delta Program, Public Hearing; that I
 11 thereafter transcribed my shorthand notes of said
 12 hearing by computer-aided transcription, the above and
 13 foregoing being a full, true and correct transcription
 14 thereof, and a full, true and correct transcript of all
 15 proceedings had.
 16
 17 _____
 18 Certified Shorthand Reporter in and for the
 19 County of Contra Costa, State of California,
 20
 21 * QUALITY COMPUTERIZED TRANSCRIPTION *
 22 * - by - *
 23 * PORTALE & ASSOCIATES DEPOSITION REPORTER *
 24 * 211 East Weber Avenue *
 25 * Stockton, California 95202 *
 * (209) 462-3377 *
 * LESLEY D. SCHNEIDER, CSR NO. 10580 *

1 This has been one of our most informative
 2 hearings. We appreciate all of your being here.
 3 Our hearing is now adjourned.
 4
 5 (The hearing concluded at 8:20 p.m.)
 6 ---oOo---
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