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

ORIGINAL

TRANSCRIPT OF PROCEEDINGS
Held at Veterans Memorial Community Building
1425 Circle Drive
Yuba City, California

Wednesday, May 20, 1998
7:18 p.m.

Before JOE BODOVITZ, HEARING OFFICER

Reported by: SANDRA M. BUNCH, CM, CSR No. 3032
Certified Real-Time Reporter

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APPEARANCES

RICK BREITENBACH, CalFed Bay-Delta Program
WALT PETTIT, State Water Resources Control Board
TOM HAGLER, Environmental Protection Agency
JULIE TUPPER, United States Forest Service
ROBERT POTTER, California Department of Water
Resources
JOE BODOVITZ, Hearing Officer

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1 PROCEEDINGS
2 --oOo--
3 HEARING OFFICER BODOVITZ: My name is Joe
4 Bodovitz, and I will reside in our hearing
5 tonight.
6 We thought it very important with the
7 elected officials here that you have an opportunity
8 to hear from them first, even though that delays a
9 bit the normal starting time, but we will now
10 proceed with the hearing, just as we have done
11 everywhere else around the state.
12 Actually, this is the 15th of 17 public
13 hearings being held by CalFed. We were in
14 Vacaville last night, San Jose the night before.
15 The complete list of where the hearings have been
16 is on the table at the back.
17 In a moment I will explain our ground rules,
18 which are the same at all the hearings, but the key
19 one is that if you wish to speak, it's necessary to
20 fill out one of these yellow cards. They are on
21 the table at the back. We take speakers in the
22 order in which the cards are given to us. So, as I
23 say, if you haven't signed up and wish to speak,
24 please fill out a card now.
25 Before hearing your statements, I want to do
26 two things very quickly. First is introduce the
27 people who are up here with me at the head table.
28 The CalFed Bay-Delta program has a number of

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1 agencies whose representatives will be the ones
2 making the final policy recommendations. All of
3 those people are not able to go to all of the
4 hearings, but some of them are able to go to each
5 one. So that when you speak tonight, your words
6 will be heard by decision-makers, the people who
7 will be voting on what the final recommendations
8 are.
9 So I want to introduce those who are up here
10 with me tonight. Julie Tupper of the U.S. Forest
11 Service on my left, my far left.
12 Walt Pettit, executive officer of the State
13 Water Quality -- State Water Resources Control
14 Board.
15 Tom Hagler, EPA.
16 And right here, Bob Potter, the Department
17 of Water Resources.
18 Now, secondly, in an effort to help you
19 understand very quickly what the program is all
20 about, and perhaps to answer some of the questions
21 that were raised by the earlier speakers, I want to
22 ask Rick Breitenbach, of the CalFed Bay-Delta
23 Program staff to very quickly summarize why these
24 environmental documents that are the subject of our
25 hearing tonight have been prepared, what the
26 program is all about, what the main issues are and
27 where things will go from here. We will do it very
28 quickly and then get to your statements.

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1 Rick.
2 MR. BREITENBACH: Thank you, Joe.
3 What I want to do is just make a couple of
4 quick observations, but let me ask, can everybody
5 see the screen? Can everybody hear me?
6 All right. Let me begin with the people
7 that are involved in the program, people that are
8 looking to find solutions to the problems in the
9 Delta.
10 The top of the chart indicates that both the
11 Governor and the Secretary of Interior are actively
12 involved in the program, which they are. Their
13 presence on this chart to me, anyway, is an
14 indication of the interest both the state and the
15 federal government have in seeing the problems in
16 the Delta resolved.
17 Within this box, CalFed Delta-Bay Program
18 box obviously are the CalFed Bay-Delta Program
19 staff, of which I am one, but there are also 15
20 state and federal agencies. The senator is
21 correct, somewhere between 14 and 18. There are
22 15: Five state, ten federal agencies, all with
23 regulatory or management responsibilities in the
24 Delta, all actively working with the program to
25 resolve the problems in the Delta.
26 Also working with the program are a number
27 of stake holders, and the one that I want to use an
28 example for tonight is the Bay-Delta Advisory

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1 Council. Now, there's 31 individuals on the
2 Bay-Delta Advisory Council that were appointed by
3 the Secretary and the Governor to review the work
4 that we do, to provide us advice back on the work
5 that we do, carry that information back to their
6 constituents, have them understand what we're
7 doing, and then bring their information and advice
8 back to us to, again, enforce their ideas and see
9 them through in the program. They are also part of
10 the work groups that are working very actively to
11 resolve the problems.
12 And what I would like to do, I brought along
13 a list of the people that are involved in the
14 Bay-Delta Advisory Council, and I don't want to
15 read the names of the folks, but to give you a
16 flavor of the different types of agencies they
17 represent. I won't go through all of them.
18 First of all, Northern California Water
19 Association, League of Women Voters of California,
20 Los Angeles Area Chamber of Commerce, Sierra Nevada
21 Alliance, The Bay Institute, Northern California
22 Power Agency, the California Farm Bureau
23 Federation, California Sport Fishing Protection
24 Alliance, the Delta Protection Commission, the
25 Regional Council of Rural Counties, Natural
26 Resource Defense Council, Community Alliance with
27 Family Farmers, the City of Firebaugh. And the
28 last one that I'm going to mention is Golden Gate

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1 Fisherman's Association. So you get a sense these
 2 folks are representing a very wide variety of
 3 interest from across the state.
 4 Let me move on to the problems that we are
 5 all working on, trying to resolve in the Delta.
 6 Basically, it's four problem areas: The
 7 availability and reliability of water from the
 8 Delta has been on the decline for a number of
 9 years; the habitat within the Delta has been
 10 degraded -- that's obvious by the listing of
 11 several endangered species -- water quality within
 12 the Delta seems to be dropping off, as well; and
 13 then, lastly, the levees that surround the islands
 14 and provide the channels are, as well,
 15 deteriorating. So it's these four problem areas
 16 that the program is focused on and has come up with
 17 alternatives to resolve.
 18 So what do those alternatives look like?
 19 Each alternative is made up of eight different
 20 pieces. Six of them are the same within each
 21 alternative, two of them differ among the
 22 alternatives. Those of you that have read our
 23 documents, the ones that are the same among the
 24 alternatives we refer to as the common programs.
 25 Those that are different we call the variable
 26 programs.
 27 Let me just mention a few things about
 28 each. The variable ones first. The storage

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1 program. We are proposing storage within each
 2 alternative in north -- in the Sacramento Valley,
 3 in the San Joaquin Valley and then off what we call
 4 off aqueduct, which is also in the San Joaquin
 5 valley.
 6 Within alternative three, there's also a
 7 storage site proposed within the Delta.
 8 Along with surface storage, there's also
 9 groundwater storage, both within the Sacramento
 10 Valley and the San Joaquin Valley.
 11 Conveyance, the differences between
 12 alternatives revolve around how the water moves
 13 through the Delta, and that's what those three
 14 pictures up there are meant to depict, that
 15 illustrate alternatives one, two and three, and I
 16 ask all of you to go over and take a look at them
 17 when you get a chance to get a real good sense of
 18 what we're thinking about with respect to moving
 19 water across the Delta.
 20 Now, these other six programs that are
 21 essentially the same in each alternative, let me
 22 quickly step through what we're talking about.
 23 Watershed management. What we're looking
 24 for is a locally led and coordinated management of
 25 activities in various watersheds. All, hopefully,
 26 stemming towards resolving some problems within the
 27 Delta.
 28 Water quality program. Basically, what

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1 we're looking to do is fix the problems of the
 2 water quality by going to the sources of the
 3 problem and dealing with it at that place rather
 4 than trying to fix it within -- at a source where
 5 it's discharged.
 6 Ecosystem restoration program. It's pretty
 7 straightforward. We're trying to improve the
 8 habitat within the Delta and the species that going
 9 along with that habitat.
 10 Water transfers. Trying to find a way to
 11 make it easier to move water, while at the same
 12 time being very protective of the place where that
 13 water comes from.
 14 Water use efficiency program. This is the
 15 one that we hear about quite a bit on our
 16 journeys. What we're trying to do is maximize
 17 efficient use of water. What we have already
 18 developed and what we are going to have developed
 19 in the future, and that's the agriculture, and
 20 that's in urban areas, and that in environmental
 21 areas.
 22 The levee system. Largely that focuses on
 23 restoring those levees, repairing those levees
 24 within the Delta.
 25 I use this for one other item. We have
 26 heard a lot about the land use changes as a result
 27 of the program. All of these elements are going to
 28 affect existing land use in one way or another with

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1 the exception of the this water use efficiency
 2 program.
 3 If you're going to go out and build new
 4 levees in the Delta -- excuse me, if you're going
 5 to build new levees in the Delta, you're going to
 6 wind up expanding those levees, they are going to
 7 encroach upon some existing land use.
 8 If you want to build storage in the
 9 Sacramento Valley, it's got to sit on some existing
 10 land use. So there's going to be an effect there.
 11 If you're going to build a canal around the
 12 Delta or make some adjustments in the Delta, that's
 13 going to affect existing land use.
 14 A while back -- and I guess this is the
 15 point I'm really trying to get to, a while back we
 16 wrote a white paper, if you will, trying to give
 17 people a sense of what might happen if we took land
 18 out of production, if we took ag land out of
 19 production, retired ag land as a means of
 20 conserving water. And it showed if you take some
 21 five, 600,000 acres out, you can generate this much
 22 water. Well, that did not find its way into the
 23 program. It is not part of the CalFed program.
 24 There is no water conservation associated
 25 land retirement in the CalFed program. It was in a
 26 white paper; it was reviewed, and we let it sit.
 27 It did not become a part of the program.
 28 But all the rest of these definitely do

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1 affect land use. And I think the numbers that are
2 identified in the document are upwards of about
3 300,000 acres.

4 Makeup of the problematic EIS/EIR. Most of
5 you have been reading it, and you all realize now
6 it's made up of a whole lot of different documents,
7 it's not just one. Let me talk about the content
8 of two of these, the main document first.

9 This is a document where we talk about the
10 consequences. We look at the alternatives. What
11 are the alternatives going to do? How are they
12 going to affect water quality? How are they going
13 to affect land use? How they are going to affect
14 fisheries? That sort of thing.

15 What we prepared was a programmatic
16 document. To those of you that, perhaps, aren't
17 aware of what a programmatic document is, I think
18 of it as a big picture document. We are at a time
19 in the planning process where we're looking at
20 activities throughout California. We are looking
21 at activities that could be built in two years or
22 perhaps in 30 years. We are not really certain
23 where any of them are going to be built, but we
24 have to give everybody, including yourselves, a
25 sense of the consequences of what all of those
26 together could do. And that's what we have done in
27 this document.

28 Now, those of you that have read those site

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1 come in and be a part of this. Because we don't
2 have all the answers.

3 All right. These are just a couple of the
4 issues that are in that Phase II report that we are
5 going to have to deal with, but these are also the
6 issues that I think most of you are going to touch
7 on when you come up tonight and talk to us.

8 The first one is the most obvious one with
9 the environmental document, is the evaluation of
10 the program. We wrote a document. What do you
11 think about it? Did we hit the mark? Did we miss
12 the mark? Given that we did a programmatic
13 document, are we on track? Or are we too far
14 away? We would like you to tell us as specific as
15 you can tell us.

16 What about the next one? Willingness to
17 pay. Who is going to pay for this, nine and a
18 half, \$10 billion, perhaps more that?

19 Obviously, there's two major sources of
20 funds: Public funds, user funds. What do you
21 think about who should be paying for this?

22 And by that, think in terms of the different
23 programs. If it's the ecosystem restoration
24 program, should there be public and user funds
25 there? Should it just be public funds?

26 If it's storage, should there just be user
27 funds or public and user funds? We'd just like
28 your idea about what you think it might be.

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1 specific documents where you get a real good
2 understanding of what the action is, you get a real
3 good understanding of the consequences, probably
4 don't find this very satisfactory. And I -- I
5 would probably agree with you, if I was only
6 thinking of a particular action in my backyard.

7 What we intend to do as we move forward,
8 before any of this is implemented, before any of
9 this goes forward, there will be additional
10 environmental documents, additional planning,
11 additional information put forth so you will all
12 have that opportunity, once again, to come in and
13 express your views on any one of those programs.

14 The other item that I want to talk about is
15 this Phase II Interim Report. I think this is one
16 of the most important ones that we did put out.
17 And the reason for that is it goes beyond what we
18 talked about in the main document, in terms of how
19 well the alternatives are going to do.

20 But the next thing it does, and this is
21 really the key one, is it identifies the issues
22 that we think we need to deal with when we talked
23 about preferred alternative or come to some idea of
24 what the preferred alternatives should be. And
25 there are a lot of issues in there that we still
26 have to deal with before we can make that
27 determination, and we're going to do that with the
28 help of all of you and anybody else that wants to

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1 Assurances. We heard -- we heard Mr. Fitch
2 call these guarantees. When we have been around
3 listening to people, some of the assurances that
4 we've heard from people are that, you know, there
5 should be some assurance that there are limits on
6 the amount of water that's allocated or the amount
7 of water that goes south. We shouldn't just leave
8 it open so that any amount can go south.

9 There have been people that have talked
10 about be cognizant of water rights and property
11 rights. Make sure that there are assurances that
12 those don't change.

13 Others have mentioned local land use
14 ordinances. If you're going to go in and change
15 land use, be ever mindful of local ordinances.

16 So we'd like to hear from you what you think
17 we should be -- we should be considering when we
18 move these programs into place.

19 And the last one is a selection of preferred
20 alternative. You have been reading the documents.
21 Do you have any ideas about what should be in that
22 preferred alternative?

23 A lot of people tend to think about these
24 alternatives in terms of the conveyance. I don't
25 like the peripheral canal, so I don't like
26 alternative three. Well, remember, alternative
27 three has the same six pieces in it that all the
28 alternatives do. So if what you don't like is the

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1 peripheral canal, let us know it's the peripheral
2 canal so we can be responsive to that rather than
3 just saying you don't like alternative, because
4 that means you don't like any of it, which may be
5 the truth, as well.

6 All right. What's next? Obviously, public
7 comments. We are taking public comments through
8 July 1. We have received an awful lot of requests
9 to extend the comment period, and they have
10 extended it 30 days to July 1.

11 We will take all comments and will respond
12 to all comments in writing.

13 Select the draft preferred alternative. By
14 the end of this summer, we hope to be able to
15 select a preferred alternative. Obviously, that
16 means there's a lot of work ahead of all us to us
17 to get through that.

18 We will revise the draft. So we're going to
19 put out another draft. You are going to have
20 another opportunity to look at the draft, and this
21 time it will have -- excuse me, a draft preferred
22 alternative in it so you can give us your comments
23 at that time on what you're really thinking about
24 that draft. And hopefully you've been with us and
25 so you have a good sense of what it is even before
26 you see that draft.

27 We will take public comments again. We will
28 be out here again showing you what we have and

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1 tonight.

2 Now, all of us know that three minutes is
3 not a great amount of time on a subject this
4 complex. We have, however, heard many people at
5 many of these hearings who have covered a great
6 deal of ground in three minutes.

7 Moreover, as you heard Rick say, written
8 comments of any length may be submitted, and those
9 will be -- now, as long as they are submitted
10 before July 1st. And every comment will be
11 responded to, whether at one of the hearings or in
12 writing.

13 So you may be sure that somebody will be
14 paying attention to all of the comments that are
15 submitted. That's why we have a court reporter.
16 That's why we tape these hearings. So we have a
17 clear idea of what it is that needs to be responded
18 to.

19 For that reason, we won't try to answer
20 questions or enter into discussions in the process
21 of getting these comments, but there will be
22 opportunities at the break and after the meeting
23 for members of the CalFed Bay-Delta staff who are
24 here to try to answer questions you may have. If
25 we are clear thus far, let's begin.

26 In the interest of time, I will call three
27 names at a time so you will know when it's just
28 about your turn to speak. If you're in the middle

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1 asking for your thoughts at that time.

2 We are going to finalize the preferred
3 alternative somewhere in the summer of '99 and then
4 certify that Final EIS/EIR if everything goes right
5 in the fall of '99 and then begin moving forward
6 with the program. Again, that will be over a
7 period of maybe 25 to 30 years.

8 That concludes my presentation.

9 HEARING OFFICER BODOVITZ: Thanks very much,
10 Rick.

11 Let me again say for any of you who may have
12 come in late, if you wish to speak and haven't
13 filled out one of these yellow cards, please do
14 so. We will take speakers in the order in which we
15 have gotten the card.

16 Now, let me quickly describe the ground
17 rules which are the same at all the hearings we
18 have conducted thus far.

19 First, we ask that you keep your comments to
20 no more than three minutes tonight. And to help
21 you do that, we have a little traffic light up
22 here. When you start, it will be green. When you
23 have a minute left, a yellow light will come on.
24 When the red light comes on, your time is up, and
25 we ask that you conclude the sentence or at least
26 the thought that you're on, in fairness to all the
27 other people who have signed up. And we have a
28 large number of people who have asked to speak

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1 of a row, I would encourage you to get somewhere
2 near the end so we will be able to keep going
3 without people having to find their way to the
4 microphone.

5 We ask that you speak into the microphone.
6 You will be able to see the light from here.

7 First speaker is Katie Howe; second is Ren
8 Fairbanks; third is Dick Akin.

9 MS. HOWE: I would like to thank CalFed for
10 this opportunity to testify tonight. My name is
11 Katie Howe; I am with the Northern California Water
12 Association. We represent 66 agricultural water
13 districts and landowners that irrigate 850,000
14 acres of farmland in the Sacramento Valley.

15 Tonight I would like to discuss NCWA's
16 preliminary prospective on CalFed's draft plan,
17 including storage, conveyance, the ecosystem
18 restoration program and assurances.

19 NCWA strongly supports the development of
20 surface storage facilities in Northern California,
21 particularly Seitz Reservoir, for water supply,
22 environmental flow benefits and flood control.

23 NCWA would also like to state that all
24 conjunctive use storage programs must have local
25 sponsorship as their foundation, as recommended in
26 CalFed's Groundwater Outreach Program Report.

27 Several uncertainties surround proposals to
28 improve Delta conveyance, and CalFed must make

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1 several assurances before development of their
 2 conveyance component. Any new conveyance facility
 3 must not harm fish species in the Delta.
 4 Northern California water rights and
 5 supplies must be protected prior to construction of
 6 any new facility.
 7 No Delta conveyance improvements can be --
 8 should be begun until all actions, including
 9 Sacramento Valley storage, are permitted, financed
 10 and ready for implementation.
 11 On the ecosystem restoration program, water
 12 diverters and landowners adjacent to rivers could
 13 be impacted by CalFed's ecosystem restoration
 14 program, which proposes to buy farmland to create
 15 river meander zones, enhance riparian vegetation
 16 and construct levee setbacks.
 17 CalFed must develop assurances to minimize
 18 the impact of these actions on adjacent landowners
 19 and existing land use activities.
 20 The Northern California Water Association
 21 intends to work closely with CalFed to direct
 22 restoration funding toward practical, effective
 23 restoration measures, such as reducing fish
 24 entrainment at diversions.
 25 The development of an assurances and
 26 financing and implementation package is critical to
 27 a balanced CalFed solution. CalFed must develop
 28 assurances for two specific purposes: One, it must

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1 adhere to California's water rights priority system
 2 and area of origin laws; two, it must develop an
 3 implementation program with north state storage as
 4 a high priority.
 5 In conclusion, the Northern California Water
 6 Association supports CalFed. It is a better
 7 solution than the alternative, which in the past
 8 has been litigation and regulatory uncertainty and
 9 conflicting mandates from Congress.
 10 Our expectations of CalFed are very high,
 11 and we are committed to staying engaged in the
 12 CalFed effort and supporting provisions that
 13 benefit Northern California.
 14 Thank you.
 15 HEARING OFFICER BODOVITZ: Thank you,
 16 Ms. Howe.
 17 Ren Fairbanks, Dick Akin, Mark Kimmelshue.
 18 MR. FAIRBANKS: Good evening. My name is
 19 Ren Fairbanks. I'm a native of Northern
 20 California. I'm a trustee of Reclamation District
 21 1600 and work for Deseret Farms.
 22 50 years ago before Shasta and 30 years ago
 23 before the Oroville dam, the upper river was lined
 24 with natural riparian habitat. It has taken from
 25 the time the dams were put into service until now
 26 to scour the river banks, eroding and washing
 27 downstream most of the riparian corridor.
 28 Stately oak groves that took hundred of

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1 years to grow are all gone in less than 50 years.
 2 Before the dams and levees, energy from the high
 3 flows dissipated over the -- by overtopping the
 4 river banks and spreading over the valley floor,
 5 replenishing and depositing soil.
 6 In today's flood control system, the high
 7 flows are confined inside the levees and are highly
 8 erosive. Society need for flood control has caused
 9 an accelerated erosion.
 10 I point this out to make the point that the
 11 river is no longer a natural system. It has become
 12 a conveyance system for flood control,
 13 agricultural, urban and environmental water uses.
 14 We have changed the natural system, and we can
 15 never go back to the way things used to be.
 16 Under the current CalFed proposed plan,
 17 there is not a good plan to protect the water
 18 conveyance systems of the north state. The
 19 proposed plan is to let the river meander freely.
 20 The erosive powers of the confined floodwaters will
 21 not stop just because we let the river meander.
 22 Erosion will continue to get worse. Some
 23 would say that erosion is a natural process of
 24 nature. I contend that the erosion along the river
 25 is not natural, as shown by the speed -- by the
 26 speed at which some of the best soil in the world
 27 is being washed away. A natural system would not
 28 have accelerated erosion nor stopped the deposition

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1 of new soils along the river.
 2 Now that the riparian habitat is gone, these
 3 erosive powers are washing away prime agricultural
 4 land. Who pays for the loss of this land?
 5 Landowners. Dams and levees provide protection for
 6 society but the landowners are the ones who pay for
 7 the loss of land due to erosion.
 8 I believe that if society is willing to pay
 9 millions of dollars to build canals to convey
 10 water, it should be willing to pay -- to preserve
 11 the scarce resource of land along the north state
 12 rivers.
 13 I do not agree that the land should be
 14 bought up, taken off the tax rolls, so that the
 15 soil can be washed downstream, quote, naturally.
 16 In summary, the present CalFed plan
 17 addresses all the issues, but it does not have
 18 adequate solutions or assurances. I believe that
 19 the CalFed program must restore bank erosion
 20 protection programs that were approved by Congress
 21 back in 1971.
 22 Protection, conservation programs must be
 23 implemented to save, secure and revive our riparian
 24 lands along the river. I believe on-stream and
 25 off-stream storage facilities would solve the
 26 state's water problem. I believe groundwater
 27 recharge programs should be expanded to protect
 28 groundwater levels and protect against subsidence.

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1 I believe that -- excuse me -- third party impacts
 2 on water transfers will cause high -- huge economic
 3 losses to the north state.
 4 HEARING OFFICER BODOVITZ: Mr. Fairbanks --
 5 MR. FAIRBANKS: One sentence.
 6 I believe that the programs must be in place
 7 with adequate assurances to avoid programs --
 8 excuse me, avoid problems in the north state that
 9 already exist in other parts of the state.
 10 Thank you.
 11 HEARING OFFICER BODOVITZ: Thank you.
 12 Dick Akin, Mark Kimmelshue, Bill Lewis.
 13 MR. AKIN: Hello, gentlemen. I am here,
 14 once again, to speak on behalf of Sutter County.
 15 My name is Dick Akin; I represent Sutter
 16 County's Fifth District, which is basically the
 17 south half of Sutter County.
 18 We are here because we have the fears that
 19 this plan in its conclusion could take water away
 20 from Northern California. As a matter of fact,
 21 that is part of the plan.
 22 There is a chance that it can increase our
 23 chances of flooding. And we see through maps and
 24 already proposals in the Sutter Basin Habitat
 25 Proposal by Woodward and Clyde where we could lose
 26 7000 acres of some of the richest land in
 27 California agriculture to habitat. That bothers
 28 us.

1 California is our agricultural land, and each acre
 2 should be looked at as a factory.
 3 Northern California needs more storage. We
 4 need new storage. We need guarantee areas of
 5 origin water rights, better guarantees than what we
 6 have under the present state law. We need teeth in
 7 those laws.
 8 Conjunctive use does not create water, it's
 9 only paper water. If you want water, you have to
 10 develop more storage.
 11 Our levees should be built, rebuilt through
 12 this process as our rivers are now a conduit system
 13 for water for Southern California. This has been
 14 the case for many years, and this plan will
 15 increase that process.
 16 Thank you.
 17 HEARING OFFICER BODOVITZ: Thank you.
 18 Mark Kimmelshue, Bill Lewis, Bob Barrett.
 19 MR. KIMMELSHUE: Good evening. I am Mark
 20 Kimmelshue. I'm from Butte County; I'm on the
 21 Butte County Water Commission, and I also serve on
 22 the Board of Directors for Butte Sutter Basin
 23 Groundwater Users.
 24 I'm going to comment quickly on two topics,
 25 the first being groundwater.
 26 We who use groundwater in Butte County are
 27 extremely concerned about the use of groundwater as
 28 a source to be relied on to provide new or

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1 Habitat belts, meander belts are a problem.
 2 They are a big problem when you live along a
 3 river. Meander belts create wash, debris which
 4 plugs the weirs, which increase the flows down the
 5 rivers, and prohibits the bypass system from
 6 working efficiently. All you have to do is to come
 7 up here on any winter day when the bypasses are
 8 flowing and take a look at the walnut trees, oak
 9 trees, willow trees that have washed out and have
 10 plugged the Tisdale weir.
 11 Loss of county taxes are a part of meander
 12 belts, habitat belts, taxes either paid in lieu or
 13 not paid at all by the state or federal
 14 government. Loss of jobs, third party impacts.
 15 Indirect party impacts.
 16 I was recently at a 1086 hearing in
 17 Willows. When I asked about third party impacts, I
 18 was told that there are no third party impacts
 19 because the water that's taken from here is sold
 20 for a higher and better use in Southern
 21 California. That is an indirect use impact.
 22 Our agriculture is Sutter County's biggest
 23 business, and it's very important that you
 24 realize. I don't think that you people would be
 25 taking manufacturing sites out of production.
 26 A friend of mine down -- that works for Ose
 27 Brothers Farms down here, John Whiler, has stated
 28 that one of the most important factories in

1 additional water for CalFed process -- for CalFed
 2 uses.
 3 We are concerned because of our experiences
 4 in 1994 where it became very apparent that
 5 projecting how an aquifer will react to large
 6 increases in pumping is extremely difficult.
 7 Because of this, we feel that the use of
 8 groundwater or relying on groundwater as a
 9 continual source for new water is not a good idea.
 10 It just can't be predicted how the aquifers are
 11 going to react and whether the groundwater will be
 12 there in the future.
 13 Groundwater, therefore, should not be relied
 14 on as a long-term source of water outside of its
 15 area of origin. If used for this purpose at all,
 16 groundwater should be used very sparingly and only
 17 as a last resort in cases of emergency shortages.
 18 However, we are in support of additional
 19 storage being built, and that's the second topic
 20 I'm going to talk about.
 21 The only way that CalFed and the increasing
 22 needs of this state for water can be successfully
 23 reached is to develop new storage. There are
 24 several and many benefits, not the least of which
 25 is by developing new storage we can store the water
 26 that falls in the wintertime and use it in the
 27 summer, which is only logical in our thoughts. The
 28 storage, we feel, needs to be built both north and

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1 south of the Delta to be most efficient.
 2 And most importantly, construction of these
 3 facilities should be put on a fast track. We've
 4 not built any substantial new storage for the last
 5 30 to 40 years and, quite frankly, that's probably
 6 the big reason we have the problem we do today.
 7 And even if we decided today to build new storage,
 8 it would probably take another ten to fifteen years
 9 to get anything built. Therefore, storage needs to
 10 be a priority for CalFed, and it needs to be
 11 started immediately.

12 Just to summarize. Groundwater -- we feel
 13 that groundwater should not be a major source of
 14 supply for CalFed or for the water needs for the
 15 future of this state, and new storage is the most
 16 important item that CalFed should be looking at,
 17 and new storage should be put at the top of the
 18 list and be put on a fast track.

19 Thank you.

20 HEARING OFFICER BODOVITZ: Thank you,
 21 Mr. Kimmelshue.

22 Bill Lewis, Bob Barrett, Larry Combs.

23 MR. LEWIS: Good evening.

24 My name is Bill Lewis. I'm the utilities
 25 director for the City of Yuba City.

26 First of all, I would like to thank you for
 27 adding Yuba City to the cities in which public
 28 hearings are taking place. The more opportunity

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1 pays for its water from the state water
 2 contractors -- Oroville reservoir in our case --
 3 and other contracts, but only after all three water
 4 rights have been exhausted.
 5 Any project must be carefully reviewed to
 6 insure it does not transfer costs from one entity
 7 to another. In this case, if additional storage is
 8 not provided for Delta and domestic water quality,
 9 the only place it can come from is existing
 10 storage.

11 There's insufficient existing storage to
 12 meet both needs; therefore, our water rights, as
 13 well as many others, would be impacted, and costs
 14 associated with this transfer would be absorbed by
 15 our citizens.

16 CalFed has the stated objective not to
 17 transfer costs from one entity to another. If any
 18 option is implemented, there must be -- and, again,
 19 I use the word "assurances" that storage is built
 20 and it's filled prior to need for additional
 21 water.

22 Thank you for giving me the opportunity to
 23 speak.

24 HEARING OFFICER BODOVITZ: Thank you
 25 Mr. Lewis.

26 Bob Barrett, Larry Combs, Leslie Gault.

27 MR. BARRETT: Thank you for the opportunity
 28 to address this panel. My name is Bob Barrett; I'm

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1 for public input, the greater the opportunity for
 2 consensus building towards the best possible
 3 project.

4 Also, thank you for extending the review
 5 period. That was a wise decision based on the
 6 extent of the EIR, EIS and its 3500 pages.

7 I would have to say three things would be
 8 required IF CalFed has any hope of getting Northern
 9 California to buy into proposed options. Number
 10 one, assurances; number two, assurances, number
 11 three, assurances.

12 The only option that meets both Delta water
 13 quality and domestic water quality objectives is
 14 the isolated facility or peripheral canal. The
 15 only way this option can meet both needs is to
 16 provide additional water flowing from north to
 17 south both through the Delta and around the Delta.

18 Storage must be provided to account for this
 19 new water. Yuba City has concerns that without
 20 additional storage, some of its and other users of
 21 Feather River water could have their water rights
 22 affected, forcing us and others to utilize water
 23 from less favorable contracts.

24 Current city water rights go well into the
 25 21st Century. During certain times of the year,
 26 these rights allow the drawing of high quality
 27 service water from the Feather River at no cost to
 28 the city. During other times of the year, the city

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1 a Public Works Director for Sutter County.

2 And as previous speakers have mentioned our
 3 rivers in this area are part of the conveyance
 4 system, although they are not shown on your
 5 pictures in the back of the room.

6 We in Sutter County happen to be surrounded
 7 by your conveyance system. We have the Sacramento
 8 River on the west; we have the Feather River on the
 9 east, and we are bisected by the Sutter Bypass.

10 In certain times of the year, your
 11 conveyance system was -- it conveys a little bit
 12 too much for us. For example, in 1997, because of
 13 the amount of water that was running through the
 14 system, over 90 percent of Sutter County's
 15 population had to be evacuated.

16 Indeed, an area of Sutter County,
 17 encompassing about 40,000 acres ended up being
 18 flooded because of the failure of the levees on one
 19 of the conveyance systems that I mentioned
 20 previously.

21 Therefore, we feel that it's essential that
 22 there must be upstream storage, significant flood
 23 control component, and there needs to be efforts to
 24 maximize or even increase the flood storage in
 25 existing reservoirs, and there needs to be
 26 significant levee improvements to the conveyance
 27 facilities to make sure that the water goes to
 28 where it's needed in the Delta area and it doesn't

1 end up spreading across and inundating farmland on
 2 the upstream areas as has happened in previous
 3 years.
 4 We think these elements need to be included
 5 in the CalFed program at the very beginning, not
 6 some period of time down the road when some
 7 analysis is done on whether or not there's been
 8 sufficient water saved through other means.
 9 There's also concerns with the ecosystem
 10 restoration that's been discussed in your
 11 documents. Our carrying capacity of our channels
 12 must be maintained; indeed, in some instances it
 13 needs to be improved. Vegetation planted along the
 14 levees of the channels or within the channels
 15 themselves can and -- and we feel it does, increase
 16 the depth of the water in those channels.
 17 I will give you another example from 1997.
 18 In the Sutter Bypass, there was a significant
 19 increase in the water level caused by hydraulic
 20 jump upstream from vegetation that was located in
 21 the Sutter Bypass, and the Corps of Engineers is
 22 still reviewing whether or not this increase in
 23 water elevation contributed to or may have, indeed,
 24 impacted the levee breach in the Meridian area.
 25 The water -- there was a significant, as I
 26 said, a very significant increase in the water
 27 upstream caused by a hydraulic jump with the
 28 resulting churning action that occurs in those

1 locations, and that's something that must be
 2 avoided in order to be able to carry water through
 3 the conveyance system.
 4 Also, the setback levees that were mentioned
 5 previously by Supervisor Akin is something that
 6 needs to be thoroughly studied. The river -- the
 7 land along the river falls about 13 feet in the
 8 first quarter mile, and this, indeed, could result
 9 in significantly higher levees which would cause us
 10 additional problems in seepage through and
 11 underneath the levees.
 12 And with that, I thank you for your
 13 attention.
 14 HEARING OFFICER BODOVITZ: Thank you, sir.
 15 Larry Combs, Leslie Gault, Larry Munger.
 16 MR. COMBS: Good evening. My name is Larry
 17 Combs; I'm the county administrative officer with
 18 Sutter County, and we very much appreciate you
 19 coming to Sutter County for this hearing.
 20 And as Bob Barrett noted for you, Sutter
 21 County is surrounded by levees. And as Supervisor
 22 Akin noted, this is an agricultural industry-based
 23 economy.
 24 One of the goals or tenets of the Bay-Delta
 25 project is not to have redirected impacts. And I
 26 would note for you that we see some very serious
 27 redirected impacts.
 28 First, you're going to be holding and

1 flowing more water through these channels. We have
 2 already seen the impact just this year of a
 3 potential, a forbearer of what may happen. Right
 4 now you're holding too much water, in our opinion,
 5 behind the Oroville dam and Shasta dam. We have
 6 written to the Governor and the Department about
 7 that.
 8 This last weekend we had a rain. Because
 9 you have too much water held in Shasta damn right
 10 now, you couldn't -- you couldn't mitigate that
 11 impact. The bypass overflowed at the weirs.
 12 We have farm economy based in that bypass.
 13 Yes, it's floodplain. Can flood. You have the
 14 right to do that. But that takes farms out of
 15 production. That means there's certain farmland
 16 that will not be farmed this year or may not be
 17 farmed this year that could have been farmed if you
 18 had managed the water differently. Our concern is
 19 the Bay-Delta project is going to lead to more of
 20 this.
 21 Secondly, if you raised the flow on the
 22 rivers between April and September to the point you
 23 have additional seepage, you will impact the
 24 trees. That will additionally impact the economy
 25 of Sutter County.
 26 The second impact we see is the taking of
 27 additional ag LAND out of production through the
 28 setback levees meandering river concept. I have

1 seen one plan that's -- or a proposal that's being
 2 studied in your Sutter Basin habitat investigation
 3 by Woodward and Clyde that would call for 7,000
 4 acres of Sutter County land being taken out of
 5 production.
 6 Just using that 7,000 acres and using the
 7 concept that was contained in a study that was
 8 done, excuse me, I believe by one of your
 9 consultants that called for a thousand dollar base
 10 cost and \$700 first ripple effect, that's 1700
 11 dollars a year, that's \$11.9 million a year impact
 12 on Sutter County's economy.
 13 I would suggest and ask that you consider
 14 the fact that that's a redirected impact. And
 15 while I understand that the concept is no
 16 significant impact, and in the State of California
 17 \$11.9 million in the County of Sutter isn't
 18 significant. To the County of Sutter, that's
 19 significant. And it will be significant to our
 20 residents and to everyone who relies on the income
 21 from that.
 22 So we would ask you to consider those
 23 things. As supervisor Akin said, in this county
 24 each of our farms is a factory. It employs
 25 people. If you put those factors out of business,
 26 we have a problem.
 27 Last, we ask you to consider the cumulative
 28 impact of all the various programs, S.B. 1086,

1 CalFed Bay-Delta Program and the CVPIA program and
 2 take a look at what the whole picture is going to
 3 be. I would particularly like to see a map that
 4 represents all of the land that's going to be
 5 bought and taken out of production.
 6 If the numbers I'm hearing are correct,
 7 we're talking about taking out over ten percent of
 8 the agricultural land in the entire State of
 9 California. That is a significant impact.
 10 Thank you very much.
 11 HEARING OFFICER BODOVITZ: Thank you,
 12 Mr. Combs.
 13 Leslie Gault, Supervisor Munger, Vickie
 14 Newlin.
 15 MS. GAULT: Good evening. I'm Leslie Gault,
 16 Water Resources engineer for Sutter County. And I
 17 will comment briefly upon two issues.
 18 The Northern Sacramento Valley CalFed
 19 Advisory Group is a group of representatives from
 20 seven different counties. Those seven different
 21 counties are Tehama, Butte, Sutter, Glen, Yolo,
 22 Colusa and Shasta. And each of these sets of
 23 county -- representatives from the county met
 24 between November of '96 and April of '97 to
 25 formulate common comments to the CalFed program.
 26 They generated three position statements:
 27 One was regarding groundwater; one was regarding
 28 flood management, and one was regarding the -- hang

1 My second issue is Sutter County has a
 2 strong concern to see that storage is built first.
 3 What we see is the CalFed program moving forward
 4 with category three programs. We find out about
 5 them occasionally through third parties. It is
 6 somewhat frightening to find out about something
 7 that may take seven to 11,000 acres out of
 8 production, or at least the proposal of such
 9 through a third party.
 10 At the same time, we would like to emphasize
 11 that having storage built first is a primary
 12 concern to us, both from the conveyance issue and
 13 especially from the flood control aspects.
 14 What we would like to see in the Final Draft
 15 EIR and in the Final EIR is not only an assurance
 16 but also a specific plan that gives priority to the
 17 building of the storage, makes a statement that
 18 says this will occur in this method. And in
 19 addition to that, also will make some reservation
 20 to some of the available funding in the event that
 21 the habitat restoration conflicts.
 22 Thank you.
 23 HEARING OFFICER BODOVITZ: Thank you,
 24 Ms. Gault.
 25 Supervisor Munger, Vickie Newlin, Sue
 26 Sutton.
 27 SUPERVISOR MUNGER: Good evening. Thank you
 28 for the opportunity to come to Sutter County and

1 on. Well, anyway, they have already been entered
 2 into the record.
 3 Lester Snow answered each one of the
 4 individual concerns about a year ago in my letter
 5 to Mr. Dan Kepin that was dated July 26, 1997.
 6 Many of the responses that were given to Mr. Kepin
 7 were fairly general in nature based upon the
 8 information that had been developed to date.
 9 I will give you an example. The problem as
 10 restated. CalFed must formally recognize existing
 11 water rights, area of origin protections and the
 12 Watershed Protection Act.
 13 And the response that Mr. Snow gave was the
 14 CalFed program will comply with all existing laws
 15 and regulations, and our analysis of the benefits
 16 and impacts of the solution alternatives will
 17 impact areas -- will examine impact upon areas of
 18 origin and other California water rights laws.
 19 While this may have be sufficient at the
 20 point at which it was presented, we feel at this
 21 point it is a question that now needs to be
 22 reexamined and reanswered.
 23 So what I propose to do is to give another
 24 copy of these concerns that were written over a
 25 year ago by the seven county committee and have
 26 them entered into the record and request a specific
 27 reanswer to each of the questions, based upon the
 28 material that's contained in the current document.

1 let the people from the area here speak before you
 2 tonight. I know this wasn't on the schedule, but
 3 we really appreciate you coming to our county.
 4 As you -- as has been stated before, Sutter
 5 County is quite an agriculture county, and this is
 6 our main industry right here. We may not be like
 7 Southern California with big industry and
 8 factories, but agriculture is our industry.
 9 I have two concerns really in this process.
 10 One is protection of water rights within our
 11 county. Number one is our aquifer. There's a lot
 12 of water in this aquifer that cannot be used for
 13 agriculture. It's not the proper type water. It
 14 has different type of minerals. It cannot work.
 15 This is a threat to our county if we pump this. It
 16 can't be used down south. And then also losing our
 17 water rights for our industry.
 18 Number two is flood protection. Currently,
 19 it's an increasing problem. It goes clear back
 20 into the '50s, but for us in '81, '83, '86, 1993,
 21 '95, '97 we have had problems, and a lot of it has
 22 been levees and too much water, and too much held
 23 in the dams, and then it comes and inundates the
 24 counties, Sutter and Yuba County and Colusa
 25 County.
 26 In 1986 Yuba County flooded. In 1995 Colusa
 27 County had problems. In 1997 Yuba County flooded
 28 again. And in '97, the Meridian basin flooded.

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1 40,000 acres and 400,000 acre feet.
 2 I still stress that we need storage, as has
 3 been stressed before, storage north and south
 4 before we start looking for purchasing ground for
 5 habitat along the Sacramento River.
 6 I think all of us like habitat, but we need
 7 to protect citizens first, and then we need to look
 8 at our industry first. We need to go back -- in
 9 government we need to go back to common sense, and
 10 I think if people get common sense behind this,
 11 then you will get it. But if you don't have common
 12 sense, it will go down like the peripheral canal
 13 did back in the '80s.
 14 At this time I would still like to thank you
 15 for coming before us and let us speak, but I will
 16 let you know that common sense needs to be put into
 17 this, and look at storage north and south again
 18 before you start buying habitat along the
 19 Sacramento River and losing agriculture ground,
 20 because we will not support here in the north.
 21 Thank you.
 22 HEARING OFFICER BODOVITZ: Thank you,
 23 Supervisor.
 24 I've just been told that there's a car with
 25 its lights on, a gray Pontiac Sunbird, license
 26 3HMY 845. If that's anybody here, you might want
 27 to do something.
 28 Vickie Newlin, Sue Sutton, Richard Bottini.

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1 MS. NEWLIN: Hi. My name is Vicki Newlin;
 2 I'm from Yuba County, and I would like to thank you
 3 for coming to the north state.
 4 Judging from the number of people involved
 5 in this hearing tonight, as well as those in
 6 Redding and Chico, there's very high per capita
 7 concern shown by the citizens in the north state.
 8 We hope you will listen to what we have to say.
 9 CalFed has an obligation to make the north
 10 state whole in this process. Our environment and
 11 ag-based economy is relying on our existing local
 12 water supplies. These resources need to be
 13 evaluated extensively before you rely on our water
 14 to solve the problems in the Delta and other parts
 15 of California.
 16 We the citizens and representatives of
 17 Northern California insist that you supply us with
 18 a more comprehensive site specific study that
 19 evaluates the issues discussed here tonight: The
 20 flood control component, additional storage
 21 facilities and protections for our groundwater
 22 supplies.
 23 Your solutions principles include a
 24 guarantee that the CalFed program will not result
 25 in any redirected impacts. To do this, you must
 26 supply us with the necessary data requested before
 27 moving forward with any part of the Bay-Delta
 28 Program. Listen to us. You will find that the

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1 north state is very informed about this valuable
 2 resource. We have to be. We have the most to
 3 lose.
 4 Thank you.
 5 HEARING OFFICER BODOVITZ: Thank you,
 6 Ms. Newlin.
 7 Sue Sutton, Richard Bottini, James Wilson.
 8 MS. SUTTON: Thank you very much for having
 9 this hearing this evening. My name is Sue Sutton;
 10 I'm with family Water Alliance, and I'm also
 11 representing the Colusa County Farm Bureau this
 12 evening.
 13 We agree that we need to solve the problems
 14 of the Delta; however, we feel that the problems of
 15 the Delta have been caused by the export of water
 16 from the Delta to the south. We understand that
 17 there is tremendous need for water for the state,
 18 and we know that the Endangered Species Act,
 19 Central Valley Project Improvement Act, DWR, Joint
 20 Venture Habitat Agreement, and the impending loss
 21 of Colorado River water is going to continue to put
 22 added pressure to our water supplies, and we
 23 believe they are going to continue to look to the
 24 north state. However, we feel strongly that no
 25 matter how many watershed programs you put in or
 26 how many water conservation programs you can put
 27 in, it's still not going to meet the total demand
 28 in the future that's going to be needed to meet all

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1 of this.
 2 Added to all those demands, you add the
 3 increasing population, the only solution that's a
 4 viable alternative out there is storage. We must
 5 have storage. We must have storage in the north
 6 state; we must have storage in the south state, so
 7 that each area can become self-sufficient.
 8 We believe in the area of origin and water
 9 rights, and we are looking for legally binding
 10 assurances to these rights. They must be there for
 11 the people of the north state. These assurances
 12 were given us before when CVPIA was made, that only
 13 water surplus to the needs to the north state would
 14 be sent out. We are now calling upon those
 15 surpluses to maintain that we maintain a healthy
 16 environment and community for the north state.
 17 We believe that we need to have caps on
 18 exports of water. We need to know just exactly how
 19 much water is going to be exported from Northern
 20 California, and no more reach that limit and that's
 21 it.
 22 Groundwater we are very concerned about.
 23 We're concerned about subsidence. We have already
 24 seen 30 feet in the San Joaquin. We have seen four
 25 feet in Yolo County. We don't need subsidence for
 26 our levees and area along the river. We are one
 27 sandbag away from flooding.
 28 We need to have target actions that reflect

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1 realistic cultural practices. You need to get in
2 touch with the rice producers of California, Joe
3 Caronchio (phonetic), and talk about whether or not
4 it's reliable and realistic for us to defer fall
5 tilling or putting more seed in the field for the
6 ducks and birds.

7 Finally, I would like to say that a number
8 of the documents suggest that there's going to be
9 additional need for more bureaucracies, such as in
10 the watershed program and in the water conservation
11 area. I purport that we do not need any new
12 agencies. 17, 16 agencies working with all these
13 issues is enough. Adding more agencies is only
14 going to make more of a burden.

15 What we do need to see is the money that is
16 developed for CalFed goes directly to the
17 landowners and the people involved in the
18 watersheds, and that's how you're going to solve
19 the problem.

20 Thank you very much.

21 HEARING OFFICER BODOVITZ: Thank you,
22 Ms. Sutton.

23 Richard Bottini, James Wilson, Dominic
24 DeBellis.

25 MR. BOTTINI: Good evening, I'm Rich
26 Bottini. I'm a John Deer dealer in Colusa,
27 California.

28 The Delta is broken for one reason and one

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1 Of course, my ideas are not unique. They
2 are only logical and beneficial to solving the
3 problems and, thus, haven't showed up in your
4 CalFed plans.

5 My ideas would, however, cut some very large
6 water marketers and lower the overall cost of water
7 to the average California citizen while eliminating
8 some special interests groups who make large
9 campaign contributions. Again, this is too logical
10 and beneficial to all, so it is not included in
11 your plans.

12 I want to ask you again, why haven't you
13 addressed the true cause of our problems? That
14 being uncontrolled population growth and
15 development in Southern California. A Band-Aid
16 will not heal a large wound. It will only prolong
17 the agony and cause much discomfort.

18 I leave you with two observations that I
19 have noted with your plans. I fail to see how
20 habitat will grow on a 44-mile cement canal capable
21 of shipping 7.3 million acres of Northern
22 California water south. This seems environmentally
23 illogical to me.

24 Of course, I'm fully aware that you plan to
25 mitigate acres to offset the damages; however, I
26 note that not one acre of mitigation is being
27 provided by the very cities that have created these
28 problems.

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1 reason only. You have allowed unrelentless
2 population growth and pump water south until it
3 finally doesn't work properly. You have now spent
4 millions of our tax dollars to come up and tell us
5 how to fix the Delta. Not one comment in your
6 3500-page report addresses controlling California's
7 population growth.

8 I'm particularly appalled by your approach,
9 since you weren't invited by Northern California to
10 come up and start changing our local customs,
11 culture and economic stability, nor were you
12 invited to come up and start telling us what to do
13 with our own land water, and you certainly are not
14 welcome.

15 You have already sucked the Owens Valley dry
16 and destroyed entire industries and communities,
17 and now you're here attempting to do it again.

18 My college degrees are in business, not
19 water, but I certainly feel for billions of dollars
20 are more than three alternatives available to fix
21 the Delta.

22 I would offer that for billions of dollars,
23 you could install desalinization plants in every
24 population center and supply Southern California
25 with water forever. Turn off the Delta pumps, and
26 you would experience tremendous improvements in the
27 Delta once the Sacramento River was allowed to
28 continue its natural flows.

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1 Don't you think a 50-50 sharing of
2 mitigation acres is only fair? I think every city
3 should give up mitigation acres of like kind to
4 those of us who make our living off the very land
5 you plan to take from Northern California. Again,
6 isn't a 50-50 split fair to the entire population,
7 both north and south?

8 I will close by informing you that I will
9 fight the implementation of this plan with every
10 bit of strength the good Lord will give me. I
11 can't believe my own government is using my own tax
12 dollars to try and destroy my local customs,
13 culture and economic stability to the benefit of
14 large developers. This is Owens Valley all over
15 again, and it must be stopped. If you want to
16 improve the quality of the Delta, control the
17 population growth.

18 You mentioned there will be affects on land
19 use --

20 HEARING OFFICER BODOVITZ: Mr. Bottini, your
21 time is gone.

22 MR. BOTTINI: -- tell me what land effects
23 the cities will experience with your plans.

24 HEARING OFFICER BODOVITZ: James Wilson,
25 Dominic DeBellis, Bill Calvert.

26 MR. WILSON: Yes, I would like to come from
27 a little different perspective.

28 First off, I think that CalFed essentially

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1 is on the right track and has the right parties.
 2 However, I think you're starting off on the middle
 3 and then trying to work out to both ends, which I
 4 don't think is feasible.
 5 Realistically, the biggest problem that we
 6 have in Northern California is not a drought and
 7 lack of water. Realistically, the problem we have
 8 in Northern California is that water sales profits
 9 are killing Northern Californians.
 10 I live in Gridley, and I was evacuated
 11 because Oroville might overflow. Oroville and
 12 Shasta and Bullock Bar are being managed for
 13 profit, water sales, not for public safety. They
 14 were 80 percent full. So the way I equate that is
 15 four to one. 20 percent for public safety,
 16 80 percent for water sales profits.
 17 Somewhere down the road, if we don't
 18 recognize that we have to stop killing people
 19 before you can start addressing water sales, it's
 20 going to have major problems. The most dangerous
 21 thing living in Northern California, I report, is
 22 not shortage of water, it's an overabundance of
 23 water. And I would like to point out, the best
 24 water rights are the best commodity you can have in
 25 the country. You have all the assets, but you have
 26 absolutely no liability. Somebody can tell you not
 27 the dump the water out of Oroville, because you
 28 have to pay me \$40 million for that water.

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1 Of course, if that water drowns me and my
 2 children, I can sue the dam or the operators,
 3 Department of Water Resources, but I can't sue the
 4 water rights holders.
 5 You have to get back to the beginning,
 6 address the flood, public safety number one,
 7 starting from the north valley where it's flooded
 8 and San Joaquin and work back toward the Delta.
 9 I grew up in the Bay Area. I Fished for
 10 years down there. I believe you have got to save
 11 the Delta. But bottom line, you can't save the
 12 Delta at the expense of drowning people. I mean,
 13 Bullock Bar, every one of these reservoirs are kept
 14 at full capacity. The truth of the matter is, any
 15 more water sales or any more conveyances is going
 16 to kill more Northern Californians.
 17 If we had levees 20 foot higher made out of
 18 concrete, and we had uncontrolled releases like
 19 they planned on having or thought they would have
 20 at Oroville, Yuba City still would have been
 21 flooded -- Yuba City would have been flooded,
 22 Marysville, every down -- Gridley, Oroville every
 23 downstream city.
 24 So levees are not the solution, it's
 25 managing the water. And I'd suggest that if all
 26 the parties are in place to come up with a flood
 27 czar somewhere down the future that would have full
 28 control for public safety first and profit second.

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1 My family deserves the right to live and the right
 2 to expect all public agencies to work for public
 3 safety first and water profits second. And that is
 4 what's not being addressed to this day.
 5 In CalFed I think you have a lot of good
 6 goals, I think you have to address those things.
 7 But as long as we're dealing with water profits, I
 8 will make clear, there hasn't been a major dam -- I
 9 don't go back to Shasta -- Oroville, Bullock Bar
 10 New Hogan, Comanche most all these dams were for
 11 one form of flood control or another. That's how
 12 they got the bond issues and the public behind
 13 them. It wasn't for water sales. That was all
 14 incidental.
 15 If you go back to most all the documents, it
 16 goes way back wayward. Flood controls was
 17 20 percent of the equation. Water sales 80 percent
 18 of the equation. Something is drastically wrong if
 19 we continue to put profits over human life.
 20 Thank you.
 21 HEARING OFFICER BODOVITZ: Dominic DeBellis,
 22 Bill Calvert, Steve Danna.
 23 MR. DEBELLIS: My name is Dominic DeBellis,
 24 and I'm a resident of Solano County, I'm a teacher,
 25 and I'm also a candidate for state Senate in this
 26 district.
 27 I have attended some half a dozen meetings
 28 of CalFed in the marine fisheries, and I thought

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1 tonight I'd give one last little summary statement
 2 of what I think I've seen.
 3 At the first meeting, the CalFed gentleman
 4 stood up and said that CalFed respects the
 5 life-styles, values of Northern Californians, and
 6 that it was special.
 7 At a later meeting, at a sidebar
 8 conversation, one of the CalFed leaders was
 9 reporting that when our concerns about lifestyle,
 10 et cetera, are brought up down south, the answer
 11 is, "How much do they want? Pay them. What do
 12 they need? What do they want?" To which the
 13 CalFed person states, he says, "What do you tell
 14 people who talk like that, who say these things?"
 15 Well, since this process to me is a little
 16 reversed from what is normal, in that I see
 17 politicians coming up here and asking you, the
 18 bureaucrats, instead of what usually -- you give
 19 advice to politicians and they are supposed to
 20 act.
 21 I'm going to presume -- I'm going to have
 22 the presumption to make one quick statement about
 23 what you should tell people who say things like
 24 that. You should tell them that everybody wants
 25 economic prosperity. Everybody certainly does want
 26 economic security; however, there are issues of
 27 safety, lifestyle and values beyond that.
 28 You should tell them that here in Northern

1 California we have a history of looking out for the
2 other person, of having to share in common
3 interests and trying to help each other out. We
4 have not been every man for himself.

5 So when these people, you know, tell you
6 these things, be sure to mention that farmers,
7 environmentalists and local timber people, good
8 people, will all ban together to look out for the
9 best interests of Northern California to preserve
10 that way of life. And we hope that CalFed meant
11 what they said when they told us they do respect
12 that lifestyle.

13 Thank you.

14 HEARING OFFICER BODOVITZ: Bill Calvert,
15 Steve Danna, Ted Mason.

16 MR. CALVERT: Bill Calvert, Marysville,
17 California.

18 I would like to address fish restoration on
19 the Yuba and the assurances that we have from
20 CalFed that fish restoration will take place.

21 I would like to start at the confluence of
22 the Yuba and the Feather. Along the way up to
23 Englebright Dam there's nine pumping stations
24 without screens. I would love to see that
25 addressed. There's two gabion screens that are
26 supposed to be in place and working. Neither of
27 them work. There's two canal diversions, the south
28 Yuba and the -- I have to pass on that right now.

1 I belong to four irrigation districts that
2 divert irrigation water from the Feather River as
3 far as the family ranch with its own diversion.

4 As a farmer, water and land are our two most
5 valuable resources. Both of these resources have
6 become more valuable as California has grown. Land
7 has come under urban encroachment. The more land
8 that has been developed, the pressure has been put
9 on farmers to develop their supply of water, their
10 urban neighbors and pay mitigation fees for
11 environmental projects. Hence, we have come up
12 with the CalFed idea. Basically, to bury the
13 hatchet between ag, urban and environmental. I
14 think it's a good idea, but in practicality I think
15 it needs some streamlining and some very strong
16 commitments to Northern California.

17 Southern California and the Central Coast
18 cities rely on us in supply of their water, yet
19 they refuse to commit themselves to any new
20 infrastructure. We as farmers are accused of using
21 80 percent of the state's developed water,
22 receiving subsidized water and destroying the
23 environment.

24 If our water is subsidized, so are the fresh
25 fruits, vegetables and cereal products that are on
26 the shelves of the grocery store.

27 If we have destroyed the environment, show
28 me another place in the U.S.A. that has more water

1 But anyway, those two the screens need to be in
2 place and protecting the salmon.

3 I would love to see spawning channels
4 addressed through the Yuba gold fields. It's a
5 dredged area that would make an excellent habitat
6 for spawning channels.

7 I would also like to see or ask how do you
8 propose to get the salmon around the Arrow Point
9 Dam and around Englebright Dam for fish
10 restoration? Do you plan on taking them -- taking
11 out the dams or building bypasses around them? But
12 something to get the fish into the upper reaches of
13 the Yuba so we can have truly fish restoration.

14 One thing that does bother me a little bit,
15 the agencies that are -- CalFed is made up of tend
16 to bother me when I see the Marysville sewer ponds
17 located in the bed of the Yuba River. Somebody
18 hasn't done their job up to now, so I wonder what
19 will be done about some of these things later on,
20 because we need to find out the true nature of some
21 of the people that are in CalFed that's supposed to
22 be doing the jobs.

23 Thank you.

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

26 Steve Danna, Ted Mason, William P. Lockett.

27 MR. DANNA: Mr. Chairman, my name is Steve
28 Danna; I'm a third generation California farmer.

1 fowl or animal species than the Sac Valley.

2 CalFed makes no assurances of continuing our
3 water supply. The alternatives they propose are:
4 One, conservation; two, substituting groundwater
5 for surface water; and, three, water transfers.

6 We can only conserve so much water. Most
7 farmers have taken numerous conservation measures
8 to grow crops, but each crop still requires a
9 certain amount of water. In substituting
10 groundwater, groundwater needs to be recharged, and
11 there are many aquifers in the north valley that
12 will or would not recharge if it were not for the
13 surface water.

14 Transfers are not a new concept to the
15 farming community, but a tool that has been tried
16 to used. We have only been -- it's not been
17 successful, mainly because the transfers have only
18 been sanctioned to municipalities. Also, as the
19 law reads now, if the farmer puts his -- uses a
20 transfer, he may put his water rights in jeopardy.

21 So where will the extra water come from?
22 CalFed -- CalFed is talking about an isolated
23 facility that will divert eight to 10,000 cfs, but
24 in the summertime we only average about 3500 cfs
25 going down the Feather River here at Yuba City.

26 There's only one practical solution to this,
27 and to meet increased demands, and that is more
28 storage. CalFed has only thrown out one small bone

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1 to Northern California for everything it's taking,
 2 it's Sietz Reservoir, and it's not still an
 3 ironclad deal, nor do I believe it is a good
 4 choice.
 5 HEARING OFFICER BODOVITZ: Mr. Mason, I'm
 6 afraid the three minutes have gone.
 7 MR. MASON: Thank you, sir.
 8 HEARING OFFICER BODOVITZ: Next we will hear
 9 from William Lockett, then we will give our court
 10 reporter ten minutes to cool her hands off, and
 11 when we resume, Allen Stonesifer will be the first
 12 speaker.
 13 Mr. Lockett.
 14 MR. LOCKETT: Actually this is not Lockett,
 15 this is Ted Mason.
 16 HEARING OFFICER BODOVITZ: Whoops, sorry.
 17 Sorry. I lost it. You are right. I am sorry.
 18 Okay. Then let's back up. Ted Mason, and
 19 then we will take the break, and then William
 20 Lockett will be our first speaker.
 21 Sorry, Mr. Mason.
 22 MR. MASON: Yes. Good evening, my NAME is
 23 Tad Mason; I'm a registered professional forester.
 24 I reside in Shasta County, and I work in the
 25 private sector primarily developing and
 26 implementing watershed management, forest fuels
 27 improvement and forest health improvement
 28 projects.

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1 little bit about the upland watersheds. Of 3500 or
 2 so pages in your EIS, less than one percent, about
 3 nine pages, as Steve Fitch noted, addresses
 4 watershed issues. And that's a major problem, a
 5 major concern with this whole process.
 6 I'm also concerned that the watershed
 7 strategy program does not address wildland fires as
 8 a stressor. We have seen watersheds east of
 9 Redding, for example, in 1992 we had the Fountain
 10 fire which burned 100 square miles in 48 hours.
 11 That is a watershed impact of extreme conditions.
 12 If our forests, which are highly stressed
 13 because of way too many trees per acres, if these
 14 are not addressed, then we will be in major, major
 15 problems with issues here with wildfires.
 16 We should honor and reaffirm the area of
 17 origin and county of origin water rights, should
 18 restore the Bay-Delta watersheds and tributaries
 19 above the dams, a program of financial reinvestment
 20 in the upper watersheds should be developed. And,
 21 lastly, I have a major concern with the amount of
 22 bureaucracy involved here. I would hope that 80 to
 23 90 percent of the dollars that are eventually
 24 generated for watershed improvement and conveyance
 25 and storage actually hits the ground.
 26 I would hate to see another bureaucracy
 27 develop, we have 16 already involved, it would be
 28 unfortunate if some sort of an overview program was

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1 I'm glad to see we have someone here from
 2 the Forest Service tonight, because it is in the
 3 forest where all this water starts. An estimated
 4 200 million acre feet of water falls as
 5 precipitation on California each year. This year
 6 probably a little more than that. Most of this
 7 falls on our coniferous forests.
 8 Evapotranspiration from the photosynthesis
 9 process returns about two-thirds of this
 10 precipitation back into the atmosphere. The
 11 remaining 70 million acre feet stays on the
 12 landscape. Much of this is not available, because
 13 it goes to our wild and scenic rivers.
 14 Utilizing active forest management
 15 techniques can help us achieve optimum watershed
 16 conditions. The U.S. Forest Service has estimated,
 17 for example, the California forests could deliver
 18 up to 2.5 million acre feet of additional high
 19 quality water each year through aggressive --
 20 through an aggressive policy of watershed
 21 management.
 22 By taking steps to restore upland, meadow
 23 aquifers and reduce excessive fuel loads and soil
 24 erosions, studies have shown that we can improve
 25 the quantity and quality of water flowing into our
 26 streams.
 27 Must of the discussion tonight has been on
 28 conveyance systems and storage. I'd like to talk a

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1 developed that ate up more of those monies.
 2 Thank you for your time.
 3 HEARING OFFICER BODOVITZ: Thank you,
 4 Mr. Mason.
 5 We will resume at 20 of 9:00 on the button
 6 with William P. Lockett.
 7 (Recess taken.)
 8 HEARING OFFICER BODOVITZ: If everybody is
 9 ready. William P. Lockett, followed by Allen
 10 Stonesifer and George Tibbits.
 11 MR. LOCKETT: I am William P. Lockett. I'm
 12 a resident of Sutter County and a resident of
 13 Sutter Basin down here, and thank you for having
 14 the hearing.
 15 Our family will be directly affected by this
 16 scheme of taking the levee setback and taking 7,000
 17 acres out of Sutter Basin. We live along the
 18 river. We are owners along the river. We are also
 19 water diverters from the Sacramento River.
 20 Approximately 20 miles of the east levee of
 21 the Sacramento River would be setback supposedly
 22 under this ecosystem restoration. Well, in the
 23 first place, I didn't know the ecosystem was broken
 24 in Sutter Basin in the first place. This is the
 25 first time we've ever heard of this was when this
 26 program came along.
 27 You go the 20 miles, then it would cut
 28 across to Yolo County into the River Garden Farms

1 area, would go approximately ten miles more, then
 2 their idea is to cut across the canal from the
 3 Sacramento River to the Sutter Bypass, which would
 4 go right through our living room.

5 Now, this is absolutely absurd. This whole
 6 project of that ilk, there was absolutely no
 7 reason, no thought behind it. What do you gain by
 8 buying this land, by retiring some of the most
 9 highly productive land in the state? Do you gain
 10 any more water? Of course not. All you gain is
 11 more erosion into the river. You do not make any
 12 more habitat restoration by doing this.

13 And so I just think that it's a total waste
 14 of time. Whoever thought up this hair-brain scheme
 15 should be fired for taking the time and the money
 16 to do it.

17 Thank you.

18 HEARING OFFICER BODOVITZ: Thank you.

19 Allen Stonesifer, George Tibbitts, Pat --
 20 I'm sorry, I'm having trouble reading the writing
 21 here.

22 MS. ZWICKER: Zwicker.

23 HEARING OFFICER BODOVITZ: Zwicker.

24 Thank you, sir.

25 MR. STONESIFER: Thanks for being --
 26 allowing me to be at the meeting to speak.

27 I am a director on the Placer County Farm
 28 Bureau and also the Tahoe Cattlemen down there, and

1 before me somehow sinks in that we want more
 2 storage.

3 I'm encouraged from the report that you
 4 recommend storage. There's no guarantee that
 5 that's what we are going to get, but I don't think
 6 it's been stressed enough tonight that, yes, you're
 7 looking at more off-stream storage in California,
 8 and that's so important because the pressures of
 9 California's rapidly growing population demand it.

10 We will always have cycles of wet years and
 11 dry years. We've just been through the floods and
 12 the drought. The seven-year drought is still fresh
 13 in our minds. Additional storage will buffer that,
 14 buffer the impacts of those wild swings in supply,
 15 and that will be beneficial to both people and the
 16 wildlife.

17 New water storage is the key to meeting
 18 fishery needs, especially in dry years, but let's
 19 not look only at increasing off-stream storage.

20 I guess I will mention something you haven't
 21 heard tonight. I'm surprised nobody has said it,
 22 so I will say it. Let's look at raising Shasta and
 23 Friar dams. I know that will be very expensive,
 24 but it will provide a huge amount of new storage.
 25 We're talking millions more acre feet of water
 26 without incurring any or minimal new environmental
 27 impacts. You're not going to dam a new river. You
 28 will get more flood protection.

1 our message has been sent to you folks already, and
 2 there's no sense in expounding on it outside of a
 3 couple of very important points.

4 We do not want to diminish the water rights,
 5 whether it's for farmers, cities or the
 6 environment, and must assure water right holders
 7 their rights will be protected and even
 8 strengthened.

9 The pressures of California is rapidly
 10 increasing population, demands that the state
 11 enlarge its available water supply. We need water
 12 to support 50 million people while maintaining
 13 agriculture and the environment.

14 And, finally, for sure, we've got to support
 15 off-stream storage and options for increasing
 16 on-stream storage.

17 Thank you.

18 HEARING OFFICER BODOVITZ: Thank you,
 19 Mr. Stonesifer.

20 George Tibbitts, Pat Zwicker, Dave Wilzbach.

21 MR. TIBBITTS: Thank you. My name is George
 22 Tibbitts, and I farm in Colusa County.

23 I know you've already had 15 of these
 24 hearings, and you've had dozens of speakers
 25 tonight. I would love to be up here and tell you
 26 something new or tell you something you haven't
 27 heard, but I guess I can take consolation if what I
 28 say and what you have heard from dozens of speakers

1 The gentleman that spoke earlier really
 2 stressed that. We need to protect public safety as
 3 well as provide more water.

4 And when we talk about the expense, I have
 5 heard \$10 billion mentioned tonight, as far as the
 6 various alternatives. I think I have heard raising
 7 Shasta dam alone would cost \$2 billion -- or 2 or
 8 \$3 billion. That's a lot of money, but putting it
 9 in perspective, the 25 million people in California
 10 on per capita basis, we are talking about a \$400
 11 investment per capita over a long-term. I think
 12 that's reasonable, especially considering some of
 13 the things our government spends money on.

14 I guess a major concern I have, the one I
 15 will close with, is my concern about the
 16 possibility of taking agricultural land out of
 17 production. I could talk about the huge economic
 18 impacts it would have on farm families and rural
 19 economies, and I could talk about the lack of
 20 wisdom that would be involved in retiring some of
 21 the most productive agricultural land in the world
 22 at a time when population growth continues to
 23 explode.

24 But look at the environmental contributions
 25 of agricultural land. It provides wildlife
 26 habitat. Wildlife habitat is a compatible use of
 27 agricultural land. And because these lands are in
 28 private ownership, the environmental benefits that

1 accompany it come at little or no cost to the
 2 government.
 3 Agricultural lands provide valuable food
 4 resources for a variety of wildlife species, not to
 5 mention wetlands habitat, the photosynthetic
 6 process and ag crops cleanses the atmosphere. And
 7 agriculture plays an important role in recharging
 8 California groundwater basins.

9 HEARING OFFICER BODOVITZ: Mr. Tibbitts, the
 10 three minutes are gone, I'm afraid.

11 MR. TIBBITTS: Thank you.

12 HEARING OFFICER BODOVITZ: Pat Zwicker, Dave
 13 Wilzbach, Austin Emmerling.

14 MS. ZWICKER: My name is Pat Zwicker; I'm
 15 from Paradise.

16 I have been studying this question of the
 17 water development for the last couple of years. I
 18 am reading your literature, very interested in what
 19 you have to say, and I've learned a tremendous
 20 amount from my fellow residents of the Sacramento
 21 Valley. And I do thank you all.

22 Your literature speaks of minor economic
 23 losses, farm income -- thank you. Thank you. Much
 24 better, yes.

25 -- farm income, agricultural losses, farm
 26 jobs loss, acreage disappearing. You say, let's
 27 speak of mitigating these losses.

28 Your literature speaks of subsidence,

1 enough to supply one large house or two small
 2 houses for a year, more water than Lake Tahoe has
 3 in it, is now required to maintain the fluid
 4 barrier that now divides the ocean from the
 5 freshwater in the Delta.

6 In 1929 the Bayberry association proposed a
 7 freshwater ocean divider be constructed between
 8 Richmond and San Rafael. This would allow
 9 San Pablo to become a freshwater lake with ship
 10 locks like those used in the Panama Canal -- excuse
 11 me.

12 Open pipes or an open channel for fish
 13 migration and flood control gates that would allow
 14 water and the lake to be drained into San Francisco
 15 Bay at a low tide would also allow a place for
 16 winter storms runoff to go and be stored. This
 17 would also allow us to keep out the effects of the
 18 high tides that have been the major cause of
 19 flooding in the Delta islands.

20 The environmental concerns of those
 21 creatures that now live in the Bay would be --
 22 probably be relieved if their habitat was less
 23 subject to the effects of tides, runoff from storms
 24 and continual changing effects of salt in the
 25 freshwater fluctuations.

26 This proposal would create jobs, turn the
 27 north part of the Bay into a freshwater lake with
 28 recreational possibilities, including fishing,

1 subsidence of agricultural land, subsidence of
 2 infrastructure, collapsed aquifers, collapsed
 3 bridges, pipelines deformed, and you say, "We will
 4 mitigate."

5 Your literature speaks of damage of
 6 watershed, loss of fisheries, and they say this
 7 might not be too significant. \$1,700 an acre may
 8 not seem significant to everyone.

9 Now, I'd like to know, how do you intend to
 10 mitigate these losses? Where are the funds coming
 11 from? Do you think that you are going to tax us to
 12 pay us for the damage that you are doing us?

13 Thank you.

14 HEARING OFFICER BODOVITZ: Thank you,
 15 Ms. Zwicker.

16 Dave Wilzbach, Austin Emmerling, Dan Macon.

17 MR. WILZBACH: Hello. My name is Dave
 18 Wilzbach. And I would like to say, thank God for
 19 water or we wouldn't have the opportunity of being
 20 here.

21 The main polluter of our freshwater is not
 22 the cities, industry or farms, but the Pacific
 23 Ocean. At the present time about 40 percent of
 24 California's freshwater, no matter how many
 25 reservoirs we construct or how much freshwater we
 26 divert will be required each year in the effort of
 27 pushing salt water out of the Delta.

28 30,000 cubic feet per second of freshwater,

1 warm, sandy beaches, and would probably enhance the
 2 whole Bay Area.

3 By controlling the ocean tide with this
 4 barrier, shipping would be safer. And if there
 5 would be -- there happened to be an oil spill, it
 6 would be much easier to control and clean up.

7 There would always be freshwater current
 8 flowing towards the ocean, requiring, perhaps,
 9 five percent instead of the now 40 percent of
 10 California's water we now use. There would be some
 11 problems like one hour delay for ships to go
 12 through the locks, but when we consider the
 13 advantage of the fuller mountain reservoirs,
 14 protection from floods, better protection, excuse
 15 me, from droughts, farmers being able to grow their
 16 crops, cities being better able to meet the future
 17 needs for water, the environment in the Bay to have
 18 a stable existence, recreation and freshwater
 19 fishing here in the Bay Area, it might be worth
 20 it.

21 HEARING OFFICER BODOVITZ: Mr. Wilzbach,
 22 your three minutes is up.

23 MR. WILZBACH: Thank you. May I just show
 24 this on the way out.

25 Thank you very much.

26 HEARING OFFICER BODOVITZ: Austin Emmerling,
 27 Dan Macon, Ray Anderson. Thank you.

28 MR. EMMERLING: Thank you for having this

1 meeting here. My name is Austin Emmerling; I'm a
 2 resident of Nevada County.
 3 I'm here to speak, I guess you'd say in
 4 behalf of the fisheries. I hope that everyone here
 5 is aware of the endangered and threatened status of
 6 California's salmon and steelhead. I hear a whole
 7 lot of talk here about -- the name of this thing is
 8 the CalFed Bay-Delta Program, and I hear more talk
 9 about sending water to Southern California than I
 10 do about improving the quality of the Delta and the
 11 Bay.

12 I have a specific problem, in that the Yuba
 13 County Water Agency is planning a large dam on the
 14 Yuba River main stem at Parks Bar, which is the
 15 location where Highway 20 crosses the Yuba River.
 16 In conjunction with this dam, they are planning a
 17 second dam in the Spenceville wildlife area called
 18 the Waldo dam, and this dam would flood a toxic
 19 deserted mine. So bear in mind these things.

20 What I have not heard anything about
 21 regarding water is getting some of this water out
 22 to the ocean. In fact, I've heard the statement
 23 that water reaching the ocean is water wasted
 24 because it can't be developed or sold. I think
 25 this is a very short-sighted position, but please
 26 bear in mind the damage that can be done by the
 27 Parks Bar and Waldo dams in particular, and I know
 28 that we're going to need a lot of additional

1 what's happened here in this end of this valley in
 2 the last 20 years. Rice farmers in Sacramento
 3 Valley have reduced their applied water use by over
 4 32 percent just in that time period.

5 When we talk water conservation, though,
 6 there are some biological and physical limits to
 7 how much we can conserve. It still takes a given
 8 amount of water to produce a certain amount of
 9 biomass, and we need to remember that when we're
 10 talking about water conservation.

11 While we appreciate the recognition that
 12 CalFed makes about what agriculture is already
 13 doing in terms of conservation, we want to offer a
 14 couple of suggestions for improving the water use
 15 efficiency program.

16 One is that we believe local approaches need
 17 to be embraced and encouraged, because local
 18 approaches to water conservation insure that we're
 19 saving water while also protecting the
 20 environmental resources that agriculture
 21 contributes to.

22 We need to make sure we are protecting
 23 recharge capacity and water quality when we talk
 24 water conservation.

25 We also believe that voluntary approaches
 26 like those embodied by the Agricultural Water
 27 Management Council need to be embraced and
 28 encouraged.

1 storage.
 2 This storage could probably best be done on
 3 high upstream dams, if dams have to be built, so as
 4 not to encroach on the already limited spawning
 5 areas for the steelhead and salmon.

6 Thanks.
 7 HEARING OFFICER BODOVITZ: Thanks,
 8 Mr. Emmerling.

9 Dan Macon, Ray Anderson, Shawn Garvey.
 10 MR. MACON: Thank you.

11 My name is Dan Macon. I am a Placer County
 12 resident, but more importantly this evening I'm
 13 representing the California Farm Water Coalition.

14 In order not to repeat a lot of what's
 15 already been said tonight, I wanted to concentrate
 16 my remarks on a couple of issues that are real
 17 important in the ag community, specifically water
 18 conservation.

19 Farmers and ranchers have absolutely led the
 20 way in terms of water conservation in California
 21 and will continue to do so. Things like drip
 22 irrigation technology and laser leveling were
 23 developed because agriculture needed those tools
 24 available.

25 The cost of production includes the cost of
 26 water and, therefore, farmers have an incentive to
 27 hold water costs down.

28 Just to give you an illustrative example of

1 We have some concerns with the time frame
 2 that CalFed has outlined in its documents with
 3 respect to the Council's activities, but we look
 4 forward to working with CalFed to make sure those
 5 opportunities work.

6 The bottom line, however, is that conserved
 7 water is not new water, and we need to do something
 8 to increase the yield of our supply system in the
 9 state. We absolutely believe that new surface
 10 storage is necessary if we are going to resolve all
 11 the demands on the Delta, agricultural, urban and
 12 environmental.

13 We support surface storage bet north and
 14 society of the Delta and look forward to working
 15 with CalFed to evaluate those options.

16 With respect to the conversion of land to
 17 habitat and other uses, we do have some concerns.
 18 We understand that a document like this has to look
 19 at those issues as an either/or situation. We
 20 would hope, in reality, that CalFed and the other
 21 agencies involved will begin to look at habitat
 22 restoration as an option that also maintains land
 23 in private ownership.

24 We believe that agricultural production and
 25 environmental benefits are not mutually exclusive
 26 uses of the same land, and we encourage CalFed to
 27 look at ways to change the current regulatory
 28 environment to address those issues.

1 Bottom line is a solution for the Delta is
 2 important for all of California, north and south,
 3 and we look forward to working with the agencies to
 4 find that solution. We need to recognize the
 5 importance of agriculture economically,
 6 environmentally and socially.
 7 Thank you.
 8 HEARING OFFICER BODOVITZ: Thank you.
 9 Ray Anderson, Shawn Garvey, Robert Dean
 10 Kent.
 11 Ray Anderson?
 12 MR. GARVEY: I am Shawn Garvey.
 13 HEARING OFFICER BODOVITZ: Okay. Ray
 14 Anderson?
 15 Okay. Shawn Garvey, Robert Dean Kent,
 16 Daniel Bartz.
 17 MR. GARVEY: I would first like to thank you
 18 for giving us this opportunity to address you this
 19 evening, and I think this is a wonderful forum for
 20 you to hear everybody's input and participation.
 21 My name is Shawn Garvey; I represent SYRCL,
 22 the South Yuba River Citizens League. We represent
 23 2000 mostly property owners in Nevada County,
 24 Sierra County and Yuba County. We represent 300 of
 25 700 property owners who would be condemned under a
 26 proposed dam at Parks Bar, which was mentioned
 27 earlier, and water storage reservoir in the
 28 Spenceville wildlife area.

1 is needed. And I would argue that it's not rural
 2 Northern California's place to satisfy the demands
 3 for water by reckless planning in Southern
 4 California.
 5 That would be the end of my comments. I
 6 would like to address one thing that Congressman
 7 Herger's aid said this evening. He argued that it
 8 was counter intuitive that increasing logging
 9 yields in the Sierras would be beneficial to
 10 California's water needs. And not only is it
 11 counter intuitive, it's wrong and irresponsible.
 12 He's stated this on several occasions.
 13 For the people who live down here in the
 14 valley to understand that massive new logging in
 15 the Sierras means that the water drains from the
 16 Sierras quicker, much quicker, and that would be a
 17 problem that I would hope that the CalFed proposal
 18 would investigate further.
 19 Thank you.
 20 HEARING OFFICER BODOVITZ: Thank you,
 21 Mr. Garvey.
 22 Robert Dean Kent, Daniel Bartz. Those are
 23 the last two cards I have. If anyone else wishes
 24 to speak, this is last call for cards.
 25 We have got one more. All right.
 26 Mr. Kent.
 27 MR. KENT: Thank you. My name is Bob Kent;
 28 I'm a Yuba City resident, businessman, and also a

1 Many of your earlier speakers discussed the
 2 need for new water storage facilities. The
 3 recently released California Water Plan made it
 4 quite clear that new water storage facilities in
 5 Northern California -- or new water storage demand
 6 in Northern California was not one of their
 7 considerations; that many of the 57 new and
 8 improved water storage facilities that they
 9 proposed were to meet demand from Southern
 10 California.
 11 15,300 is the number of families, farms and
 12 businesses that would face condemnation under the
 13 implementation of the California Water Plan.
 14 CalFed obviously doesn't recommend all of the same
 15 dams and storages -- storage proposals as the
 16 California Water Plan, but a great many of them
 17 have been recommended or are being pursued by
 18 California fed. I believe it's 23 of them out of
 19 that 57.
 20 I would urge the individuals who spoke
 21 earlier this evening to begin to take that into
 22 consideration. There has not -- there does not
 23 seem to be a recognition of the fact that there are
 24 people who live and do business and farm in the
 25 areas that everyone is considering to flood and
 26 condemn. I think it's highly irresponsible.
 27 I think that at this point CalFed as written
 28 does not consider conservation to the extent that

1 candidate for the third congressional district.
 2 I've tried to wait a little while so I wouldn't be
 3 able to be accused of doing any political
 4 grandstanding.
 5 But one of the things that I've been
 6 particularly concerned about, others have
 7 mentioned, are flooding problems here. Members of
 8 my wife's family drowned here as a result of the
 9 flooding here in '55.
 10 Now, as I see it, with all the agencies
 11 involved in this CalFed thing, we have what I think
 12 of as a multi-headed hydra with no one right now
 13 that I can see ultimately responsible for
 14 anything. We have had a lot of difficulty with
 15 water, too much held too long and held for export
 16 and injudicious sale.
 17 There have been at times no communication
 18 between various agencies, and I believe earlier
 19 Mr. Wilson mentioned something on the order of a
 20 flood czar, somebody with ultimate management
 21 responsibility to protect the citizens and not just
 22 the habitat.
 23 I would like to see something that
 24 eventually legally binds someone so that we do have
 25 some ultimate responsible party for the protection
 26 of the citizens of Yuba City, of Sutter County and
 27 all of the districts -- all of the counties, pardon
 28 me, in the third congressional district.

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1 Thank you.
 2 HEARING OFFICER BODOVITZ: Thank you,
 3 Mr. Kent.
 4 Daniel Bartz, Howard Beeman.
 5 MR. BARTZ: My name is Daniel Bartz; I'm a
 6 lifelong resident of Sutter and Butte County.
 7 While at this meeting, most speakers are
 8 have encouraged more storage damn. No one has said
 9 who will pay for these storage dams.
 10 For example, Parks Bar dam will cost at
 11 minimum \$600 million to \$1 billion to construct.
 12 This equals 200 dollar an acre foot. Who can grow
 13 rice at \$800 a year for water?
 14 I will inform these people around here that
 15 the era of big dams is over. We have had so many
 16 people in this area talk about the need for less
 17 government. Less government means new approaches
 18 to water projects. Some of the eminent
 19 hydrologists in the United States and even the Army
 20 Corps of Engineers, the premier dam builders in
 21 America, have undergone a conversion that we need
 22 to simulate natural courses of rivers.
 23 Dams have a limited life-span. They fill
 24 up, whether in 100 years or 1,000 years. Now, what
 25 are we going to do with dams that are just the silt
 26 that's filled up. We have a catastrophe for future
 27 generations to think about.
 28 If you look at the whole -- also, there's

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1 and I liked what I read. It was a lot of stuff to
 2 get to the meat, but there was stuff in there.
 3 That's just the way it is.
 4 I think that this is very necessary. The
 5 Delta needs work and needs improvement. There's
 6 always a thirst in California, especially when
 7 we've given the environment some allocations, and
 8 stuff. That means we've had to shrink the other
 9 users. And I think that's all good.
 10 What troubles me about the process is that
 11 the political questions are kind of not out in the
 12 open. There is so many political decisions that
 13 will come and need to come when this plan is
 14 finalized and it's crystallized exactly what these
 15 big decisions are.
 16 I feel that some of the political decisions
 17 are touched on. For example, the question about
 18 fallowing. And I think when fallowing is brought
 19 up, that means we farmers are going to lose our
 20 means of production, and landowners will choose to
 21 go in because of the difference in pricing because
 22 of the water that we farmers need to get at \$30 an
 23 acre foot, for example, and that water is worth
 24 \$300 during the drought to L.A. There's a
 25 situation there where it doesn't take much brains
 26 to figure out if you have an opportunity, what you
 27 would do with your water. The financial incentive
 28 is just too great, and we need to address that and

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1 talk about off-site storage dams, like at Seitz.
 2 Well, how are we going to get water from the
 3 Sacramento River up to 300 feet elevation to
 4 Seitz. That's going to take a tremendous amount of
 5 energy.
 6 I think if we look in the final analysis,
 7 when you consider the costs, that riparian
 8 corridors are in the broad effect are the most cost
 9 effective ways of managing our water issues.
 10 Now, riparian corridors means less flood --
 11 costly flood controls, and I think these cost
 12 savings should be passed down to the people that
 13 are most affected, the people in Yuba and Sutter
 14 County.
 15 Thank you.
 16 HEARING OFFICER BODOVITZ: Thank you, Mr.
 17 Bartz.
 18 Howard Beeman.
 19 MR. BEEMAN: Thank you very much for letting
 20 me speak. I'm -- I guess this is the last
 21 opportunity. There's two more, but away from where
 22 I'm able to come to.
 23 I was at Sacramento when Mr. Brown and the
 24 staff gave their kind of opening statement,
 25 presented the plan to us and went through the
 26 summary report, and I was very impressed with the
 27 work that's been done. And I haven't had time to
 28 read it, but I started on the environmental part,

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1 the water banking that will go on if this plan goes
 2 through and we make these big decisions about the
 3 future of allocating water. The market system is
 4 an anathema to farming. We don't have a chance
 5 now. And that needs -- we need to be protected.
 6 I think, also, the era of limits is here.
 7 Obviously, Los Angeles is meeting its buildout
 8 water-wise, and yet every time I've been down there
 9 I have never been in a hotel that's had a shower
 10 restrictor on it. And if they are practicing
 11 conservation, I would like to find out where it
 12 is.
 13 They also flush purely drinking water down
 14 the toilets, and we all do, but we need to think of
 15 these obvious ways to conserve water and demand
 16 that people really go the full route before we're
 17 attacked up here and our water is used as a
 18 commodity to increase development down there.
 19 I think that I would be able to see the
 20 fruits of this development -- or this conservation
 21 if I could go to a hotel and had a restricted
 22 shower.
 23 If these limits aren't addressed now, they
 24 will be addressed in the future, and now that when
 25 we have time to talk -- when there are choices,
 26 it's a better time to talk when there's a crisis.
 27 And I think we should really have a focus that this
 28 is on -- the public discussion it should come up.

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1 HEARING OFFICER BODOVITZ: Mr. Beeman, I'm
2 sorry. Even though you're the last speaker, I
3 think in fairness to the others, the three minutes
4 are gone.

5 MR. BEEMAN: Oh, I didn't realize that.
6 Could I just make one more point?

7 HEARING OFFICER BODOVITZ: Okay. Quickly.

8 MR. BEEMAN: The last point, if the
9 peripheral canal gets built, then the engineering
10 and the ability to build another one -- you saw
11 what happened when the first canal was built, the
12 Feds built it, the state built a second one. If we
13 don't have guarantees in the north before any
14 peripheral canal is built, we won't have a chance
15 to stop the water at that point.

16 Thank you very much.

17 HEARING OFFICER BODOVITZ: Thank you, sir.

18 Thank you all for coming. That concludes
19 our hearing. Next week we will be in Stockton and
20 Santa Rosa. Thank you for a very informative
21 hearing.

22 (The hearing was concluded at 9:09 p.m.)

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1 REPORTER'S CERTIFICATE

2 This is to certify that I, SANDRA M. BUNCH,
3 am a Certified Shorthand Reporter of the State of
4 California; that as such I was present at said
5 Public Hearing in re CalFed Bay-Delta Program,;
6 that as such I took down in stenograph shorthand
7 writing on the 20th day of May, 1997, the
8 proceedings had in the Public Hearing fully and
9 correctly to the best of my ability; that I
10 thereafter caused my said stenograph shorthand
11 writing to be transcribed into longhand
12 typewriting; and that the pages numbered 1 through
13 81 constitute said transcription; that the same is
14 a true and correct transcription of my shorthand
15 writing aforesaid, to the best of my ability.

16

17

18 Dated May 25, 1998.

19

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22 SANDRA M. BUNCH

23 Certified Shorthand Reporter

24 Certificate No. 3032

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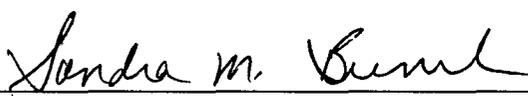
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REPORTER'S CERTIFICATE

This is to certify that I, SANDRA M. BUNCH, am a Certified Shorthand Reporter of the State of California; that as such I was present at said Public Hearing in re CalFed Bay-Delta Program,; that as such I took down in stenograph shorthand writing on the 20th day of May, 1997, the proceedings had in the Public Hearing fully and correctly to the best of my ability; that I thereafter caused my said stenograph shorthand writing to be transcribed into longhand typewriting; and that the pages numbered 1 through 81 constitute said transcription; that the same is a true and correct transcription of my shorthand writing aforesaid, to the best of my ability.

Dated May 25, 1998.



SANDRA M. BUNCH
Certified Shorthand Reporter
Certificate No. 3032

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