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BEFORE THE  
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

CALIFORNIA WATERFIX WATER )  
RIGHT CHANGE PETITION )  
HEARING )

JOE SERNA, JR. BUILDING  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
BYRON SHER AUDITORIUM  
1001 I STREET  
SECOND FLOOR  
SACRAMENTO, CALIFORNIA

PART IA

Tuesday, July 26, 2016  
9:00 A.M.

Volume 1  
Pages 1 - 100

Reported By: Candace Yount, CSR No. 2737, RMR, CCRR  
Certified Realtime Reporter

1 APPEARANCES:

2 CALIFORNIA WATER RESOURCES BOARD

3 Division of Water Rights

4 Board Members Present:

5 Tam Doduc, Co-Hearing Officer

Felicia Marcus, Chair & Co-Hearing Officer

6 Dorene D'Adamo, Board Member

7 Staff Present:

8 Diane Riddle, Environmental Program Manager

Dana Heinrich, Senior Staff Attorney

9 Kyle Ochendusko, Senior Water Resources Control Engineer

10 POLICY STATEMENTS BY

11 Senator Cathleen Galgiani:

12 Senator Cathleen Galgiani

13 Sacramento County Board of Supervisors:

14 Supervisor Don Nottoli

15 Contra Costa County Board of Supervisors:

16 Supervisor Karen Mitchoff

17 U.S. Department of the Interior:

18 Letty Belin

19 California Secretary for Natural Resources:

20 Secretary John Laird

21 San Luis and Delta-Mendota Water Authority:

22 Jason Peltier

23 San Geronio Pass Water Agency:

24 Jeff Davis

25

1	POLICY STATEMENTS (Continued):
2	Coachella Valley Water District:
3	Jeff Davis
4	Desert Water Agency:
5	Jeff Davis
6	San Bernardino Valley Municipal Water District:
7	Jeff Davis
8	Kern County Water Agency:
9	Curtis Creel
10	Partnership for Sound Science in Environmental Policy:
11	Craig S.J. Johns
12	California Striped Bass Association:
13	Jim Cox
14	Central Delta Water Agency, South Delta Water Agency
15	(Delta Agencies), Lafayette Ranch, Heritage Lands Inc.,
16	Mark Bachetti Farms and Rudy Mussi Investments L.P.:
17	John Herrick, Esq.
18	Catholic Charities, Diocese of Stockton:
19	Yolanda Park
20	Santa Clara Valley Water District:
21	Jared Voskuhl
22	Asian Pacific Self-Development and Residential
23	Association (APSARA):
24	Hengsothea Ung
25	Metropolitan Water District of Southern California:
	Deven Upadhyay

1 POLICY STATEMENTS (Continued):

2 Joan Buchanan:

3 Joan Buchanan

4 Michael Frost:

5 Michael Frost

6 California Student Sustainability Coalition:

7 Jaime Gonzalez

8 Ryan Camero

9 Francisco Ferreyra

10 Mr. Daniels

11 Page Schlicht:

12 Page Schlicht

13 Castaic Lake Water Agency:

14 Matthew Stone

15 Cafe Coop:

16 Rey Vargas

17 Ronald A. Forbes, Delta Fly Fishers:

18 Ronald A. Forbes

19 Rogene Reynolds:

20 Rogene L. Reynolds

21 Linda Boudier:

22 Linda Boudier

23 Snug Harbor Resorts, LLC:

24 Nicole S. Suard, Esq.

25

1 POLICY STATEMENTS (Continued):

2 Bill Reynolds:

3 Bill Reynolds

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1 Tuesday, July 26, 2016 9:00 a.m.

2 PROCEEDINGS

3 ---000---

4 CO-HEARING OFFICER DODUC: Good morning  
5 everyone. Please take a seat.

6 Take a seat, people. George, we're starting.

7 Everyone, please take a seat. Talking time is  
8 over, please.

9 Good morning everyone. Thank you for your  
10 prompt attention so that we may begin on time.

11 Hopefully, you are here for the State Water  
12 Resources Control Board hearing regarding a joint water  
13 right to change Petition filed in connection with the  
14 California WaterFix Project.

15 The Petitioners in this matter are the  
16 California Department of Water Resources and the United  
17 States Bureau of Reclamation. They have requested to add  
18 three new points of diversion to specify water right  
19 permits for the State Water Project and the Central  
20 Valley Project.

21 I am State Water Board Member and Hearing  
22 Officer Tam Doduc. To my right is Board Chair and  
23 Co-Hearing Officer Felicia Marcus. To the Chair's right  
24 are Board Members DeeDee D'Adamo and Steven Moore.

25 To my left are Senior Staff Attorney Dana

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1 Heinrich, Environmental Program Manager Diane Riddle, and  
2 Senior Water Resources Control Engineer Kyle Ochenduszkowski.  
3 They will be assisting us as part of the Hearing Team.

4 And other State Water Board staff are also  
5 present in the front and the back of the room to provide  
6 assistance as needed, including assistance for the media  
7 and assistance for Spanish translation.

8 All right. I'd like to begin first with some  
9 general announcements, including our emergency evacuation  
10 procedures. Please take a look around now and identify  
11 exits closest to you. Should an alarm sound, we will  
12 evacuate the room immediately.

13 Please take your valuables with you; use the  
14 staircase, not the elevators, to exit -- to go down and  
15 exit to the relocation site across the street in the  
16 park. If you cannot use stairs, you will be directed to  
17 a protected vestibule inside a stairwell.

18 This hearing is being Webcast and recorded so  
19 when speaking, please use the microphone and begin by  
20 stating your name and affiliation. If you need a Spanish  
21 interpreter, please let one of the staff know or indicate  
22 so on the speaker card.

23 Okay. A court reporter is present today and  
24 will prepare a transcript of this entire proceeding. The  
25 transcript for Part IA of the hearing, including Policy

1 Statements, will be posted on the State Water Board's  
2 California WaterFix Petition hearing website as soon as  
3 possible. If you would like to receive the transcripts  
4 sooner, please make arrangements with the court reporting  
5 service during one of the breaks or after the hearing  
6 day.

7 For planning purposes, please be aware that the  
8 next few days may be long days since we are committed to  
9 hearing all Policy Statements by the end of Thursday. We  
10 will take a break in the morning and, if necessary, again  
11 in the afternoon, as well as a 30-minute lunch break.

12 Finally, and most importantly, please take a  
13 moment and turn off or mute your cellphones. Even if you  
14 think it's already off or muted, please take a moment  
15 right now to double-check.

16 I see people reaching for their phones. That's  
17 good.

18 All right. Thank you.

19 I know everyone is eager to get started, but  
20 first I need to provide a bit of background information  
21 about the Water Right Hearings, because this proceeding  
22 is so very different from our usual public meetings. And  
23 because it is different, please bear with me because I  
24 have a pretty lengthy formal opening statement that I  
25 need to read.

1           So, background on Water Right Hearing.

2           We are conducting this as a formal and  
3 structured Water Right Hearing to determine if the State  
4 Water Board should grant the Petitioners' request to add  
5 four additional points of diversion to their Water Right  
6 Permits.

7           Our focus is limited to that one specific  
8 request, and so this hearing is not an open forum for  
9 public discussion of the many other aspects and issues  
10 pertaining to the WaterFix proposal.

11           A Water Right Hearing is a quasi-judicial or  
12 court-like proceeding conducted by the State Water Board  
13 to develop a record of evidence relevant to very specific  
14 key issues identified in our Hearing Notice.

15           Water Right Hearings are similar to a court  
16 hearing but are designed to meet our needs and regulatory  
17 requirements under the Water Code. We will rely on the  
18 record that is developed through this hearing to make our  
19 decision on the Petition.

20           While the hearing is open to the public to  
21 attend and make policy type statements, participation in  
22 the evidentiary part of the hearing is limited to  
23 designated parties who several months ago submitted the  
24 required Notices.

25           The parties in this proceeding include the

1 Petitioners, numerous Protestants, and other individuals  
2 or entities who may participate in the evidentiary  
3 portion of this hearing by offering evidence, by calling  
4 witnesses, conducting cross-examination, making  
5 objections and legal argument.

6 Nonparties or interested persons are not  
7 actively involved in the evidentiary portion of the  
8 hearing but may provide comments in the form of brief  
9 Policy Statements at the beginning of the hearing or in  
10 writing prior to the close of the hearing record.

11 Unlike witnesses who testify on behalf of  
12 parties, interested persons are not required to take an  
13 oath and are not subject to cross-examination.

14 And unlike witnesses' testimony, Policy  
15 Statements are not considered evidence in support of the  
16 factual determination in our decision. But this is a  
17 very important part of the hearing because it provides a  
18 valuable opportunity for us to hear from individuals and  
19 communities about general concerns and comments on the  
20 Petition under consideration. So thank you for taking  
21 the time to come and providing your Policy Statements.

22 The first three days of this hearing are  
23 reserved for that purpose, and I will provide more  
24 details later on the proceeding for hearing Policy  
25 Statements.

1           As I mentioned earlier, a Water Right Hearing is  
2 very different from our general public meeting. Unlike  
3 our public meetings, a Water Right Hearing is very  
4 tightly structured. Parties are expected to adhere to  
5 specific requirements, as well as interested parties,  
6 including but not limited to things such as deadlines,  
7 time limits, order of participation, and submission of  
8 documents.

9           As Hearing Officers, Chair Marcus and I will act  
10 much like judges to ensure that the hearing is conducted  
11 in an orderly fashion. Board Members D'Adamo and Moore  
12 are also present here today and will attend subsequent  
13 hearing dates when they are able to.

14           Unlike our workshops and meetings, Board Members  
15 and staff will be in a listening mode for the most part  
16 as unbiased arbiters of this matter. As such, we will  
17 not interject during the hearing as we do during our  
18 usual meetings and will hold most of our questions until  
19 cross-examination is complete.

20           I'm giving my colleagues a stern but  
21 affectionate and sympathetic look because I know that  
22 will be extremely difficult for them. But I have faith.

23           This is a common practice in Water Right  
24 Hearings and does not mean that we are not engaged in the  
25 process. Far from that, we take this matter and our

1 obligations very seriously and are committed to a fair  
2 and impartial proceeding. Our duty is to listen  
3 carefully and to consider everyone's point in the context  
4 of making a specific legal determination.

5           Once the entire hearing has conducted, the  
6 Hearing Officers will provide guidance to the Hearing  
7 Team in preparing the draft order to be considered by all  
8 of the State Water Board members at a Board meeting. The  
9 public will also have an opportunity to comment in  
10 writing and orally on the draft order before we consider  
11 its adoption. I should say before we consider it for  
12 possible adoption.

13           With that, let me focus more on the conduct of  
14 the hearing.

15           The hearing is being held in accordance with the  
16 October 30th, 2015, Notice of Petition and Notice of  
17 Public Hearing and Prehearing Conference and subsequent  
18 Revised Notices issued on March 25th and May 11th of  
19 2016.

20           Additionally, Chair Marcus and I have issued  
21 various rulings in letters dated January 15th,  
22 February 11th, March 4th, April 25th, June 10th,  
23 July 13th and July 22nd of 2016.

24           Except to the extent expressly modified by us,  
25 the hearing requirements set forth in Hearing Notice --

1 the Original Hearing Notice remain unchanged.

2 Our July 22nd ruling acknowledged that we have  
3 received numerous evidentiary objections to the  
4 Petitioners' testimony and exhibits. In our ruling  
5 letter, we advised the parties that, consistent with our  
6 normal practice, we plan to rule on objections to the  
7 extent necessary later in the hearing process.

8 This hearing -- I'll emphasize again -- is  
9 relatively narrow in focus and is not a referendum on the  
10 WaterFix Project. The purpose of a Change Petition  
11 hearing is for the Board to obtain information on  
12 disputed facts to inform our decision whether to approve  
13 the Change Petition subject to terms and conditions or to  
14 disapprove the Petition.

15 Under the Water Code, the State Water Board must  
16 make two findings before we may approve a Change  
17 Petition:

18 First, that the proposed change will not result  
19 in injury to other legal users of water;

20 And, second, that the proposed change will not  
21 unreasonably affect fish, wildlife or other in-stream  
22 beneficial uses of water.

23 The focus of our analysis is on the effects of  
24 the proposed changes, not the existing or overall effects  
25 of the State Water Projects' or the Central Valley Water

1 Projects' diversions and use of water as a whole.

2 In addition to the usual requirements of the  
3 Water Code, this hearing is unique because the Delta  
4 Reform Act of 2009 requires the State Water Board to  
5 impose appropriate flow criteria for the  
6 Sacramento-San Joaquin Delta as a condition of any  
7 approval of the Water Right Change Petition for the  
8 WaterFix Project.

9 As explained in earlier rulings, a determining  
10 wet flow criteria are appropriate. We will consider both  
11 the Delta flow criteria developed by the State Water  
12 Board in 2010 and the degree of responsibility that  
13 should be placed on the State Water Project and the  
14 Central Valley Project.

15 We are conducting this hearing in part. Part I  
16 of the hearing will focus on the potential effects of the  
17 Petition on agricultural, municipal, industrial and  
18 associated legal users of the Val -- of water, and  
19 conditions that should be placed on any approval of the  
20 Petition to protect those uses.

21 Part II of the hearing will focus on the  
22 potential effects of the Petition on fish and wildlife  
23 and recreational uses and conditions that should be  
24 placed on any approval of the Petition to protect those  
25 uses.



1           Part II will include consideration of  
2 appropriate Delta flow criteria for the WaterFix Project.

3           The first part of the hearing is further divided  
4 into two parts. As I said, this is a very structured  
5 process.

6           In Part IA, which begins today, we will hear  
7 Policy Statements from interested persons followed by the  
8 Petitioners' case in chief.

9           In Part IB, which is scheduled to begin on  
10 October 20th, 2016, we will hear cases in chief of the  
11 other parties participating in Part I.

12           The schedule for Part II of the hearing will be  
13 determined at a future date once the Petitioners have  
14 completed their California Environmental Quality Act and  
15 Federal and State Endangered Species Act obligations.  
16 Part II is not expected to begin before February 2017.

17           After hearing Policy Statements, we will move to  
18 the evidentiary portion of Part IA of the hearing. We  
19 will hear presentation of evidence by the Petitioners and  
20 related cross-examination by parties who have submitted  
21 notices of intent to appear and participate in Part I.

22           Any rebuttal from Part IA will be presented at  
23 the end of Part IB following the remaining parties'  
24 presentation of evidence and related cross-examination.

25           Petitioners will begin their case in chief

1 starting July 29th, and I will explain the order of  
2 proceeding for the evidentiary portion of the hearing at  
3 that time.

4 Thank you for your patience and attentiveness  
5 through my long statement here, but I will now focus on  
6 the order of proceeding for the first three days, which  
7 will be to hear Policy Statements from interested  
8 parties.

9 Policy Statements made at the beginning of  
10 Part IA may address Part I or Part II issues. We will  
11 also provide an opportunity for Policy Statements at the  
12 beginning of Part II of the hearing.

13 As I stated earlier, a policy statement is a  
14 nonevidentiary statement. It is subject to the  
15 limitations identified in the Hearing Notice and in our  
16 rulings.

17 Persons making Policy Statements must not  
18 attempt to use their statements to present factual  
19 evidence either early or by introduction of written  
20 exhibits. Policy Statements should be limited to three  
21 minutes or less per person.

22 We've received multiple requests for additional  
23 time to present Policy Statements. Consistent with  
24 rulings that we have issued on this matter, I will not  
25 consider further requests for additional time and will be

1 strictly enforcing the three-minute limit.

2 We want to hear from everyone and we value  
3 everyone's time and input. We appreciate that you are  
4 taking time to be here today to provide your thoughts and  
5 your comments. We expect to hear from a lot of speakers  
6 over the next three days and we want to respect  
7 everyone's time. Therefore, we need to adhere to a  
8 strict time limit to ensure everyone has equal time to  
9 present Policy Statements.

10 Interested persons are not required to notify us  
11 in advance by filing a Notice of Intent to Appear but we  
12 very much appreciate those who did and will hear their  
13 Policy Statements before we hear from those who did not  
14 submit a Notice of Intent to Appear.

15 We have organized the presentation of Policy  
16 Statements to facilitate the schedules of various  
17 participants to the extent possible.

18 During the evidentiary portion of the hearing,  
19 we will also allow all of the parties to make an opening  
20 statement.

21 Some parties, including Petitioners, have  
22 requested the opportunity to make Policy Statements in  
23 addition to their Opening Statements before the  
24 presentation of testimony.

25 All parties who wish to present Policy

1 Statements were required to advise the Hearing Team staff  
2 in writing by July 12th. And as stated in our June 10th  
3 letter, the time that a party spends on Policy Statements  
4 will be deducted from the 20 minutes afforded to each  
5 party to present an opening statement later in the  
6 hearing.

7 Today, we will hear Policy Statements first from  
8 Federal, State and Local elected officials or their  
9 representatives, followed by approximately 160 persons  
10 who are not affiliated with North Delta C.A.R.E.S. who  
11 submitted a Notice of Intent to Appear. This also  
12 includes parties who notified the Hearing Team that they  
13 have elected to use a portion of the time allotted for  
14 Opening Statements for Policy Statements.

15 After that, should there be any speakers who did  
16 not submit Notices of Intent but would like to provide an  
17 Opening -- I'm sorry -- a Policy Statement today, we will  
18 hear from them as well.

19 On tomorrow, we will hear Policy Statements from  
20 persons affiliated with North Delta C.A.R.E.S., including  
21 those identified in the Notice of Intent to submit by  
22 Miss Anna Swenson.

23 On Thursday, July 28th, we will hear Policy  
24 Statements from interested persons who submitted a Notice  
25 of Intent to Appear but who were not able to present

1 either today or tomorrow. We will also follow that by  
2 interested persons who wish to make a Policy Statement  
3 who did not file Notices of Intent to appear.

4 So, with that, everyone here who wish to provide  
5 a Policy Statement -- an oral Policy Statement, including  
6 parties that notified us of their intent to speak before  
7 presenting their case in chief, is required to fill out a  
8 speaker card. Blank speaker cards are available at the  
9 back of the room, and the complete speaker cards should  
10 be submitted to us via the baskets at the front of the  
11 room.

12 We will also accept written Policy Statements.  
13 There is a basket to collect written Policy Statements in  
14 the front of the room. You may also submit written  
15 Policy Statements at a later date prior to the close of  
16 the hearing record.

17 It is not necessary to read the written policy  
18 into the record. If you think you cannot cover  
19 everything you want to say in three minutes, we encourage  
20 you to submit a written Policy Statement. We do read all  
21 of them.

22 All right. With that, my spiel is over. We  
23 will now begin to hear Policy Statements.

24 I have to give the staff a little bit of time  
25 here.

1           What we are trying to do is to put on the screen  
2 a list of 10 speakers so that you know when your time is  
3 nearing to provide Policy Statements. And I would ask  
4 that when you see your name on the list of 10 upcoming  
5 speakers, if you could please come up to the first row  
6 there. And when I call your name, please come up to one  
7 of the podiums there and provide your Policy Statements.

8           While staff is working on that, let me go ahead  
9 and get to two of the blue cards that we have for elected  
10 officials.

11           First will be Supervisor Don Nottoli, Supervisor  
12 District 5 from Sacramento County; followed by Cathleen  
13 Galgiani. Sorry, that's State Senator. My apologies.

14           Senator, if you would please come up.

15           MR. NOTTOLI: I yield to the Senator.

16           CO-HEARING OFFICE DODUC: Good morning, Senator.

17           SENATOR GALGIANI: Good morning. Can you hear  
18 me?

19           THE REPORTER: No.

20           MS. RIDDLE: Push the button on the bottom of  
21 the microphone.

22           SENATOR GALGIANI: Can you hear me now?

23           Thank you members.

24           I am deeply concerned about the direct and  
25 indirect economic burdens and impacts of the Delta

1 Tunnels Project, both in the Delta counties and  
2 throughout the state.

3           The potential of this proposed project to incur  
4 huge cost overruns and additional costs and losses to  
5 affected areas has the likelihood of creating a financial  
6 burden on the taxpayers of the entire state.

7           Significant reduction in the Sacramento River  
8 flows will degrade Delta and Suisun Marsh water quality  
9 because the tunnels would isolate better quality  
10 Sacramento River water from the rest of the Delta,  
11 increasing the percentage of the water flowing into the  
12 Estuary from the polluted San Joaquin River.

13           I'm also concerned over salinity impacts on  
14 fisheries, wildlife, drinking water supplies, and  
15 agricultural production as less water and more potential  
16 drought bring the brackish water deeper into the Delta.

17           Invasive plant species like water hyacinth,  
18 egeria densa, and toxic algal blooms are given a prime  
19 environment for takeover.

20           The most common blue-green algal species in the  
21 Bay-Delta Estuary is called microcystis. Toxins from  
22 microcystis blooms are deadly to wildlife, pets and human  
23 beings. Exposure can cause liver cancer.

24           The battle to control the water hyacinth  
25 invasion of the Delta would be hindered by the production

1 of water flow through the Delta which pushes it to the  
2 higher salinity in the Estuary and kills it.

3 Other negative impacts include concentrated  
4 accumulation of pesticides, methyl mercury and selenium  
5 from the removal of the best Sacramento River water which  
6 helps to dilute these problems and is essential to the  
7 health of the Delta.

8 The proposed tunnels will force additional  
9 burdens on other watersheds that feed the Sacramento and  
10 San Joaquin Rivers to increase unimpaired flows to the  
11 Delta to mitigate the loss of Sacramento River water.

12 The tunnels will result in losses and damages to  
13 the \$5.2 billion ag industry which is supported by the  
14 Delta. 40 percent, or 2.08 billion, of those farms are  
15 located in San Joaquin County alone.

16 I'm concerned over subsidence impacts to  
17 California Aqueduct and San Joaquin Valley water systems  
18 and infrastructure from groundwater overdrafts and loss  
19 of water for recharge of groundwater.

20 The Tunnels Project bypasses but does not  
21 address the issue of degrading levees throughout the  
22 Delta area that the tunnel proponents cite as a reason  
23 for the project.

24 Already, the Delta Tunnels Project has caused  
25 California and Federal taxpayers millions of dollars.



1 The recently adopted State budget includes 3.6 million  
2 from the General Fund for the Delta Stewardship Council  
3 to implement the Delta Science Plan and incorporate the  
4 Tunnels Project into the Delta Plan.

5 The main financial players in the Delta tunnels'  
6 proposal were supposed to be the users, the Metropolitan  
7 Water District of Southern California, the Santa Clara  
8 Valley Water District, and the Westlands Water District.  
9 These entities supposedly would cover most of the cost  
10 for the Delta Tunnels Project.

11 As Met receives about half of the water normally  
12 carried through the State Water Project, one can estimate  
13 that their contribution for the tunnels would have been  
14 \$3.5 billion. But if any other partners reduce or are  
15 unable to meet their contribution, how much ratepayer and  
16 parcel tax funding can Metropolitan put on their  
17 customers?

18 The Delta Tunnels Project --

19 CO-HEARING OFFICE DODUC: Senator -- Senator, I  
20 apologize for interrupting but your three minutes is up.

21 Since you're reading from a written statement,  
22 we would very much like to have it for our record and for  
23 our meeting, so if you could please wrap up your thoughts  
24 and please do provide us with those written comments.

25 SENATOR GALGIANI: Thank you.

1           The proposed Tunnels Project lacks a  
2           comprehensive finance plan and is a financial risk that  
3           California is not prepared to take.

4           CO-HEARING OFFICE DODUC: Thank you very much,  
5           Senator.

6           SENATOR GALGIANI: Thank you.

7           CO-HEARING OFFICE DODUC: Supervisor.

8           SUPERVISOR NOTTOLLI: Thank you.

9           Good morning, Chair Marcus, members of the  
10          Board. I'm pleased to be here.

11          My name is Don Nottoli. I'm a member of the  
12          Sacramento County Board of Supervisors. I represent the  
13          district which includes the proposed location of the new  
14          intake points for diversions considered in this hearing.

15          I'm also a member of the Sacramento County Water  
16          Agency Board of Directors. Our Water Agency serves more  
17          than 50,000 households in Sacramento County and we are a  
18          regional leader in conductive use.

19          We appreciate this opportunity to share our  
20          concerns and set the stage for the Sacramento County  
21          Water Agency's protest against the granting of requested  
22          changes to the California Department of Water Resources  
23          and Bureau of Reclamation's Water Rights Permits.

24          We recognize that your Board is being asked to  
25          consider a very complex matter and, ultimately, to reach

1 a decision, the statewide ramifications, and implications  
2 to the Delta and its ecosystem.

3           Simply stated, it is my view that the  
4 Petitioners bring a proposal stunted by legacy and, as  
5 the record will reflect, fall short in providing the  
6 information necessary to support the findings you are  
7 being asked to make in granting this request.

8           Sacramento County's Water Agency support an  
9 effective solution, or, more accurately stated, a menu of  
10 solutions which we believe are necessary to make our  
11 state's water supply and Delta ecosystem sustainable.

12           But let me be clear. The current WaterFix  
13 Project is not the solution. It increases water supplies  
14 at the expense of other water right holders and is in  
15 several ways contrary to the public interest.

16           For the following reasons, I urge you to deny  
17 the DWR and Reclamation's joint application to add points  
18 of diversion:

19           If constructed, the tunnels could adversely  
20 affect the ability of waters users in Sacramento County  
21 to rely on the access water supplies by reducing the  
22 availability of contract water supplies in changing  
23 reservoir storage conditions.

24           In turn, reductions in service supplies  
25 available to the Sacramento County Water Agency will

1     require a commensurate increase in back water production,  
2     thereby interfering with the Agency's Conductive Use  
3     Program.

4             The construction and operation of the massive  
5     Twin Tunnels Projects impose on the WaterFix at an  
6     estimated cost of \$16 billion over the cumulative 10 to  
7     12 years won't produce any more water but will leave an  
8     everlasting scar, a permanent one, on the irreplaceable  
9     natural resources of the Delta, its economy, and its  
10    people.

11            And that's why the WaterFix is single-minded  
12    solution to return exports to levels which have driven  
13    Delta species like the smelt to the nearest station.

14            Conservation leads to self-sufficiency, recycled  
15    water programs, desalination, levee improvements and  
16    basic weed removal, Federal reduction, and other elements  
17    in a holistic solution for sustainability are  
18    marginalized by this attempt to achieve a singular fix to  
19    address water supply concerns.

20            And lastly, as you may recall, the  
21    Sacramento-San Joaquin Delta Reform Act of 2009  
22    established a requirement to reduce reliance on water  
23    exports from the Delta and make investments in  
24    alternative regional water supplies.

25            And we believe, and our position has long been

1 held, that that's what needs to be done, reduce reliance  
2 on the Delta.

3 In closing, we believe the Board must ensure the  
4 WaterFix Project is in the public interest by considering  
5 whether the purported benefits of the WaterFix Project  
6 outweigh the negative impacts.

7 Sacramento County is of the opinion an honest  
8 assessment will bring others to conclude --

9 (Timer rings.)

10 SUPERVISOR NOTTOLLI: -- that the negative  
11 impacts are greater than the presumed benefits.

12 Thank you for the opportunity to address the  
13 Board this morning and, again, I ask you to please weigh  
14 this decision very carefully -- I know you will --  
15 because the future of the Delta may very well rest on the  
16 decision that you make in this Water Rights Application  
17 and the WaterFix Project.

18 CO-HEARING OFFICE DODUC: Thank you very much,  
19 Supervisor.

20 Supervisor Mitchoff from Contra Costa County.

21 And if speakers -- the next six or so speakers  
22 could please find your way up to the first row of seats.

23 SUPERVISOR MITCHOFF: Good morning. I'm Karen  
24 Mitchoff, Supervisor on the Contra Costa County Board of  
25 Supervisors, and I want to thank you also for this

1 opportunity.

2           The DWR and the California National Resources  
3 Agency and Reclamation have allowed the export Water  
4 Contractors to develop a flawed project, and valuable  
5 input from Delta interests and environmental  
6 organizations, and even other State agencies such as the  
7 Delta Stewardship Council Independent Science Board, have  
8 gone unanswered.

9           The Delta Independent Science Board's  
10 September 30, 2015, letter indicates in no uncertain  
11 terms that the BDCP/CWF is sufficiently incomplete and  
12 opaque to deter its evaluation and use by  
13 decision-makers, resource managers, scientists and the  
14 broader public.

15           Astonishingly, both the RDEIR -- I love all  
16 these acronyms -- and the SDEIS preferred alternative  
17 would increase exports in dry periods and would only  
18 infrequently capture additional surplus water in wet  
19 periods.

20           This is completely contrary to the original BDCP  
21 claiming process, principles in the BDCP, an overview and  
22 update dated March 2009, and the Big Gulp Little Sip  
23 concept touted by the BDCP and WaterFix proponents.

24           Specifically, BDCP Planning Principle Number 2  
25 stated (reading):

1           "Divert more water in the wetter  
2           periods and less in the drier periods."

3           The preferred alternative's reliance on  
4           increased dry period exports is in direct conflict with  
5           State policies of reducing reliance on the Delta in  
6           meeting California's future water supply needs.

7           Despite the Project's \$17 billion price tag --  
8           which is proposed to balloon well above that number --  
9           and its complexity, the WaterFix continues to narrowly  
10          focus on increasing water exports south of the Delta  
11          through two massive 40-foot-inch-in-diameter tunnels.

12          No matter the version of what is proposed, the  
13          numbers don't pencil out from the scientific, economic or  
14          environmental standpoint.

15          The tunnels will still cost billions, requiring  
16          massive taxpayer and rate payer funds to pay for what is  
17          clearly a financial failure that will not produce one  
18          single drop of new water and stand to cause significant  
19          and irreparable harm to the Delta.

20          The WaterFix completely ignores the coequal  
21          goals established by the 2009 Delta Reform Act that  
22          requires water supply reliability and restoration of the  
23          Delta ecosystem.

24          Governor Brown's Twin Tunnel Project is no  
25          longer a Habitat Conservation Plan. The rebranded plan

1 strips away the vast majority of the conservation  
2 measures previously aimed at improving water operations,  
3 protecting water supplies, of water quality, and  
4 restoring the Delta ecosystem within a stable regulatory  
5 framework, and only retains the water --

6 (Timer rings.)

7 SUPERVISOR MITCHOFF: I got one more quick thing  
8 to say. Thank you very much.

9 The WaterFix still excludes Delta stakeholders.  
10 The Sacramento-San Joaquin Delta will be ground zero for  
11 a host of adverse and unmitigable impacts.

12 Therefore, in the name of good public policy,  
13 our interest must be represented.

14 Thank you very much.

15 CO-HEARING OFFICE DODUC: Thank you, Supervisor.

16 Miss Belin from the Department of Interior.

17 MS. BELIN: Thank you, Board Members, for  
18 hearing from the U.S. Department of the Interior on this  
19 important matter.

20 My name is Letty Belin, and I'm Senior Counselor  
21 to the Deputy Secretary of the Interior Mike Connor.

22 Addressing California's water challenges is a  
23 top priority for Interior and for the Obama  
24 administration.

25 The long-term drought and resulting dwindling



1 water supplies, climate change and the climbing Delta  
2 ecosystem all underscore the need for action to secure  
3 reliable water supplies and a healthy ecosystem.

4 At the Federal level, we understand California's  
5 importance to the nation, both its economy and its  
6 environment. Water is fundamental to maintaining both.

7 More than seven years ago, the Delta Vision Blue  
8 Ribbon Task Force underscored that the status quo of  
9 water and ecosystem management in the Delta is  
10 unsustainable and the economy of the state and the  
11 well-being of its citizens are seriously at risk as a  
12 result.

13 The Task Force found that in order to achieve  
14 the coequal goals of a healthy Delta ecosystem and a  
15 sustainable water management system, major investments  
16 must be made in the Delta. Other independent scientific  
17 reviews have come to similar conclusions.

18 Our experience over the past five years has  
19 emphatically confirmed those findings. An unprecedented  
20 amount of analysis, research and outreach has been  
21 dedicated over the last decade to advancing a solution  
22 for the Delta.

23 Now is the time to act. The cost of doing  
24 nothing is too great.

25 We believe the California WaterFix has great

1 promise to address some of the challenges before us,  
2 including reducing reverse flows, reducing fish  
3 entrainment in the South Delta, and helping to insure a  
4 reliable water delivery system in the face of rising sea  
5 levels and other impacts of climate change.

6 California WaterFix is grounded in a strong  
7 commitment to science and includes an adaptive management  
8 program formed by representatives from five Federal and  
9 State agencies.

10 This program will provide opportunity to gain  
11 needed new information in order to adjust future  
12 operations to better manage our precious ecological  
13 resources while maintaining a reliable water supply.

14 We recognize that in order for California  
15 WaterFix to be successful, a strong Federal/State  
16 partnership is needed. The Interior Department is  
17 committed to this partnership and will continue to work  
18 hand in hand with the State in moving California WaterFix  
19 forward.

20 Again, thank you for -- from the U.S. Department  
21 of the Interior for the opportunity to make a statement.

22 CO-HEARING OFFICE DODUC: Thank you very much.

23 Secretary Laird.

24 SECRETARY LAIRD: Thank you.

25 My name is John Laird. I'm California Secretary

1 for Natural Resources.

2 Thank you for the intellectual energy and rigor  
3 you bring to this important task.

4 The State Water Board is given a critical  
5 responsibility to protect legal users of water in the  
6 Sacramento-San Joaquin Delta.

7 The hearings that begin today will focus on how  
8 we do that as we modernize the State Water Project.

9 The original architects of the project saw the  
10 need to carry water from the Sacramento River around the  
11 eastern edge of the Delta. Construction was delayed for  
12 cost reasons and then rejected by the voters in a 1982  
13 referendum.

14 In the meantime, our understanding of the Delta  
15 ecosystem has grown tremendously. Federal and State law  
16 makers passed environmental protection laws that have  
17 focused changes in the operation of the Federal and State  
18 projects. We operate now not just to deliver waters to  
19 cities and farms but also to sustain the Central Valley's  
20 natural heritage.

21 We truly appreciate now why the original project  
22 designers did not want to draw water directly from the  
23 South Delta channels.

24 The existing infrastructure does not work well,  
25 not for the ecosystem or for people. If we could build

1 the project again, we would put the intakes in a  
2 different place. The pumps frequently are curtailed to  
3 protect fish. As a result, we miss opportunities to  
4 store water for dry seasons and drought years.

5 The situation in the Delta remains harmful for  
6 fish and it puts millions of people and millions of acres  
7 of farmland at risk of supply disruptions.

8 We have debated, litigated, and legislated, but  
9 our ecosystem and supply problems have only worsened  
10 through the last three decades.

11 The proposal now under construction, called  
12 California WaterFix, has been developed through intensive  
13 work over the last 10 years. It would help us prevent  
14 sudden disruption of water deliveries from the Delta.  
15 Many Delta Islands are a couple of stories below sea  
16 level and continue to sink as peat soil oxidizes.

17 Sea levels are rising. We expect a rise of five  
18 and a half feet within 90 years. Just a single-foot rise  
19 in sea level who increase the frequency of the current  
20 hundred-year pique high tide in the Western Delta to  
21 about a 10-year event.

22 Powerful natural forces will always threaten  
23 Delta levees, and one of those natural forces is seismic.  
24 The risk of earthquakes in the Delta feels remote to a  
25 lot of people, but our 150 years of experience with Delta

1 levees is nothing in geologic time.

2 The U.S. Geologic Survey in 2008 concluded it's  
3 a 63 percent probability of a major damaging earthquake  
4 striking the San Francisco Bay region over the next 30  
5 years.

6 We can safeguard the water delivery system by  
7 adding intakes through the north, and through the Water  
8 Action Plan, we will take steps to deal with our water  
9 improvement across the board.

10 I'm grateful for this transparent process. We  
11 stand ready to work with you.

12 Thank you for the opportunity to present.

13 CO-HEARING OFFICE DODUC: Thank you, Secretary  
14 Laird.

15 Mr. Peltier.

16 MR. PELTIER: Yes. Good morning.

17 My name is Jason Peltier. I'm the Executive  
18 Director of the San Luis and Delta-Mendota Water  
19 Authority, joint powers authority that is comprised of  
20 public water agencies in contract with the United States  
21 for the delivery of water out of the Central Valley  
22 Project.

23 In this proceeding, the State Water Resources  
24 Control Board will consider a Change Petition that is  
25 required for a project that is of great importance to the

1 People of California.

2 For decades, we've known that the best way to  
3 reduce perceived impacts in the Central Valley Project  
4 and the State Water Project operations on the fisheries  
5 of the Delta is to isolate conveyance of water from the  
6 Sacramento River to the Pumping Plants in the Southern  
7 Delta from channels that serve as habitat for at-risk  
8 species.

9 Approval of the Change Petition now before the  
10 Board will allow for that isolation to the benefit of the  
11 environment and millions of Californians who benefit from  
12 conveyance of water through the Delta.

13 During this proceeding, I urge the Board to  
14 focus on the questions presented:

15 Will the change result in an injury to legal  
16 users of the water involved?

17 Will the change result in unreasonable impacts  
18 on fish and wildlife and is the change in the public  
19 interest?

20 Many parties in this proceeding will want to use  
21 it as a means to litigate questions that are well beyond  
22 the scope of this hearing. It's my hope that the Board  
23 will avoid this temptation.

24 One additional question that must be resolved by  
25 the Board if it approves the Change Petition:

1           As part of any order including the Change  
2     Petitions, the Board must include, quote, "appropriate  
3     Delta flows criteria." The critical word in this  
4     statutory mandate is "appropriate."

5           Any decision regarding appropriate Delta flow  
6     criteria must be informed by what is feasible. In other  
7     words, what is capable of being accomplished in a  
8     successful manner, taking into account economic,  
9     environmental, social and technological factors?

10           And the reality is, the South-of-Delta public  
11     water agencies, who are expected to pay for the isolated  
12     conveyance facilities, will not agree to their  
13     construction if conditions imposed on those facilities  
14     make the project infeasible from an economic and water  
15     supply perspective.

16           Therefore, it is my hope that during these  
17     proceedings, the Board will keep in mind that in order  
18     for this project to proceed, it must work not only for  
19     the environment but also for those who will be paying its  
20     costs.

21           Thank you very much.

22           CO-HEARING OFFICE DODUC: Thank you,  
23     Mr. Peltier.

24           Mr. Davis, you need to explain to me why your  
25     name is up here four times.

1 MR. DAVIS: I would be happy to. Can you hear  
2 me?

3 I would be happy to do so. We are saving  
4 taxpayer dollars from Southern California water agencies  
5 by having one person fly up here instead of four separate  
6 people and, also, we don't trust Southwest Airlines as  
7 much as we did last week.

8 (Laughter)

9 CO-HEARING OFFICE DODUC: Can you move closer to  
10 the microphone, please. I'm --

11 MR. DAVIS: I will try to.

12 CO-HEARING OFFICER DODUC: -- sorry. You might  
13 want to go to the other one. It's taller.

14 MR. DAVIS: It's a taller microphone? That's  
15 good.

16 CO-HEARING OFFICER DODUC: So, my understanding  
17 is, you will be providing four Policy Statements on  
18 behalf of four different entities.

19 MR. DAVIS: That is correct, and I have  
20 submitted written Policy Statements for all four of them.

21 CO-HEARING OFFICER DODUC: All right. You may  
22 have your four time slot but I expect that you will not  
23 be repeating any single thing within those four time  
24 slots.

25 MR. DAVIS: We'll find out together.



1 (Laughter)

2 MR. DAVIS: Good morning, Members of the Board.  
3 I represent the San Gorgonio Pass Water Agency, a State  
4 water contractor and wholesale Water Agency in  
5 Northwestern Riverside County.

6 THE REPORTER: Excuse me.

7 CO-HEARING OFFICER DODUC: You need to slow  
8 down, please, for our court reporters.

9 THE REPORTER: Thank you.

10 MR. DAVIS: Much of our region consists of  
11 disadvantaged communities.

12 Because of our relative low tax base, small size  
13 and distance from the State Water Project delivery point,  
14 the Agency did not receive any water from the State Water  
15 Project until 2003, some 40 years after signing the  
16 contract, when Phase I of the East Branch Extension was  
17 finally completed.

18 This facility was only sufficient to pay  
19 approximately half of the Agency's contracted amount as  
20 we did not have the tax base at the time to construct a  
21 larger facility.

22 One thing we are blessed with in our region is  
23 great groundwater basins. Because of these basins, we  
24 will be able to store more water in wet years when it is  
25 available and use that water in dry years when it is not.

1 My agency is in the midst of a \$9 million Conjunctive Use  
2 Project that will do exactly that.

3 In order to be able to do that, we need the  
4 California WaterFix which will enable the State Water  
5 Project to deliver more water in wet years. For our  
6 region, wet year deliveries will be a key to a  
7 sustainable future.

8 We are now completing work on Phase II of the  
9 East Branch Extension so that we can convey our entire  
10 State Water Project contracted amount.

11 The Agency's Board committed to funding this  
12 construction prior to the 2008 and 2009 biological  
13 compendiums that reduced the reliability to the State  
14 Water Project.

15 We are spending over \$100 million on a facility  
16 that, if the California WaterFix were not to be  
17 implemented, may, in fact, be a white elephant.

18 Our region will send in additional water  
19 supplies over and above our State Water Project supply,  
20 especially since this supply has been reduced in  
21 reliability.

22 We are willing to do this in order to assure a  
23 sustainable future for our residents. However, for every  
24 acre-foot of State Water Project water that's taken away  
25 by a reduced reliance, we have to purchase an equal

1 amount at a much higher cost.

2 Our estimate is it will cost our residents,  
3 businesses and property owners between 6,000 and \$10,000  
4 per-acre-foot to procure these long-term supplies.

5 Cal WaterFix is simply the cheapest source of new water  
6 for our region at less than \$2,000 per acre-foot.

7 Implementation of this project, combined with  
8 our local Conjunctive Use Projects, will reduce the  
9 amount of money we will have to spend on additional water  
10 rights by tens of millions of dollars over the next two  
11 decades.

12 Already, many of the communities within our  
13 region are classified as disadvantaged. To expect the  
14 residents of disadvantaged communities to pay more for  
15 additional water supplies when it is within our power to  
16 maintain reliability of the State Water Project by  
17 constructing the Cal WaterFix, is unfair.

18 On behalf of the homeowners, business owners and  
19 residents of the San Geronio Pass, who depend on the  
20 State Water Project, who pay taxes to pay for the debt  
21 service of the Project since the 1960s, who are  
22 struggling financially, and who have invested millions of  
23 dollars in groundwater storage facilities to take  
24 advantage of wet years, we ask that you grant this  
25 Petition so the Cal WaterFix can become a reality and

1 bring some relief to our taxpayers.

2 Thank you very much.

3 CO-HEARING OFFICE DODUC: Thank you.

4 And now you are putting on your Coachella Valley  
5 Water Authority hat, I assume.

6 MR. DAVIS: I am putting on my Coachella Valley  
7 Water District hat.

8 CO-HEARING OFFICE DODUC: I just need to remind  
9 you that since you have the written comments, you are  
10 also welcome to submit those written comments. You do  
11 not have to read them into the record.

12 MR. DAVIS: I understand. And I did submit all  
13 four, and I'm happy to read all four as well.

14 CO-HEARING OFFICE DODUC: Or I encourage you  
15 summarize all four, if possible.

16 MR. DAVIS: I will do that. I am actually doing  
17 that as I go.

18 CO-HEARING OFFICE DODUC: Thank you.

19 MR. DAVIS: Thank you.

20 Again, this is on behalf of the Coachella Valley  
21 Water District.

22 CO-HEARING OFFICE DODUC: Which has a totally  
23 different Policy Statement.

24 MR. DAVIS: Correct.

25 CO-HEARING OFFICER DODUC: Right?

1 MR. DAVIS: Correct, yes.

2 Coachella Valley Water District has a long  
3 history of preserving sustainability of water resources  
4 in the 1,000-square-mile Coachella Valley area for future  
5 generations.

6 Groundwater replenishment, alternative sources  
7 of waters for irrigation and strong water conservation  
8 programs are all hallmarks of CVWD's commitment to  
9 sustainable water management.

10 Another significant component of this water  
11 management strategy is securing reliable imported water  
12 supplies, and CVWD strongly supports the California  
13 WaterFix Project.

14 Cal WaterFix will modernize our 50-year-old  
15 State water infrastructure by building new pipelines that  
16 will move water from the Sacramento River watershed more  
17 effectively underground rather than through the Delta.

18 Cal WaterFix will also better allow the capture  
19 and transfer of more water during wet years. This will  
20 provide a better way for water managers to plan for dry  
21 periods and drought that inevitably will be more common  
22 in years to come.

23 In CVWD's situation, our Groundwater Act allows  
24 the ability to take the big gulp that occurs during wet  
25 years for the benefit of dry year use.

1           The current outdated system of crumbling dirt  
2 levees is simply inadequate for conveying water across  
3 the vulnerable Bay Delta area to Southern California.

4           The current system is dependent on levees that  
5 put our clean water at risk from a major storm or  
6 earthquake. Such an event could cut off water supplies  
7 for millions of people, creating suffering for  
8 communities and havoc in the economy.

9           Cal WaterFix is guided by the best available  
10 science and public input, who will provide clean water  
11 supplies for 25 million Californians and 3 billion acres  
12 of farmland. The Project will improve and protect the  
13 ecosystem of the Delta. Revised location and technology  
14 will reduce impact to endangered fish and allow more  
15 natural Delta flow patterns.

16           Cal WaterFix will secure 4.9 million acre-feet  
17 of clean water supplies annually, enough to provide  
18 10 million households with water for a year. Projections  
19 show the Project would create 1.1 million jobs and boost  
20 the State economy by \$400 million.

21           Here in the Coachella Valley, where we receive  
22 less than 5 inches of rain in an average year, we are  
23 recognized for our ongoing commitment to replenish our  
24 groundwater basin with imported water.

25           Our role as a State Water Project contractor

1 provides us access through an exchange to additional  
2 Colorado River water for that purpose. Therefore, we  
3 rely indirectly but critically on imported water supplies  
4 from the Sacramento-San Joaquin River Delta.

5 We are all in this together. Our statewide  
6 water supply and, ultimately, the security of all our  
7 communities and the strength of our economy depends on  
8 the long overdue upgrade to California's primary water  
9 delivery system.

10 For these reasons, CVWD strongly supports the  
11 California WaterFix and DWR's and the Bureau of  
12 Reclamation's request to add points of conversion for  
13 this project.

14 CO-HEARING OFFICE DODUC: Thank you. Two for  
15 two now.

16 Now Desert Water Agency with yet a different  
17 take on this issue.

18 MR. DAVIS: Correct.

19 Desert Water Agency appreciates the opportunity  
20 to share its support in the joint petition for a change  
21 in the water rights necessary to allow for the  
22 implementation of key components of the Cal WaterFix.

23 It is in DWA's interest to see the proposed  
24 Cal WaterFix plan to build three tunnels and three new  
25 intakes in the North Delta and its ability to form a more

1 reliable rural conveyance system moving forward.

2 Water rights necessary to allow for Project  
3 implementation require mitigation measures, and flow  
4 criteria are key factors in determining the viability and  
5 interest in supporting the Cal WaterFix Project.

6 Like many other places in the state, the  
7 community DWA serves is growing. Policy decisions must  
8 equip California to meet our future water demand.

9 Since DWA was founded, our customers have spent  
10 more than \$110 million on State Water Project  
11 infrastructure. DWA and our customers have also made  
12 significant investments in local recharge facilities. We  
13 need to ensure that these investments continue to support  
14 the community that made them.

15 Before DWA was established, our region's  
16 groundwater basin had been in overdraft for decades.

17 Our basin is now headed towards sustainability  
18 but only with an imported water supply for recharge. The  
19 continued success at our region's approach and health of  
20 the groundwater basin rests on imported water supplies.

21 Without action, continued declining water  
22 deliveries could cause irreversible environmental and  
23 economic harm to our region and others across the state.

24 Stabilizing the declining reliability of Delta  
25 exports is critical to DWA. The current system is



1 inadequate. Pumping restrictions have forced dramatic  
2 cutbacks in water deliveries even when supplies are  
3 abundant.

4 As State Water Project delivery reliability has  
5 continued to decline in recent years, it has limited  
6 supplies available for groundwater replenishment. While  
7 water deliveries may not return to what they once were,  
8 we must stop the decline.

9 We continue to miss opportunities to capture  
10 additional supplies when needed most, notably when winter  
11 storms could provide much needed relief during dry years.  
12 With a better system, California would be able to capture  
13 and store more supplies.

14 We continue to tell customers that every drop  
15 counts. As the State's water managers, we must live up  
16 to the standard. Regulators must maximize the  
17 flexibility provided to projects to capture abundant  
18 supplies when river flows are high.

19 The State must be prepared to capture and  
20 utilize available supplies. Our community and the  
21 success of local water management efforts depend on  
22 reliable imported water supplies from the Delta.

23 DWA supports the DWR and U.S. Bureau of  
24 Reclamation's request to add diversion points. We look  
25 forward to Cal WaterFix benefits and are hopeful that it

1 is a project that advances the interests of our community  
2 and those throughout the state.

3 CO-HEARING OFFICE DODUC: Thank you.

4 Your final hat.

5 MR. DAVIS: I have one more hat. Thank you  
6 very.

7 This is from the San Bernardino Valley is the  
8 Water District.

9 Dear Co-Hearing Officers Marcus and Doduc.

10 San Bernardino Valley is the water district.  
11 The Valley District was formed in 1954 for the purpose of  
12 bringing a supplemental supply of water to our region.

13 After several years of research and  
14 investigations, it was determined that the proposed State  
15 Water Project was the best way for our region to secure  
16 its water supply reliability future.

17 Thus, in 1960, Valley District was the second  
18 agency to sign an agreement with the State of California  
19 Department of Water Resources for a supply of water from  
20 the State Water Project. Since then, our customers,  
21 currently 750,000 Californians, have been dutifully  
22 paying all the costs associated with this imported water  
23 supply.

24 State Water Project water is delivered to water  
25 treatment plants and extensively for groundwater recharge

1 throughout our service area on a year-round basis and is  
2 an integral part of the water resource portfolio of our  
3 region. Therefore, Valley District strongly supports the  
4 Cal WaterFix Project.

5 Our region still suffers from the effects of the  
6 economic meltdown caused by the mortgage crisis of the  
7 last decade. We serve some of the most economically  
8 disadvantaged communities in the State of California.

9 It would be catastrophic to add to the region's  
10 woes by jeopardizing its economic vitality through water  
11 scarcity. Our customers deserve to receive the supply  
12 that they have and continue to pay for just like those in  
13 other areas in California.

14 It is unfortunate that some of the most vocal  
15 opponents of the California WaterFix are those that  
16 already have their pipelines diverting water around,  
17 under or through the Delta. It is only reasonable that  
18 San Bernardino Valley residents should be offered the  
19 same opportunity to have access to water it secured  
20 decades ago.

21 Cal WaterFix will improve the five-decade-old  
22 State Water Project and bring it into the 21st Century in  
23 term of water supply reliability and ecosystem  
24 restoration.

25 The proposed three north diversions along the

1 Sacramento River and conveyance pipelines under the Delta  
2 comprise the best alternative to meet the coequal goals  
3 of increased water supply reliability and ecosystem  
4 restoration.

5           These facilities will maintain the ability to  
6 deliver water to our customers that is available for use  
7 because upstream facilities were built to capture and  
8 deliver winter flood flows. Without these facilities,  
9 much of the water we are diverting would have been in the  
10 Pacific Ocean months or years before as part of a massive  
11 uncontrolled flood.

12           Cal WaterFix will allow for more effective  
13 management of water supplies while improving habitat for  
14 fish and other species in and around the Delta. This  
15 improvement comes from the ability to better utilize wet  
16 year flows to help us through the dry years.

17           Sea level rise and the other inherent risks  
18 associated with climate change demand that the State of  
19 California move expeditiously for a science-based  
20 solution, like Cal WaterFix. The livelihoods of 25  
21 million people and 3 million acres of agriculture depend  
22 on the success of this.

23           Seldom does an opportunity to make significant  
24 and lasting change that benefits so many people present  
25 itself. Cal WaterFix is our chance to prove to our

1 predecessors and to future generations of Californians  
2 alike that we have the determination and courage to solve  
3 the water supply and ecosystem challenges facing us.

4 For these reasons, Valley District strongly  
5 supports the request from the Department of Water  
6 Resources and the Bureau of Reclamation to add points of  
7 diversion for the Cal WaterFix.

8 CO-HEARING OFFICE DODUC: Thank you. Impressive  
9 time management.

10 Mr. Creel, followed by Mr. Johns, and again I'll  
11 ask the first 10 or so names listed there to please find  
12 your way up to the first row.

13 MR. CREEL: Good morning. My name is Curtis  
14 Creel. I am the General Manager for the Kern County  
15 Water Agency.

16 The Kern County Water Agency is the second  
17 largest State Water Project contractor. The largest  
18 agricultural --

19 CO-HEARING OFFICE DODUC: Mr. Creel, I think  
20 Mr. Davis might have worn out that microphone, so if you  
21 could please get closer to it.

22 (Laughter)

23 MR. CREEL: Okay. Thanks a lot, Jeff.  
24 Let's see if that's a little bit better there.  
25 So, second largest -- or first -- or largest

1 agricultural contractor and fifth largest M&I contractor,  
2 a fact that's not well known among folks outside of the  
3 agency.

4 I am here today to express the Agency's support  
5 for the State and Federal Administrations' Petition to  
6 change the State Water Project/Central Valley Project  
7 Water Right Permits that would allow for additional  
8 points of diversion.

9 By the way, I did submit my written comments so  
10 I am summarizing those today before you.

11 Both of those projects are critical components  
12 of the Kern County's water management strategy and they  
13 are important for improving the reliability of both  
14 projects is of critical importance to sustaining our  
15 local economy.

16 Kern County Public Water Agencies have invested  
17 heavily in programs to conjunctively use groundwater and  
18 surface water supplies to meet the needs within their  
19 service area.

20 What you are about to hear is from proponents  
21 and opponents of the California WaterFix and they're  
22 going to paint a very complex picture that will support  
23 their perspectives on whether this project will either  
24 harm or help the environment and communities throughout  
25 the state.

1           Your job is a difficult one that will require  
2           you to sift through a mountain of technical, legal and  
3           policy information that is about to be presented to you  
4           in order to issue a permit that will work for all  
5           Californians. This is a daunting task.

6           But the Petition before you today is very  
7           straightforward. It simply requests the Board approve  
8           additional points of diversion to allow the projects to  
9           divert water in three new locations along the Sacramento  
10          and the North Delta. If granted, the Petition will  
11          neither increase the diversion capacity that is currently  
12          authorized by the Board for those projects nor reduce the  
13          protection to other water rights holders.

14          The Petition will allow the two projects to  
15          operate more efficiently to provide water supplies for  
16          human uses while protecting the aquatic environment of  
17          the Delta.

18          I urge you to approve the requests for  
19          additional points of diversion.

20          Thank you.

21          CO-HEARING OFFICE DODUC: Thank you.

22          Mr. Johns, followed by Mr. Cox.

23          MR. JOHNS: I thank you, Madam Hearing Officers  
24          and Members of the Board.

25          My name is Craig Johns. I'm here today on

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1     behalf of Partnership for Sound Science in Environmental  
2     Policy, which is an association of municipal and  
3     industrial dischargers and the trade associations here in  
4     California that are regulated under the Porter-Cologne  
5     Act as well as the Clean Water Act.

6             Some of our members also happen to be located in  
7     the San Francisco Bay Area and will be directly affected  
8     by the California WaterFix and, in turn, by your decision  
9     in the Change Petition in the process that starts today.

10            To begin with, I want to emphasize that neither  
11     precept nor any of our individual members take a position  
12     on the desirability of the California WaterFix and/or the  
13     underlying alternative water conveyance facilities that  
14     are being developed to support them.

15            We are simply interested in making sure that the  
16     final WaterFix Project is technically accurate and  
17     adequately ensures that known or reasonably foreseeable  
18     impacts that are likely to accrue as a result of the  
19     project are formally recognized and fully mitigated and  
20     conditioned through this process here today.

21            Our interest is simply the issue related to  
22     selenium.

23            We maintain -- PSSEP maintains that the  
24     FDEIR/SDEIS that was last issued in July a year ago  
25     continues to understate the potential impacts of



1 additional selenium loading that will be caused by the  
2 WaterFix Project.

3 In fact, the preparers of the environmental  
4 documents for the project estimate that selenium load  
5 increase as a result of operations of the project are  
6 anticipated to be between 6 and 11 percent.

7 The San Francisco Regional Water Board, when it  
8 developed its selenium TMDL, which this Board approved  
9 several months ago, somewhat agrees with that estimate,  
10 determining it would be about 10 percent additional  
11 selenium loading to San Francisco Bay as a result of the  
12 WaterFix were it to be approved and the Change Petition  
13 approved as well.

14 I'll resist boring you with details related to  
15 potential mitigation measures that are included in the  
16 environmental documents other than to say that there are  
17 none.

18 And our request is simple and straightforward,  
19 and that is, if the State Board approves the Change  
20 Petition that is before you, that it will impose specific  
21 conditions that require the Water Contractors to monitor  
22 for future selenium load increase impacts associated with  
23 the operations, as well as to affirmatively rectify any  
24 additional loading that occurs as a result of the  
25 operations of the project.

1           And with that, I thank you for your time and the  
2 opportunity to speak today.

3           CO-HEARING OFFICE DODUC: Thank you, Mr. Johns.

4           Mr. Cox.

5           MR. COX: Good morning.

6           CO-HEARING OFFICE MARCUS: Good morning.

7           MR. COX: I am Captain James Cox. I'm a retired  
8 sport fishing charter Captain, and I am President of the  
9 California Striped Bass Association.

10           I've spent over 50 years fishing the  
11 Ocean-Bay-Delta system. My fishing experience started at  
12 age 10, fishing Peninsula shoreline, and it also included  
13 22 years of taking people fishing on my charter boat.

14           This is one of the rare times I can say I'm  
15 actually glad to be the age I am because my earliest  
16 fishing experiences were before the water diversions had  
17 the effect on fishing populations.

18           Imagine a 10-year-old boy, not knowing much  
19 about fishing, and fishing off the bay was still able to  
20 catch striped bass and perch in large numbers. This  
21 shows a large fish population in the early '60s.

22           Through the years, the Department of Water  
23 Resource's project and the Federal project have pumped  
24 more and more water out of the Delta. Each time the  
25 pumping increased, the fish populations decreased.

1           Every specie of fish in the Delta bay system has  
2           suffered a decline in this period of time. Each specie  
3           has its own unique problems, but the common thread here  
4           is a decline from a lack of fresh water flow.

5           Fresh water from the Delta flows down through  
6           the SF Bay. The water flow is essential to the species  
7           that inhabit the bay. The fresh water traditionally met  
8           the salt water and became brackish anywhere from the  
9           middle of San Pablo Bay to the Suisun Marshes. This  
10          brackish water became the nursery for many androgynous  
11          fish species. Further down the bay, the water flow from  
12          the Delta helps to clean the bottom of the bay and help  
13          bay species reproduce.

14          This relationship between water flows and fish  
15          survival has been acknowledged by both DWR and the  
16          California Fish and Wildlife Service.

17          The recent plan to attempt to save the Delta  
18          smelt is to release more water through the Delta and is  
19          proof of this fish survival/water flows relationship.

20          Any additional pumping would increase the toxic  
21          effects of salinity, pesticides, methyl mercury and  
22          selenium.

23          The diluted effect of water flows on these  
24          substances would be lost and their toxic possibilities  
25          increased. An increase in harmful algal blooms would

1 also affect fish survival. The loss of water flows also  
2 decreases the spawn survival. So what would happen is,  
3 the few fish that do manage to survive the spawn rite  
4 would then be poisoned.

5 There is an entire industry, sport fishing  
6 charter industry, the once flourished in the bay and  
7 Delta, that could be put out of business if this twin  
8 tunnel plan is allowed to go forward.

9 There are hundreds of thousands of private  
10 citizens that use the Bay-Delta for fishing recreation.  
11 This combination of private and commercial fishermen  
12 brings millions of dollars into the economies of the  
13 Delta and bay cities.

14 In closing, I would like to say that I have a  
15 one-year-old grandson. I hope that by the time he is 10,  
16 there --

17 (Timer rings.)

18 MR. COX: -- will be fish for him to catch and  
19 to start a lifetime of memories like I have.

20 It is up to you to make sure that happens.

21 Needless to say, we are against this permit.

22 Thank you for your time and allowing me to  
23 address you.

24 CO-HEARING OFFICE DODUC: Thank you very much,  
25 Mr. Cox.

1 Mr. Herrick.

2 MR. HERRICK: Thank you, Madam Chair, Board  
3 Members. John Herrick for the South Delta Water Agency,  
4 et al.

5 I hope you appreciate the internal fortitude it  
6 takes to not let the old John Herrick stand up here and  
7 give you nasty comments. Instead, you'll get the cogent,  
8 insightful, moving John Herrick.

9 CO-HEARING OFFICE MARCUS: You still have more  
10 than two and a half minutes, so we'll see.

11 MR. COX: I appreciate that.

12 (Laughter)

13 MR. COX: I will distill it all down so  
14 everybody can understand it.

15 We're here for Change Petition for moving a  
16 point of intake. As you said earlier, that involves the  
17 examination of whether or not there's injury to legal  
18 users or adverse impacts to the environment.

19 So the proponents in such a Petition tell us  
20 what they will do while in the project, and then it's  
21 analyzed, people argue over it, and we go forward.

22 The problem is, in this instance, we've been  
23 given a proposal that says, "This is what we'll do most  
24 of the time but not all of the time."

25 In the biological assessment describing how they

1 intend to operate, the Projects have told you that, under  
2 certain dry conditions, they anticipate filing Temporary  
3 Urgency Change Petitions --

4 CO-HEARING OFFICE DODUC: Mr. Herrick, are you  
5 beginning to argue your case at the moment?

6 MR. COX: No. I'm arguing the policy involved  
7 in the proceeding and the subject matter.

8 CO-HEARING OFFICER DODUC: All right.

9 MR. COX: So, with that, we see that Temporary  
10 Urgency Change Petitions are part of the plan.

11 And we've all seen that, if we can't analyze  
12 what's going to happen, we can't determine whether  
13 there's injury.

14 Now, the problem with Temporary Urgent Change  
15 Petitions is, they're not a method of managing the  
16 resources nor to protect beneficial uses, which is the  
17 underlying purpose of the State Board but, in fact,  
18 they're a method by which we determine how much less and  
19 how much less often we protect beneficial uses.

20 So, we're presented with a proposal that  
21 presents the Board with a situation where we won't know  
22 what will happen in certain circumstances but we will  
23 figure it out later and determine how much less  
24 beneficial uses are protected during those times.

25 Now, I submit to you that that's not just bad

1 policy for the Delta but it's actually anti-estuary  
2 policy.

3 And it's much better policy for the State Board  
4 to first determine what is needed to protect the  
5 beneficially uses in the Estuary through the delayed but  
6 kind of ongoing Bay-Delta process so that we know how we  
7 can protect beneficial uses.

8 And then if someone wants to make fundamental  
9 changes to the operations of the Delta, then we can  
10 examine it and see what those impacts are.

11 Anyway, with that said, I think that reserves me  
12 40 seconds still in my opening statement later.

13 Thank you very much.

14 CO-HEARING OFFICE MARCUS: Thank you,  
15 Mr. Herrick.

16 Miss Park.

17 MS. PARK: One for the short team here.

18 Good morning. I'm Yolanda Park and I'm here  
19 representing the Environmental Justice Program of  
20 Catholic Charities in Stockton to ask that the tunnels be  
21 stopped.

22 Stockton's drinking water contaminant percentile  
23 ranges from 30 to 65 according to CalEnviroScreen.

24 Residents from infant to elderly depend on a  
25 healthy Delta for their water supply. These numbers show

1 that, already, their water isn't as clean as it should  
2 be.

3 Tracy's drinking water contaminant percentile is  
4 25, which is limited only to a small portion of the city  
5 to a terrible 95, which covers a much larger area.

6 We should be thinking how to make these numbers  
7 lower, improving drinking water, and yet there are those  
8 who would see the further contamination of our drinking  
9 water as necessary collateral damage.

10 How can the deterioration of our health be an  
11 acceptable side effect? Not only that, but we the  
12 taxpayers will be the ones covering the cost of these  
13 tunnels, as is always the case for these big projects.

14 Stockton is already going to have an 18 percent  
15 water tax hike on our Delta water supply. Our lower  
16 income, disadvantaged and financially struggling  
17 communities simply cannot afford any more costs that the  
18 tunnels will ultimately bring, especially for drinking  
19 water treatment.

20 Pope Francis tells us in his encyclical *Laudato*  
21 *Si'*, paragraphs 186 to 191, that (reading):

22 "If objective information suggests that  
23 serious and irreversible damage may result, a  
24 project should be halted or modified, even in  
25 the absence of indisputable proof. Here the



1       burden of proof is effectively reversed,  
2       since in such cases objective and conclusive  
3       demonstrations will have to be brought  
4       forward to demonstrate that the proposed  
5       activity will not cause serious harm to the  
6       environment or to those who inhabit it."

7               Further, he says that (reading):

8               "Efforts to promote a sustainable use  
9       of natural resources are not a waste of  
10       money, but rather an investment capable of  
11       providing other economic benefits in the  
12       medium term."

13              This really is no different than DWR having to  
14       prove that there will be no harm to Delta water users  
15       downstream in the change in the point of diversion for  
16       the tunnels.

17              And this is what we need and what we hope for:  
18       Efforts that will sustain our precious natural resources,  
19       not destroy them in the livelihood of all that depend on  
20       them: Plants, animals and humans.

21              I know telling easy money no is not an easy  
22       thing to do but it is the right thing.

23              And that is just such a model that we tell our  
24       children, to do the right thing even when it's difficult.

25              Thank you.

1 CO-HEARING OFFICE DODUC: Thank you very much,  
2 Miss Park.

3 Mr. Voskuhl.

4 I should issue a blanket apology ahead of time  
5 that I will be mangling a lot of people's names.

6 MR. VOSKUHL: That's correct.

7 Co-Hearing Officers Doduc and Marcus and Board,  
8 thank you for the opportunity to present this morning.

9 I'm here on behalf of Santa Clara Valley Water  
10 District and we're pleased to provide the following  
11 Policy Statement.

12 The District is the primary wholesale water  
13 supply agency for Santa Clara County, serving close to  
14 2 million residents in the vital, high-tech economy of  
15 Silicon Valley.

16 On average, more than half of the County's  
17 annual water supply is imported from the Bay Delta  
18 watershed through the State Water Project, the Federal  
19 Central Valley Project and the San Francisco Public  
20 Utilities Commission's Hetch Hetchy Project.

21 The District maintains a high level of  
22 engagement with respect to Bay-Delta processes and is  
23 particularly interested in the WaterFix Project in the  
24 Petition before the State Water Resources Control Board.

25 Since 2006, the District has been joined with

1 other Public Water Agencies to participate in the State's  
2 planning efforts for the Bay-Delta Conservation Plan and  
3 now the California WaterFix.

4 The District's desired outcome is a  
5 cost-effective, comprehensive and reliable long-term  
6 solution for the Delta that meets the water supply  
7 reliability and water quality needs of Santa Clara County  
8 while balancing other beneficial uses in providing a  
9 sustainable Delta ecosystem.

10 The District's Board of Directors continues to  
11 evaluate the WaterFix and is considering whether the  
12 balance of the WaterFix cost and benefits weigh in favor  
13 of the District's customers and rate payers. Processes  
14 such as this hearing today play a critical role in  
15 helping to define the merits of the WaterFix and  
16 determining whether the Project is indeed viable.

17 To that end, the District urges the State Water  
18 Board to consider the following three points when  
19 weighing arguments and evidence that will be presented  
20 during this hearing when making a decision on the  
21 petition:

22 First, the WaterFix should not be viewed as the  
23 single solution to the Delta's troubles. Instead, it  
24 should be viewed as an important part of a comprehensive  
25 solution, as a proposed fix to a water conveyance system

1 that has long been considered unsustainable.

2 From a public interest perspective, the question  
3 is not whether the WaterFix can solve all the problems  
4 but whether it can alleviate some of the problems and  
5 contribute to comprehensive solutions that will achieve  
6 the State's coequal goals for providing a more reliable  
7 water supply for California and protecting, restoring and  
8 enhancing the Delta ecosystem.

9 Second, the State Water Board plays a critical  
10 role in determining whether the Project can ultimately  
11 proceed as the Board's decision will affect whether the  
12 costs and the benefits of the Project will make sense for  
13 the Water Agencies that may be paying for it.

14 And, third, the quality of life and economy for  
15 the people and businesses of Silicon Valley would not be  
16 possible without the imported water from the Delta.

17 Since the 1960s, imported waters help meet the  
18 needs of growing communities, built groundwater reserves,  
19 prevented saltwater intrusion, and halted land subsidies.

20 Water exported through the Delta is critically  
21 important, not only to Southern California and the  
22 agriculture in the Central Valley, but also in the  
23 communities and businesses in Santa Clara County.

24 The WaterFix has the potential to improve the  
25 environmental health of the Delta and boost the

1 reliability of the State and Federal Water Projects but  
2 provide tremendous benefits to our region.

3 To improve Santa Clara County's supply  
4 reliability, the District is for alternative investments  
5 including the WaterFix, and we support the State Board's  
6 consideration of the WaterFix Petition.

7 Your decision will be important in bringing the  
8 potential effectiveness of the WaterFix as the District  
9 looks to make investment decisions that will secure water  
10 supply and benefit our region --

11 (Timer rings.)

12 MR. VOSKUHL: -- for generations to come.

13 Thank you.

14 CO-HEARING OFFICE MARCUS: Thank you.

15 Mr. Ung.

16 We'll --

17 MR. UNG: Good morning.

18 CO-HEARING OFFICE DODUC: -- take two more  
19 speakers, then we'll take a break for the court reporters  
20 to rest a bit.

21 MR. UNG: Good morning. I'm coming today to  
22 represent my --

23 THE REPORTER: I'm sorry. Could you speak up?

24 CO-HEARING OFFICE DODUC: Could you please speak  
25 a little bit louder for the court reporter.

1 Thank you.

2 THE REPORTER: Can you start over, please.

3 I'm sorry. Can you start over?

4 CO-HEARING OFFICER DODUC: We'll reset the clock  
5 and you can start over.

6 THE REPORTER: Thank you.

7 MR. UNG: I'm Hengsothea Ung. I'm representing  
8 APSARA. It stands for Asian Pacific Self-Development and  
9 Residential Association. Our organization serve the  
10 greater Cambodian and Cambodian community in Stockton.  
11 About 12,000 residents make up the Cambodian community in  
12 Stockton.

13 Our mission is to be a strong school, strong  
14 community and strong family. Presently, we are working  
15 with Delta Conservancy on Delta Mercury Exposure  
16 Reduction Program to reduce human exposure to mercury by  
17 raising the risks of consuming fish from the Delta.

18 The Cambodian community is part of the  
19 environment to adjust the community in the Delta. Part  
20 of Cambodian culture involve fishing.

21 Many of our Cambodian community member are  
22 presently fishing in the Delta and many depend on the  
23 fish for supplementing their dietary nutritional need, as  
24 well as other need.

25 Our community is directly vulnerable to negative

1 water quality impacts that will result from the  
2 construction and operation of the Delta tunnels,  
3 especially mercury contamination of the fish we consume.

4 The Draft Environmental Impact Report for the  
5 Tunnel Project show that, with operation of the tunnel,  
6 there will be increased concentration of salt, sodium,  
7 boron, bromide, gluten from the San Joaquin River in  
8 addition to more toxic algal blooms and greater  
9 opportunity for the mercury to mutilect (phonetic).

10 But there is no indication for this water  
11 quality problem that can have very negative impacts on  
12 human health for our community members. There is no way  
13 to protect people along 1,100-mile water waste.

14 The government can post a sign everywhere and  
15 educate people by telling them to give up their culture,  
16 their diet and their way of life is one way.

17 More importantly, because we are legal user of  
18 Delta water, we have the right to fish and to recreate in  
19 the Delta's waterways.

20 We have a right to fish and to recreate --  
21 Sorry.

22 Changing the point of diversion for the Delta  
23 tunnels, we have the Stockton community who are legal  
24 users of the Delta water and the project should be  
25 stopped.

1 Thank you so much for opportunity.

2 CO-HEARING OFFICE MARCUS: Thank you very much.

3 Deven, and we'll take a break after this for the  
4 court reporter.

5 MR. UPADHYAY: Good morning, and thank you  
6 Co-Hearing Officers Doduc and Marcus for the opportunity  
7 to provide some policy background today.

8 I'm Deven Upadhyay, the Water Resource Manager  
9 for the Metropolitan Water Districts of Southern  
10 California.

11 Metropolitan is an enthusiastic supporter of the  
12 coequal goals of a restored Delta and a reliable water  
13 supply for California. We believe that a completion of  
14 the California WaterFix as advanced by this Joint  
15 Petition is essential to achieving those coequal goals.

16 Following the drought of 1991, Metropolitan  
17 embarked on a change in our planning process that really  
18 focused on diversifying our water supply portfolio. That  
19 included expansion of major storage facilities both from  
20 groundwater and surface water to be able to capture wet  
21 year supplies, store them and use them in dry years.

22 These investments rely on the State Water  
23 Project's ability to capture those wet period supplies.  
24 This ability is at significant risk given the current  
25 conditions. In fact, the missed opportunities to capture



1 water supplies during high flow events this year really  
2 underscores the importance of these proceedings.

3 In light of the existing operating conditions,  
4 Metropolitan recently updated our plans and reduced our  
5 expectation of deliveries from the State Water Project  
6 under average conditions.

7 However, the reliability of capturing wet period  
8 water on the State Water Project is very important, in  
9 fact, paramount for Southern California's plans to be  
10 able to store water in wet periods and use that water in  
11 dry periods that are of increasingly unknown length in  
12 the future.

13 In addition to those planning policies, our  
14 Board adopted criteria for Delta conveyance back in  
15 April 2007.

16 Those criteria were as follows:

17 One, provide water supply reliability;

18 Two, improve export water quality;

19 Three, allow flexible pumping operations in a  
20 dynamic fishery environment;

21 Four, enhance Delta ecosystem fishery habitat  
22 throughout the Delta;

23 Five, reduce seismic risk;

24 And, six, reduce risks associated with climate  
25 change.

1 Metropolitan believes that California WaterFix,  
2 as advanced in this Joint Petition, in tandem with the  
3 efforts of California EcoRestore, help achieve those  
4 policy criteria.

5 In closing, modernizing the State Water Project  
6 and the Central Valley Project so they can operate in the  
7 future Delta is not only consistent with the policies of  
8 Metropolitan but the Brown administration and reliability  
9 investments made by many water agencies that are  
10 dependent on the Sierra Watershed.

11 We look forward to participating in this process  
12 and appreciate the opportunity to provide you this  
13 background.

14 Thank you.

15 CO-HEARING OFFICE DODUC: Thank you, Mr. Deven.

16 Actually, help me with your last name.

17 MR. UPADHYAY: It's Upadhyay.

18 CO-HEARING OFFICE MARCUS: Upadhyay.

19 MR. UPADHYAY: Thanks.

20 CO-HEARING OFFICE MARCUS: Thank you very much.

21 With that, we will take a break until 10:30 by  
22 that Webcast clock right there. Thank you.

23 (Recess taken at 10:21 a.m.)

24 (Proceedings resumed at 10:31 a.m.)

25 CO-HEARING OFFICER DODUC: All right. Please

1 take your seats.

2 Thank you.

3 And thank you, Miss Buchanan. You're right on  
4 time ready to start.

5 MS. BUCHANAN: Just like college. I follow  
6 directions.

7 CO-HEARING OFFICE DODUC: Thank you,  
8 Miss Buchanan.

9 MS. BUCHANAN: Thank you for the opportunity to  
10 speak today.

11 I'm Joan Buchanan. I'm a 38-year resident of  
12 Contra Costa County. I served in the State Assembly for  
13 six years representing three of the five Delta counties  
14 and approximately two-thirds of the primary zone.

15 I have tremendous appreciation for the Delta as  
16 a natural and economic resource and as a place.

17 I'm keenly aware that the Delta is the largest  
18 water delivery system in the world. The communities I  
19 represent get all 100 percent of their water from the  
20 Delta. That is why your decision about the new three  
21 diversion points is so important. Any change that  
22 impacts their water supplies or water quality will impact  
23 their lives profoundly.

24 In the Assembly, I carried several bills on  
25 invasive weeds, water hyacinth and egeria densa. Today,

1 Delta residents also worry about toxic algae, its effect  
2 on their health and their children's health. Water flows  
3 impact the growth of all.

4 It's folly to say that the proposed three new  
5 diversion points do not require new water rights. If I  
6 had a well in my backyard and moved 11 miles, I'd have to  
7 get a new permit to drill a new well.

8 It's folly to say that water quality will not be  
9 impacted. The San Joaquin River's water is much more  
10 toxic than the Sacramento. It's one of the most polluted  
11 rivers in the United States.

12 Taking more water from the Sacramento River  
13 before it flows to the Delta will cause the toxicity of  
14 the water in the Delta to increase.

15 It's folly for the California WaterFix to say  
16 that it will take water simultaneously from the new  
17 diversions and operate the pumps at Clifton Forebay and  
18 not impact water quality and flows and impact the economy  
19 and lives for those who work and live in the Delta.

20 Director Mark Cowin has said they will meet  
21 water quality standards because State law requires it.  
22 He doesn't explain how they're going to do it.

23 I say before you spend over \$15 billion -- or we  
24 spend -- of tax payer money, prove it. Show me an  
25 approved EIR. The initial 40,000-page EIR was pulled

1 because it could not meet EPA requirements.

2 Set quantifiable flow requirements. Last  
3 month's court decision threw out the Delta Plan because  
4 it had not established flow standards to reduce reliance  
5 on the Delta, provide for more natural flows, and reduce  
6 harm from invasive species.

7 I ask you to reject the proposed new diversions  
8 or, at a minimum, delay action until there is an approved  
9 EIR and Delta Plan, one that meets the coequal goals of  
10 the 2009 water legislation.

11 Thank you.

12 CO-HEARING OFFICE DODUC: Thank you very much,  
13 Miss Buchanan.

14 Mr. Frost.

15 MR. FROST: Thank you, Madam Chair, members of  
16 the Board.

17 My name's Michael Frost. I'm a concerned  
18 citizen.

19 I work as a consultant in the Silicon Valley,  
20 and I consult with companies helping them expand and  
21 contract in the Bay Area and beyond, around the country,  
22 around the world.

23 Currently, Silicon Valley office developments  
24 are being put on hold due to lack of water. Algae blooms  
25 occurring in the South Delta and San Luis Reservoir are

1 impacting drinking water supplies for the Silicon Valley.

2 The assumptions that have underwritten the  
3 growth in the Silicon Valley are being challenged by the  
4 current overpumping of the Estuary.

5 And what is the proposed solution to this  
6 predicament? More of the same. A different style of  
7 overpumping the Estuary.

8 Where is the commitment to regional  
9 self-sufficiency?

10 Where is the commitment to biodiversity and its  
11 relationship to water quality?

12 Where is the acceptance of our dry climate? If  
13 we go back over 2,000 years, there are multiple droughts  
14 over 100 years, 50 years and 20 years.

15 Something important to research would be the  
16 floods of 1862. Another good point of research would be  
17 to look at what Australia did in the millennium drought  
18 and their commitment to regional self-sufficiency and how  
19 the taxpayers got stuck with the bill for massive  
20 industrial projects which wound up never being utilized  
21 because so much of water and use supply was created  
22 through regional self-sufficiency.

23 How can I recommend the Silicon Valley as an  
24 appropriate place for long-term growth for technology  
25 companies when our elected representatives are selling

1 another 20th Century project based on flawed assumptions?

2 I have another job. That's as a teacher. It's  
3 a teacher of life to my daughters.

4 The San Francisco Bay Delta Estuary is a  
5 multigenerational classroom for the Frost family  
6 providing real-life lessons in science, ecology,  
7 economics, biology, humanity and fishing.

8 Lesson number one in the Frost family: Fresh  
9 water flows are the life blood of the Estuary.

10 Biodiversity is dependent on cool, swift fresh  
11 water flows all the way out to the ocean.

12 Not coincidentally, humanity is also highly  
13 dependent on cool, swift fresh water flows all the way  
14 out to the ocean for clean drinking water, good air  
15 quality, and a perpetual supply of fresh food, a  
16 renewable resource.

17 Biodiversity and clean drinking water are my  
18 coequal goals that I would ask this Board to consider  
19 when looking at these different intake points and  
20 overpumping of the Estuary.

21 How am I supposed to take my family fishing in  
22 an estuary that has been bled to death? How do I explain  
23 that our classroom, the largest estuary in the West Coast  
24 of the Americas, is being drained to support corporate  
25 aggra business and fracking the semiarid desert of the

1 western San Joaquin Valley?

2 How does a father tell his daughters that their  
3 drinking water is being sacrificed at the altar of these  
4 false prophets?

5 The California WaterFix will force me to teach  
6 my daughters that our State value short-term monetary  
7 gains over natural systems that support biodiversity and  
8 clean drinking water?

9 The essence of my being is being negatively  
10 affected. As the fresh water is pumped out of the  
11 estuary, I feel like the blood is being --

12 (Timer rings.)

13 MR. FROST: -- drained out of my body.

14 CO-HEARING OFFICE DODUC: Thank you, Mr. Frost.  
15 Mr. Gonzalez.

16 MR. GONZALEZ: Hi. My name is Jaime Gonzalez.  
17 I'm a Sacramento resident, a community organizer, and a  
18 Board member of the California Student Sustainability  
19 Coalition.

20 I'm here with several students from the Cosumnes  
21 College chapter of the CSOC. As environmental study  
22 students, we understand just how precious the Delta is to  
23 the ecological health of our state and community.

24 We also recognize just how overexploited the  
25 Delta has become, and we've seen firsthand how the



1 drought has affected the Delta.

2           The Cosumnes Wildlife Preserve is a special  
3 piece of the Delta that our college uses as an outdoor  
4 classroom for many field courses. Students go there to  
5 learn about biodiversity and hydrology and to connect  
6 with a unique part of our local environment.

7           The ongoing drought has reduced water flows and  
8 degraded the biodiversity within the Preserve, making it  
9 more and more challenging to use this valuable space for  
10 education.

11           We fear that the Delta Tunnels Project will  
12 further impact the health of our waterways and the  
13 quality of our education moving forward.

14           We ask that you keep Sacramento students and  
15 youth in mind as a priority as you proceed with hearings  
16 and reject the requested permits.

17           The California Student Sustainability Coalition  
18 will remain vigilant through this process.

19           Thank you.

20           CO-HEARING OFFICE DODUC: Thank you.

21           Mr. Camero.

22           MR. CAMERO: Hello to the State Water Resources  
23 Control Board. My name is Ryan Camero.

24           As a 2015 Brower Youth Award winner, a  
25 California delegate at the Paris climate talks and this

1 year's delegate in Morocco at the United Nations, I am a  
2 resident of Stockton, born and raised, as well as an  
3 activist working in the nonprofit sector.

4 My body of work has led me to trying to  
5 understand the complexity of the issues California faces,  
6 whether it is social, economic or ecological, and it is  
7 from this frame in which I speak to you now.

8 Since speaking to you earlier about the need for  
9 updated water standards, my concern for the Delta has  
10 only risen as its health has reached a sharp decline.

11 As the numbers of Chinook salmon and Delta smelt  
12 reach obscenely little counts, I can't help but wonder  
13 how human populations will adjust to a deteriorating  
14 water quality.

15 A continued charge on the credit card will  
16 accrue debt. Ours, with continued diversion, will be a  
17 destroyed Delta incapable of being a resource to both  
18 people and species alike.

19 Toxic algae blooms, the emergence of bromine and  
20 methyl mercury into the water by agitation of the pumps,  
21 salt water intrusion which would devastate the  
22 diversified agriculture in the Central Valley rendering  
23 it infertile and unfarmable.

24 My priority as it stands leads me to think about  
25 the life of the Delta generations ahead. Will a project

1 shrouded in controversy and bureaucratic red tape be an  
2 element to our drought's woes? Is legacy more important  
3 than longevity?

4 In the spirit of genuine acknowledgment of the  
5 Delta's abuse, we need to have conversations about  
6 California's future and whether it includes  
7 infrastructure that got us in this situation in the first  
8 place.

9 The point that I am making is that our state  
10 should not sacrifice one community for another. My home  
11 and the region that is a valuable source statewide and  
12 nationally is at a grave risk. The choice is yours  
13 whether or not your hands are holding the shovel.

14 Do not approve the Permit for additional points  
15 for diversion.

16 Thank you for your time.

17 CO-HEARING OFFICE DODUC: Thank you, Mr. Camero.

18 Mr. Ferreyra.

19 MR. FERREYRA: Thank you, and good morning,  
20 Board members.

21 My name is Francisco Ferreyra. I'm a student  
22 representative at U.C. Davis and a lifelong citizen of  
23 Oxnard, a city 350 miles south of here and one that faces  
24 ever-pressing environmental injustices in the form of  
25 extreme energy projects.

1           This last week, my friends and I engaged in a  
2           grassroots training program that celebrated  
3           intersectional justice and the importance of equity and  
4           sustainability in public projects like the ones being  
5           discussed here today.

6           We're here to represent the youth of California  
7           and those who are unable to be here today and speak for  
8           themselves, including the nonhuman animals that call the  
9           Sacramento-San Joaquin Bay Delta home.

10          We're here to appeal to the California EPA sense  
11          of environmental justice and because the mission of this  
12          Board is to preserve and enhance the quality of water,  
13          our liquid life force for generations to come.

14          I ask that you take a look at our group. We are  
15          the face of those generations. And we are asking the  
16          Regulatory Board to reject the project and see the  
17          largest estuary on the West Coast as what it is, a sacred  
18          site for all Californians.

19          Our state is a global powerhouse and the fifth  
20          largest economy in the world. And with great influence  
21          comes great responsibility.

22          We have an important opportunity here and more  
23          than enough water to go around. We just need to be more  
24          thoughtful about how it's distributed and acknowledge the  
25          California WaterFix as the whimsical dreams of corporate

1 and bureaucratic dynasties, whose adverse effects will  
2 reverberate throughout our great state affecting  
3 millions.

4 Californians in general, and this one in  
5 particular, was concerned that biodiversity's being  
6 decimated at 1,000 times the Background Extinction Rate  
7 and that we find ourselves in Decade Zero of what climate  
8 scientists are calling -- in the ongoing climate crisis.

9 The decisions we make in these next few years  
10 will define the quality of life for our children yet  
11 unborn, and so it is our duty to be vigilant stewards of  
12 our ecological environments.

13 In the face of what I fear will become an  
14 intolerable drought, we cannot continue to commodify the  
15 most precious resource at the behest of the powerful few.

16 These tunnels are not sustainable, nor will they  
17 fix California's water. They are disastrous.

18 But you don't have to be part of this legacy,  
19 and so I urge this Board to reject the permits and stand  
20 on the right side of history.

21 Thank you.

22 CO-HEARING OFFICE DODUC: Thank you very much.

23 Mr. Daniels.

24 MR. DANIELS: Yo. What's up?

25 So, I'm very unprepared for this and I'm going

1 to be --

2 CO-HEARING OFFICE DODUC: Love the earring.

3 MR. DANIELS: Thank you. Nice to know.

4 So, shouts out to all the policy makers and  
5 people in the suits here today that are trying to push  
6 this project forward.

7 I'm here with the California Student  
8 Sustainability Coalition, born and raised in Stockton,  
9 California. I'm here as a plea, and a plea to avoid this  
10 ridiculous project.

11 So, by diverting all this area, it's pretty much  
12 just going to completely dismantle this region.

13 And I completely understand the angst of folks  
14 living in the South Valley and the desert regions of  
15 California that need this water to survive. However, you  
16 live in the South Valley and you live in a desert, so by  
17 trying to grow these things and, like, live in these  
18 areas, you're destroying what is here.

19 Well, this is heavy.

20 I want you guys to consider what this legacy  
21 project is actually about and the legacy that is going to  
22 be left behind for folks like myself, my comrades here,  
23 and your children, our children, our children's children,  
24 and what happens after that.

25 We've consistently drained so many, like, rivers

1 and valleys to sustain life in unsustainable places. Why  
2 are we going to do that to this region? Period.

3 Thank you.

4 CO-HEARING OFFICE DODUC: Thank you,  
5 Mr. Daniels.

6 Ms. Schlicht.

7 MS. SCHLICHT: Hi. My name is Page Schlicht. I  
8 live in Sacramento.

9 Let me be clear: This is not a fix. Its goal  
10 is not the conservation of the Delta. Legal or not, this  
11 is theft.

12 Why we need a fix at all is because of projects  
13 like this that remove water from where it's supposed to  
14 be, which is in rivers, streams, wetlands and  
15 underground.

16 The primary concern by the proponents of this  
17 plan is to take water out of the hands of the public and  
18 place it into the private businesses and egovarants  
19 (phonetic).

20 This is not a solution rooted in ecology or  
21 respect for the very natural resources we're talking  
22 about. This is purely financial.

23 If the concern is sustainability and ensuring  
24 water for future generations, we would all be reading  
25 from the Environmental Impact Statement right now.

1           The science behind this clearly and conclusively  
2 shows the devastating harm this project would cause.

3           The idea of the wet period capture ignores  
4 climate change patterns and scientific models of water  
5 availability in the future.

6           California's watersheds are already mutilated,  
7 and we need to be focusing on healing and restoring the  
8 watersheds' ability to naturally purify and store water.

9           This project would commit crimes against  
10 Californians in the form of environmental racism,  
11 cultural genocide and massive deception of its  
12 constituents.

13           We talk about protecting legal water users as if  
14 there's something other than a small group of people who  
15 manage to get rich by planting gigantic swaths of money  
16 crops in the desert.

17           It was obviously from the beginning that this  
18 was unsustainable.

19           Promoting this unsustainability by approving  
20 this project is not only going to necessitate another  
21 meeting like this in the near future but we are also  
22 kicking the can down the road.

23           Furthermore, the largest water users in the  
24 state haven't yet been spoken about. The majority of  
25 California's water goes to the massive animal business



1 located in the Central Valley.

2 This project will not create any new water.

3 And as one of the millions of concerned  
4 Californians, I demand that you do not approve this  
5 Permit.

6 Thank you.

7 CO-HEARING OFFICE DODUC: Thank you.

8 Mr. Stone, please.

9 MR. STONE: Good morning, Madam Hearing Officer  
10 and members of the Board.

11 I'm Matt Stone. I'm the General Manager for the  
12 Castaic Lake Water Agency, and I'll be summarizing our  
13 Policy Statement today.

14 Castaic Lake Water Agency is located in the  
15 Santa Clarita Valley about 35 miles north of Los Angeles.  
16 We are a State Water Project contractor with the Table A  
17 amount of 95,200 acre-feet per year.

18 This and other important supplies make up about  
19 half of our average year water supply for the 275,000  
20 residents of the Santa Clarita Valley.

21 The Valley has a diversified water supply  
22 portfolio. About half of our supplies come from local  
23 groundwater.

24 And we also have participated in wet year  
25 banking programs in Kern County to help meet drier

1 demands and reduce draws on the Delta during those time  
2 periods.

3 As a regional water provider, we actively  
4 participate in advancing local supply, such as recycled  
5 water, water conservation, and treatment of contaminated  
6 groundwater, which unfortunately we do have.

7 California must reinvest in its water future.  
8 This includes investments in local resources, such as  
9 recycled water, storm water capture, and demand  
10 management measurements.

11 Just as important are investments in the  
12 outdated water delivery system of the state, in  
13 particular the system tasked with moving supplies through  
14 the Delta.

15 The Delta has reached a critical juncture, with  
16 the declining Delta environment, declining water supply  
17 reliability, and heightened vulnerability to natural  
18 disasters and climate change. That is why Castaic Lake  
19 Water Agency urges the Board to move forward with  
20 adopting the change in the point conversion to  
21 accommodate WaterFix.

22 Today, about two-thirds of Californians are  
23 dependent on water in some way exported from the Delta.  
24 Reliability of the supply continues to decline as fish  
25 and wildlife conflicts have restricted the use of reverse

1 flows in the South Delta in order to reach its impacts on  
2 those fisheries.

3           Establishing a new point of diversion will  
4 provide substantial flexibility and reduce the frequency  
5 and magnitude of these reverse flow conditions.

6           The trend of declining reliability places our  
7 economy at risk in California. This is particularly  
8 evident during drought periods such as those currently  
9 being experienced.

10           While it has been acknowledged that the WaterFix  
11 would not provide additional supplies or additional  
12 diversion, it would provide a more stable ability to  
13 operate the Delta with less conflict with species during  
14 normal and wet years. And for those agencies such as  
15 Castaic Lake Water Agency who have local groundwater and  
16 southerly storage facilities, the ability to invest in  
17 water-banking programs that can provide supplies during  
18 times of drought.

19           California must act in advancing solutions to  
20 accomplish --

21           (Timer rings.)

22           MR. STONE: -- its coequal goals.

23           I appreciate the State Board's consideration of  
24 this Petition.

25           CO-HEARING OFFICE DODUC: Thank you, Mr. Stone.

1           Mr. Vargas.

2           MR. VARGAS: Good morning, Chairwoman and Board  
3 Members.

4           I am here representing Cafe Coop, a cooperative  
5 in downtown Stockton for start-ups, social entrepreneurs,  
6 freelancers and artists.

7           I am one of those start-ups from the  
8 cooperative. I'm the owner and the founder of The  
9 WorQshop.

10           But what I am is really not important.

11           Our emerging entrepreneur community of startups  
12 and artists is starting to flourish in Stockton. We want  
13 to retain our local talent and attract others to come out  
14 and join our San Joaquin Delta community.

15           However, we will not be able to retain or  
16 attract any emerging entrepreneurs if our water quality  
17 is adversely affected by the building of the Twin Tunnels  
18 Project under the California WaterFix.

19           The expensive and complex project does not add,  
20 store or provide a single drop of new water for use in  
21 our state.

22           The San Joaquin Delta is the primary driver of  
23 the economic vitality of downtown Stockton, San Joaquin  
24 County and California overall.

25           Stockton has suffered economically and

1 esthetically through the recent explosive growth of  
2 hyacinth and algae growth that has choked waters,  
3 poisoned the air, and squelched economic investments.

4 Growth of algae, hyacinth and other harmful  
5 water vegetation will explode exponentially if water  
6 flows are decreased, especially in drought conditions.

7 San Joaquin Valley and Stockton economy are  
8 still mostly driven mostly by agriculture that will be  
9 wiped out with decreased fresh water flow and content.

10 Stockton has spent and is spending tens of  
11 millions of dollars to develop our beautiful deep sea  
12 channel, Port of Stockton, inland ocean port, and our  
13 public downtown waterfront, all of which will be wasted  
14 if the tunnels divert water from the Delta.

15 Stockton and San Joaquin County will not trade  
16 or bargain away the approved restoring of stream water  
17 flows to reboot to restore the historical San Joaquin  
18 River or the right buildings and tunnels.

19 I still have a minute so I'd like to switch my  
20 hat to my own self.

21 And I'd like to say that we don't need a  
22 WaterFix. We actually need a cultural fix. Because we  
23 are putting money and value on water resources, and  
24 animal life, which is irreplaceable if it's gone.

25 We print money daily in the millions. You can't

1 make animals once they're dead. So once the smelt is  
2 gone, then we're pretty screwed.

3 So, I'd like that to be considered when you are  
4 making this decision because we are not doing our jobs as  
5 we were created to. We are not being the stewards who  
6 are supposed to be protecting the environment and our  
7 animals. Instead, we're just throwing away money, which  
8 means absolutely nothing because, in the end, you can't  
9 eat it.

10 Thank you.

11 CO-HEARING OFFICE DODUC: Thank you, Mr. Vargas.

12 Mr. Forbes.

13 MR. FORBES: Good morning, Madam Chair and Board  
14 Members.

15 My name is Ronald Forbes, and I'm here today  
16 representing the Delta Fly Fishers. We're an  
17 organization of over 100 members, and I'm here today to  
18 voice our opposition to the proposed California WaterFix  
19 Project and the Petition to change its point of  
20 diversion.

21 For over 50 years, we've seen water diversion  
22 from the Delta cause a drastic increase in the pollution  
23 of the Delta and destruction of our fisheries where those  
24 fisheries now face extinction.

25 Given the time limits, I'd just like to make

1 three quick points.

2           Number 1. Changing the point of diversion will  
3 drastically reduce the amount of water needed to maintain  
4 our fisheries and will directly increase the pollutants'  
5 toxicities.

6           Changing the point of diversion will make an  
7 environmental, healthy Delta totally impossible. Science  
8 has shown that diversion of water away from the Delta has  
9 a direct correlation to the loss of our Delta fishery  
10 species, not predation.

11           Adopting a change to the point of diversion for  
12 this proposed project will guarantee the extinction of  
13 many of our fisheries.

14           Number 2. The continuing diversion by this  
15 Board, Department of Water Resources, and the Bureau of  
16 Reclamation is basically destroying the Delta.

17           It's difficult for me to understand how this  
18 Board has been able to impose during our drought water  
19 standard uses for urban water users while allowing an  
20 unrestricted diversion of water from the Delta to the  
21 South Valley farmers in the middle of the worst drought  
22 in our state's recorded history.

23           Over a year ago, these people planted  
24 50,000 acres of almonds while the rest of us were barely  
25 scrimping by with the water this Board allowed.

1           This Board and other State and Federal agencies  
2           have violated both State and Federal laws, violated our  
3           doctrine of public trust, and the doctrine of coequal  
4           goals with impunity.

5           Changing the point of diversion will be yet  
6           another violation of these laws.

7           Number 3. The point of diversion will  
8           drastically increase the toxicity of the Delta's water  
9           and cause huge health and safety issues.

10           This Board has waived farmers' requirements to  
11           comply with the California Clean Water Act. The Delta  
12           pollution and toxicity are well documented on our  
13           fisheries --

14           (Timer rings.)

15           MR. FORBES: -- and wildlife.

16           For over 10 years, pediatricians have told  
17           pregnant women, do not eat Delta fish. It will interfere  
18           with the health and safety of their unborn children.

19           And, lastly, let me just comment that many  
20           people who live in or adjacent to the Delta find it an  
21           economic necessity to eat Delta fish for sustenance.  
22           They have no economic choice. They have to do that, even  
23           though they realize these fish are contaminated with  
24           pollutants and impose a health problem.

25           If this --



1 CO-HEARING OFFICE DODUC: Thank you, Mr. Forbes.

2 We would welcome your written Policy Statement  
3 if you would like to provide it to us.

4 MR. FORBES: Thank you, Madam Chairman.

5 CO-HEARING OFFICE DODUC: Miss Reynolds.

6 MS. REYNOLDS: Thank you.

7 Hi, Felicia.

8 CO-HEARING OFFICE MARCUS: Hi.

9 MS. REYNOLDS: My name's Rogene Reynolds. I'm a  
10 lifelong resident of the South Delta and currently live  
11 on Upper Roberts Island.

12 I'm speaking on behalf of myself and members of  
13 my community who are opposed to the fix.

14 Every in-Delta water user whose diversions are  
15 downstream of the proposed Sacramento River diversions  
16 will suffer diminished water quality if the Fix Tunnel  
17 Project is implemented.

18 As a result, Delta lands farmed sustainably  
19 since the 1870s will be degraded by increased salinity of  
20 Delta water. Cropping patterns will be affected, and the  
21 ability of Delta farmers to make cropping decisions in  
22 response to global markets will be constrained by poorer  
23 water quality. Land values will decrease.

24 Further, municipal diversion serving Delta  
25 communities will be degraded by increased salinity, and

1 their cost of treatments will increase. These costs will  
2 become the burden of the Delta urban citizenry.

3 It is a fundamental breach of your  
4 responsibility to agree to these outcomes.

5 Granting the Fix petitioners this new diversion  
6 puts you in a position of creating and approving an  
7 absolutely new water right, a right to divert water which  
8 is essential for the health and welfare of the  
9 Sacramento-San Joaquin Delta.

10 As the State Water Resources Control Board, your  
11 policy should be to unequivocally protect the common pool  
12 of the Delta and to resist all efforts to isolate the  
13 Delta and the best of its inflow.

14 Thank you for the opportunity to comment.

15 CO-HEARING OFFICE DODUC: Thank you,  
16 Miss Reynolds.

17 Miss Boudier.

18 MS. BOUDIER: Thank you.

19 I'd like to take 30 seconds or so just to object  
20 to procedures.

21 There are approximately 240 seats in this room  
22 and I have not counted more than 65 participants. I  
23 understand also that there are two other rooms of  
24 slightly smaller size reserved for this meeting.

25 I'm suggesting that you and this Board has given

1 insufficient public notice for this meeting. I found out  
2 about it in the Sacramento Bee on Page 6A July 24th.

3 I am a North Delta farmer with all the water  
4 that everybody wants. I have a 10-foot -- I'm on one of  
5 the Islands. My water table is 10 feet down, and I don't  
6 need all that water, and I'm happy to put it back in the  
7 river.

8 What I object to is the procedures by Jerry  
9 Brown and Jerry Merrill to take the water and suggest  
10 that it is government water. It is not government water.  
11 It is an incorporeal hereditament that belongs to the  
12 people that built the levees and own the water.

13 I own the water to the center of the earth and  
14 tips of the sky according to water law, and I'm just one  
15 small Delta farmer.

16 The point of my speech is to suggest that this  
17 project is going to cost at least three times the  
18 anticipated budget.

19 I paid someone to get me a hard copy of the  
20 Environmental Impact Report. She said it would not fit  
21 in her car. That suggests to me that we have government  
22 out of control, and that's the real problem here.

23 And I should be talking to these people  
24 (indicating audience), not you. I should be facing them  
25 because my message is to the South Delta people who will

1 be paying for my water that I'm willing to give away for  
2 free. You're going to pay significantly more than you  
3 believe you are.

4 There was a Federal speaker earlier who referred  
5 to science. It was a bogus reference. The Feds also  
6 said that we should take down all the Delta trees along  
7 the river levee, which took U.C. Davis to make them stop.

8 So I am looking at so much bureaucracy, so many  
9 forms that I have to fill out right now just to report  
10 the water I use that I own, that there's an imbalance. I  
11 prefer to give the water to the people, not to the  
12 government and . . .

13 The suggestion by the Federal speaker also  
14 related to earthquakes, geologic time and not to drought.  
15 So we are, at our best, a hundred-year lifespan. And the  
16 idea that there's this phenomenal drought is just crazy  
17 unless you understand nature, history, and the natural  
18 workings of the earth.

19 So, please, audience, understand that this up  
20 here (indicating) is a political process and it is for  
21 Jerry Brown and Westlands. Westlands is the one who  
22 planted all the trees in the desert.

23 (Timer rings.)

24 MS. BOUDIER: Thank you.

25 CO-HEARING OFFICE DODUC: Thank you. And we do

1 have your written Policy Statement, so thank you for  
2 providing that to us.

3 I believe those are all the speaker cards that  
4 we have for now.

5 What I'm going to suggest to my colleague is we  
6 adjourn until 1 p.m. We will reconvene at that time to  
7 hear from any speakers who wish to provide Policy  
8 Statements and who could not attend this morning.

9 And, in addition, I also want to thank the  
10 people, I think all of whom spoke today, who provided us  
11 with copies of their written Policy Statements. We will  
12 review those and appreciate having them in writing.

13 With that, unless there is any other procedural  
14 matters, we will break until 1 p.m.

15 (Recess taken at 11:04 a.m.)

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1 Tuesday, July 26, 2016 1:00 p.m.

2 PROCEEDINGS (Afternoon Session)

3 CO-HEARING OFFICE DODUC: Good afternoon. It's  
4 1 o'clock and we are reconvening.

5 Thank you to those who have joined us.

6 We have at this time two additional speakers to  
7 provide policy statements in this matter.

8 First, Ms. Nicky Suard from Snug Harbor and then  
9 Mr. Bill Reynolds.

10 Welcome.

11 MS. SUARD: Thank you for the opportunity here.

12 My name is Nicky Suard. I'm from Snug Harbor on  
13 Steamboat Slough. It's a Marine and RV Park, named Best  
14 Small Park in California in 2001.

15 Steamboat Slough is one of the original  
16 waterways of the North Delta and could be potentially  
17 greatly impacted by decisions of this Water Board.

18 Again, I thank you for the opportunity to give a  
19 more general Policy Statement.

20 California has a problem -- we all know that --  
21 and that's not enough for all the water demand. And your  
22 job is to make decisions in an impartial way after  
23 listening to everybody, make decisions that your boss may  
24 not be happy about. And I see your job and what you're  
25 doing as a very difficult position to be in.

1           So, my question is, are you going to perpetuate  
2           the problem, or are you going to help to find creative  
3           and fair solutions for everyone?

4           Based on the documentation provided so far by  
5           WaterFix proponents, the water quality and water quantity  
6           problem shifts location, potentially, but it doesn't  
7           solve anything. It just shifts the burden.

8           Granting the request to divert more Sacramento  
9           River water away from normal flows through the Delta  
10          literally takes the fresh water away from repairing water  
11          rights holders and hands it to Water Contractors for  
12          purely economic reasons.

13          For me, the main issue is how much water is  
14          taken, not just how that water is taken from the  
15          Sacramento River. Whether it's by tunnel or surface  
16          conveyance or other creative method, taking too much  
17          water from the Sacramento River in the North Delta  
18          affects the whole Delta in a very negative way. And the  
19          primary impact is water quality, drinking water quality  
20          for us humans.

21          By diverting too much fresh water from the  
22          Sacramento River, the drinking water aquifer degrades and  
23          the wells, the private wells, the public wells, all start  
24          showing effects.

25          It's already happening with the impacts from

1 CALFED activities that have been going on. These test  
2 sites have been impacting us. So it's happening now  
3 already and it'll be even worse with tunnels.

4 Finally, if you can't measure it and you can't  
5 count it, you should not promise to give it away.

6 It is very clear that the computer modeling,  
7 when you hear all the evidence, there's a lot of  
8 questions, and it is just flat-out unfair --

9 (Timer rings.)

10 MS. SUARD: -- to consider it.

11 Thank you.

12 CO-HEARING OFFICE DODUC: Thank you. And thank  
13 you for providing your written Policy Statement. We'll  
14 certainly take a close look at it.

15 MS. SUARD: Thank you.

16 CO-HEARING OFFICE DODUC: Thank you.

17 Mr. Reynolds.

18 MR. REYNOLDS: Good afternoon. Thank you for  
19 allowing me the opportunity to step in here.

20 I'm Bill Reynolds. I live in the South Delta on  
21 Roberts Island, and I've lived there for the past 27 odd  
22 years surrounded by my wife's relatives and others who  
23 farm in that area.

24 I've listened to the comments this morning, and  
25 I think it's important to note a couple of things.



1           The application before you that you're  
2 discussing to change the point of water diversion comes  
3 from Department of Water Resources and the Bureau of  
4 Reclamation who actually hold junior water rights to most  
5 people within the Delta.

6           The beneficiaries of DWR and Bureau of Water  
7 have paid for the BDCP and the WaterFix planning in large  
8 part that's been done to date. A lot of money has been  
9 spent to further their issues.

10           This diversion change application is really a  
11 discussion or argument about water quality.

12           Approval of this application moves junior water  
13 rights holders to the head of the line at the drinking  
14 fountain for the best quality water taken from the top of  
15 the Delta.

16           This change would be absolutely detrimental to  
17 the Delta's senior water rights holders who would then  
18 have to deal with further degraded water quality.

19           Increased salinity levels throughout the Delta  
20 are absolutely detrimental to Delta residents, the  
21 surrounding Delta communities, and particularly to  
22 agriculture, which is already struggling with high  
23 salinity issues.

24           That's all I have to say today. Again, thank  
25 you for this opportunity.

1 CO-HEARING OFFICE DODUC: Thank you. Thank you,  
2 Mr. Reynolds, for providing those comments.

3 Are there anyone else who wish to provide a  
4 Policy Statement today?

5 Not seeing any taker that wants to speak today,  
6 we will reconvene tomorrow at 9 o'clock here when we will  
7 hear Policy Statements from persons affiliated with North  
8 Delta C.A.R.E.S.

9 At this time, I'm expecting that that will be  
10 the speakers for the morning session.

11 So, for the afternoon session, if there are any  
12 other speakers who would like to provide Policy  
13 Statements that did not -- who did not arrive today, we  
14 would look forward to hearing from you tomorrow afternoon  
15 as well.

16 So, with that, thank you all, and we are in  
17 adjournment until tomorrow morning at 9 o'clock.

18 (Proceedings adjourned at 1:08 p.m.)

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1 State of California )  
2 County of Sacramento )

3

4 I, Candace L. Yount, Certified Shorthand Reporter  
5 for the State of California, County of Sacramento, do  
6 hereby certify:

7 That I was present at the time of the above  
8 proceedings;

9 That I took down in machine shorthand notes all  
10 proceedings had and testimony given;

11 That I thereafter transcribed said shorthand notes  
12 with the aid of a computer;

13 That the above and foregoing is a full, true, and  
14 correct transcription of said shorthand notes, and a  
15 full, true and correct transcript of all proceedings had  
16 and testimony taken;

17 That I am not a party to the action or related to a  
18 party or counsel;

19 That I have no financial or other interest in the  
20 outcome of the action.

21

22 Dated: July 31, 2016

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Candace L. Yount, CSR No. 2737

