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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

Wednesday, July 27, 2016
9:03 A.M.

Volume 2
Pages 1 - 165

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APPEARANCES

CALIFORNIA WATER RESOURCES BOARD

Division of Water Rights

Board Members Present:

Tam Doduc, Co-Hearing Officer
Felicia Marcus, Chair & Co-Hearing Officer
Dorene D'Adamo, Board Member

Staff Present:

Diane Riddle, Environmental Program Manager
Dana Heinrich, Senior Staff Attorney
Kyle Ochendusko, Senior Water Resources Control Engineer

POLICY STATEMENTS:

North Delta C.A.R.E.S.:

Gregory Kondos
Moni Van Kamp Kondos
Marian Flanders
Dr. Henry Go (Courtland Family Doctor)
John Stutz (Sacramento River Delta Historical Society)
Linda Updegraff (Dinky Diner)
Dave Stirling
Kathy Hunn
Bill Crocker (On behalf of Jim Baumann)
Stan Grant (Vineyard Consultant)
Debbie Chan
Kathie Merwin
Brad Pappalardo (Steamboat Resort)
Emily Pappalardo
Steve Heringer
Amanda Beck (Friends of the Clarksburg Library)
Jane Dickson
Mike Hodge
Barbara Damion
Douglas Hsai
Connie DeMars
Debra Hamilton (Primary Water Institute)
Karen Zehnder
Steve Haze
Bill Wells (California Delta Chambers and Visitors Bureau)

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- 2 North Delta C.A.R.E.S. (Continued):
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Patrick Hamer
- 4 Jeff van Loben Sels (for Russell van Loben Sels)
Jeff van Loben Sels (for Bradley Murray)
- 5 Jim Jorgensen (Jorgensen Ranch)
Joseph Rizzi
- 6 Michael B. Jackson
Nicki Suard
- 7 Kathryn Sweeney
Andrew March (from Congressman Garamendi's office)
- 8 Mark Wilson
Debbie Elliot
- 9 Sherri Stanley
Tom Wallace
- 10 Graham Connor
Teressa Connor Dahlburg
- 11 Charlyn Connor
William Brooks
- 12 Tim Waits (Lake Winchester Vineyards LLC)
Greg Merwin
- 13 Elizabeth Merwin
Mike Campbell
- 14 Harold Shipley
Marilyn Gill
- 15 Tom Merwin
Kathleen Updagraff (Clarksburg Marina)
- 16 Mark Pruner (Clarksburg Fire Protection District)
Bob Saunders
- 17 (Essence of Life Project)
(Saving our Water and Oceans)
- 18 (Crunch Nestlé Alliance)
(North Delta C.A.R.E.S.)
- 19 (Sacramento Community Guild)
Dane Henas
- 20 Susan Henas
Chuck Kelly
- 21 Dan Bacher
Debbie Elliot for Sheryl Cox
- 22 Paul Hughes
Wendy Heaton
- 23 Barbara Daly
Anna Swenson
- 24 Dick Marshall
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1 Wednesday, July 27, 2016 9:03 a.m.

2 PROCEEDINGS

3 ---000---

4 CO-HEARING OFFICER DODUC: Good morning,
5 everyone. If you could please find a seat.

6 Welcome back to the California WaterFix Exchange
7 Petition hearing.

8 I am State Water Board Member and Hearing
9 Officer Tam Doduc. To my right is Board Chair and
10 Co-Hearing Officer Felicia Marcus. To the Chair's right
11 are Board member DeeDee D'Adamo and Board member Steven
12 Moore.

13 To my left are staff who will be assisting us
14 today: Senior Staff Attorney Dana Heinrich;
15 Environmental Programming Manager Diane Riddle; and
16 Senior Water Resources Engineer Kyle Ochendusko.

17 Other State Water Board staff are present at the
18 front and back of the room to provide assistance,
19 including any assistance for the press and with Spanish
20 translation.

21 Some general announcements before we begin.
22 Please look around now and identify the nearest exit to
23 you. Should an alarm sound, we will evacuate this room
24 immediately. Please take your valuables with you. Use
25 the stairways and not the elevators to go down and exit

1 the building to the relocation site across the street in
2 the park.

3 If you cannot use the stairs, you will be
4 directed to a protected vestibule inside a stairwell.

5 This hearing is being Webcast and recorded, so
6 when speaking please use the microphone and please begin
7 by stating your name and affiliation.

8 If you need a Spanish interpreter, please let
9 one of the staff know or indicate so on the speaker card.

10 A court reporter is present today and will be
11 preparing a transcript of this entire proceeding,
12 including Policy Statements -- including oral Policy
13 Statements, I should say.

14 The transcript for Part IA of the hearing will
15 be posted on the State Water Board's California WaterFix
16 Petition hearing website as soon as possible.

17 If you would like to receive the transcript
18 sooner, please make arrangements with the court reporting
19 service during one of the breaks or after the hearing
20 day.

21 Finally and most importantly, please take a
22 moment to turn off or mute your cellphones.

23 I see people reaching. Excellent. Even if you
24 think it's already off, please go ahead and take a moment
25 and double-check, as I will as well.

1 All right. Today is Day 2 of the hearing and we
2 will first hear Policy Statements from persons associated
3 with North Delta C.A.R.E.S., including those identified
4 in the Notice of Intent to Appear submitted by Miss Anna
5 Swenson.

6 I want to take a moment and express our
7 gratitude to Miss Swenson as well as Miss Wendy Heaton
8 and Miss Barbara Daly for their assistance. It is so
9 important to us during this hearing especially, but
10 during all of our processes, to hear from members of the
11 public to get comments on the matters that are before us.

12 In this case in particular, it is especially
13 important because, due to the ex-parte rules, we're not
14 allowed to reach out and have communications outside of
15 this hearing.

16 So your assistance in terms of organizing the
17 speakers and getting the voices here today to provide
18 perspectives for us to consider is extremely important
19 and we are very grateful for the efforts that you have
20 put into this.

21 As explained in more depth yesterday, this is a
22 legal evidentiary proceeding, slightly less formal than a
23 court proceeding, but much more similar to a court
24 proceeding than to our usual more open-ended
25 quasi-legislative hearings.

1 So, unlike our workshops and meetings, Board
2 Members and staff will be in a listening mode for the
3 most part as unbiased arbiters of this matter. As such,
4 we will not interject during the hearing as we do in our
5 usual meetings and will hold most of our questions until
6 the cross-examination is complete.

7 This is common practice in water rights hearings
8 and does not mean that we are not engaged in the process.
9 Furthermore, we take this matter and our obligations very
10 seriously and are committed to a fair and impartial
11 proceeding. Our duty is to listen carefully and to
12 consider everyone's point in the context of making a
13 specific legal determination.

14 Policy Statements provided today may address
15 Part I or Part II issues. We will also provide an
16 opportunity for Policy Statements at the beginning of
17 Part II of the hearing.

18 Policy Statements, I will remind you, is a
19 nonevidentiary statement. Persons making Policy
20 Statements must not attempt to use their statements to
21 present factual evidence either orally or by introduction
22 of exhibits.

23 If you would like to make a Policy Statement
24 today, please fill out a speaker card and place it in the
25 box located at the front of the room.

1 Please note that we will also accept and
2 definitely welcome written Policy Statements. If you
3 have written copies of your Policy Statement, please also
4 provide that in the box located in front of the room.

5 It is not necessary to read the written policy
6 into the record. We will definitely be reading every
7 single one of them, I assure you.

8 Policy Statements should be limited to three
9 minutes or less per person. As stated yesterday, I
10 intend to strictly enforce this limit in order to assure
11 everyone an equal chance to speak before the Board.

12 If you would like to submit written Policy
13 Statements, please note that you are -- that you may do
14 so today or at a future date before the close of the
15 hearing record for this proceeding.

16 With that, I think we are going to ask
17 Miss Swenson to help organize again the presentation of
18 the Policy Statement presenters for this morning.

19 MS. SWENSON: And we have our first speaker.

20 CO-HEARING OFFICER DODUC: And, again, if you
21 could use the microphone for the Webcast as well as for
22 the recording and the court reporter.

23 MS. SWENSON: Our first speaker is Mr. Kondos.

24 And we have an image that we've submitted with
25 his Policy Statement. There it is.

1 Mr. Kondos, we're ready for you.

2 MR. KONDOS: Three hours?

3 MS. SWENSON: Three hours, yes.

4 (Laughter.)

5 CO-HEARING OFFICER DODUC: Thank you.

6 Welcome, Mr. Kondos.

7 MR. KONDOS: Thank you. Can you hear me?

8 CO-HEARING OFFICER DODUC: I can hear you.

9 MR. KONDOS: Good.

10 CO-HEARING OFFICER DODUC: And, in fact, I am
11 one of your most ardent admirers.

12 MR. KONDOS: Well, you know, my wife does this
13 to me all the time, but I enjoy doing it if it's a good
14 cause, and this one is a very good cause.

15 I'm older than anybody here, I'm sure. I'm 93.

16 I've been 90 years in Sacramento. I've seen
17 this town from weeds to trees, and I can prove it. I
18 lived at McKinley Park on C Street, and we used to come
19 to town to pick up my father on Fifth and K, and we'd
20 have to come through the weeds and follow the streetcar
21 tracks to get into Sacramento at that point and then back
22 again.

23 But I had many adventures in my life. One was a
24 war, which made me grow up. And then I came home and
25 decided to go to school. And to tell a Greek father who

1 can't speak English you want to be a painter, you're out
2 of your mind. He wants you to be a doctor or a lawyer or
3 something.

4 But my father, I loved dearly, gave me that
5 go-ahead sign. He said, "What are you going to do now
6 that you've got through the war?" I said, "I'm going to
7 go to school." He says, "Wonderful." He says, "Okay.
8 Now, what are you going to take?" (Laughing).

9 I said, "I'm going to be an artist, I think."
10 He looked at me and he said, "Go for it." And that's all
11 I needed. And so I pursued art most of my life.

12 But I found out that the book that I was looking
13 at, has been read over and over and over again, and I
14 don't see any results past those heroes that I acquired
15 along the way.

16 Cezanne is my mentor. And when I finally saw
17 him in nature instead of in a book, I knew that tree had
18 to grow somehow, or that field out there, and it took
19 water.

20 And so I followed the river quite aways, all the
21 way to Rio Vista, in pursuit of my paintings. And along
22 the way, I saw color changes and I saw a new life ahead
23 of me.

24 I'm not much for reading, because my span isn't
25 that long, but I'm very good at looking. And thank God

1 it's long.

2 And I do pursue. Even now in a wheelchair, I do
3 a lot of, you know, coaching, not teaching, coaching. I
4 want to make sure that the person involved is looking at
5 the right thing if it's the right thing.

6 I'm a teacher of mistakes. I believe in making
7 mistakes because, through mistakes, you can correct them
8 yourself and find out what went wrong.

9 And I --

10 (Timer rings.)

11 MR. KONDOS: That's it, I think.

12 Yeah. Thank you.

13 CO-HEARING OFFICER DODUC: Thank you.

14 BOARD MEMBER D'ADAMO: I'd like to say these are
15 beautiful. Thank you for sharing.

16 CO-HEARING OFFICER DODUC: Thank you,
17 Mr. Kondos.

18 And, Miss Swenson, I don't know if you have a
19 secret line into my office, but in my office are two
20 framed posters of work from Mr. Kondos. He is one of my
21 very favorite artists.

22 And we actually share the same dentist. And
23 Mr. Kondos wanted to do me the tremendous favor of
24 meeting with me in the office of our joint dentist and
25 signing some prints for me.

1 I have a photo that I will always treasure, and
2 I really appreciate you coming here today.

3 MR. KONDOS: Thank you.

4 MS. SWENSON: So next we have his beautiful wife
5 Moni Kondos.

6 MS. KONDOS: Short but sweet. I'm sorry that
7 the Water Board is not seeing the images that we brought.

8 CO-HEARING OFFICER DODUC: We are.

9 MS. KONDOS: Oh, good. I did not realize.

10 Because these images are here part of Sacramento
11 from our State Library, another 12-footer, Sutter Club
12 12-footer. There was one image in there that was a
13 12-footer from the Sutter Club and that was the basis for
14 the 510-foot glass windows on Terminal A at our airport.

15 Greg has painted the Delta. He started -- In
16 our storeroom, we have his father's Johnson motor. His
17 father was a fisherman on the Delta and Greg started out
18 fishing on the Delta.

19 I was asked, as we begun the Delta Regional
20 Foundation, to put on some art shows showing the beauty
21 of the Delta. And our last show was in March and April
22 at Sac State with 56 artists, from sculpture to images,
23 photography, showing agriculture as well as the beauty of
24 the levees.

25 What we are concerned about is that we don't

1 want the Delta to look like Mono Lake.

2 I am finished. Thank you.

3 CO-HEARING OFFICER DODUC: Thank you.

4 (Applause.)

5 CO-HEARING OFFICER DODUC: Miss Swenson.

6 MS. SWENSON: Next we have Marian Flanders.

7 MS. FLANDERS: Good morning to the Board and the
8 staff. And I want to say thank you very much for giving
9 me the opportunity to speak about this issue.

10 My name is --

11 CO-HEARING OFFICER DODUC: Feel free to use the
12 podium over there as well. It sits higher for those --
13 That's (indicating) the ADA accessible podium, so that one
14 (indicating) might be a little better.

15 MS. FLANDERS: Do I have to start over?

16 CO-HEARING OFFICER DODUC: We can pause. Why
17 don't you restart the timer.

18 MS. FLANDERS: First of all, I would like to say
19 good morning and thank you very much for the opportunity
20 to allow me to speak.

21 I would like to say my name is Marian Flanders.
22 I live on the west side of the Valley on a small farm.
23 Actually, Lamb Valley. And I speak only for myself, and
24 the following is my opinion.

25 One need only note the devastation of Mono Lake

1 and the destruction and desiccation of the once lush
2 Owens Valley to conclude that the Metropolitan Water
3 District of Los Angeles is the ultimate environmental
4 predator.

5 To allow this entity access to the fragile
6 Delta -- Sacramento Delta is to invite ruthless,
7 irreversible destruction to this vital economic and
8 environmental area.

9 I believe we have the technology to resolve
10 water shortages by other means. The past is pro-water.

11 This body is charged at the very least with
12 doing no harm, and to proceed in this enterprise is
13 folly.

14 I would also like to quote from the book -- or
15 the monograph Competition for California Water put out in
16 1982 by the University of California, and I quote:

17 "Significant alterations in the natural
18 state of water may disturb other elements in
19 the ecological communities, thus depriving
20 society of important if not crucial organic
21 structures to the biosphere."

22 This is bigger than just Sacramento.

23 Thank you very much.

24 CO-HEARING OFFICER DODUC: Thank you.

25 MS. SWENSON: Our next speaker is Dr. Henry Go.

1 MS. KONDOS: Dr. Go is hard of hearing, so just
2 bear with us.

3 DR. GO: Thank you all very much.

4 My name is Henry Go. I have a small holding of
5 land, 17 acres, near one of the intakes on Scrivener
6 Road.

7 On it is a home and 50 years of memories. It is
8 holy ground. My wife died there and, nearby, a daughter
9 in an accident.

10 On this land is a repository of the treasured
11 elements of the American experience through which a
12 silver thread runs, that of land ownership.

13 The western expansion of this nation ended here
14 in California. It didn't end on the Oregon Trail. The
15 last vestiges of the expansion included The Homestead
16 Act, The Kincaid Act, under The Monroe Doctrine.

17 Through hard work, this land was brought to bear
18 its fruit by the sweat of as many as five generations of
19 farmers.

20 A generation back, my ethnic heritage prevented
21 me from owning land. A few generations back, we were
22 British subjects without rights of land ownership.

23 Besides human and heritage displacement, the
24 project will create a racial carse's silent scream, or
25 another Owens Valley. The Sandhill cranes won't come.

1 The ecosystem will be disrupted. Our domestic water from
2 the aquifer will be sucked dry.

3 On a personal note from this property here, I
4 won't be able to get my office in Courtland, California,
5 to serve my patients. It's the last doctor's office
6 existing on this river.

7 In a few years, I will have been there in this
8 office providing care with a history of a hundred years.
9 It's the last office there.

10 America was born in rural circumstances and
11 remains a repository of values that made this the
12 American sentry. This does not fly over country. There
13 are human circumstances, and this should not be treated
14 with callous disregard.

15 For the greater good, fine; for ill-conceived
16 projects, never.

17 Thank you.

18 (Applause.)

19 CO-HEARING OFFICER DODUC: Thank you very much,
20 Doctor.

21 MS. SWENSON: Our next speaker is John Stutz
22 from the River Delta Historical Society.

23 MR. STUTZ: My name is John Stutz. I'm
24 Vice-President of the Sacramento River Delta Historical
25 Society charged with preserving the history and cultural

1 heritage of the Sacramento River Delta.

2 The society believes that construction of the
3 WaterFix conveyance would be extremely detrimental to the
4 Delta and would destroy parts of the historical Delta
5 which are irreplaceable.

6 Some of our concerns are as follows:

7 Small towns spaced along the Sacramento River in
8 the Delta are legacies of California's past, each
9 distinctive in its own character in history.

10 The historic buildings within these towns are
11 treasures, sometimes fragile and always vulnerable. Fire
12 is always a concern. Response time is critical.

13 Massive tunnel construction with its intendant
14 spoil, RTM areas, holding ponds, et cetera, would clog
15 transportation routes in the Delta for years.

16 The Sheriff's Department has said that roadway
17 hazards, traffic control and interference connected to
18 WaterFix construction could significantly increase
19 response time of emergency vehicles. This would put
20 buildings and lives at risk.

21 The entire town of Locke is a national
22 historical landmark, built of wood with buildings close
23 together. Recently it suffered a fire. The firefighters
24 did an outstanding job of getting the fire under control
25 and confining it to one building. The outcome could have

1 been very different if they had a difficult time getting
2 there.

3 This is a cause for concern in every other part
4 of the Delta.

5 Another concern is structural damage to
6 historical buildings located anywhere near the enormous
7 construction zones caused by vibrations from extensive
8 pile driving. Old buildings would be especially
9 vulnerable to these vibrations.

10 The WaterFix EIR states that the damage would be
11 significant and unavoidable. Adding to this is the
12 damages caused by an extensive dewatering process which
13 would lead to land subsidence and further degradation of
14 vulnerable structures.

15 The Sacramento River Delta and Historical
16 Society is also concerned with the loss of beautiful
17 historic views.

18 In the 1920s, the Victory Highway Association
19 chose a route paralleling the Sacramento River for part
20 of a scenic trail dedicated to the American forces that
21 died in World War I.

22 In 1969, that route along Highway 160, which the
23 Victory Highway followed, was also singled out for its
24 beauty, designated as a California Scenic Highway.
25 Scenic highways must include a Scenic Corridor Protection

1 Program that limits development, outdoor advertising and
2 earth-moving.

3 Construction lasting nine or more years would
4 forever alter this beautiful landscape from agricultural,
5 rural, residential, riparian, or river marine settings to
6 areas featuring heavy construction equipment and
7 activities that would permanently change the scenic
8 quality of the area.

9 I'm just going to quote our good friend Greg
10 Kondos. He said, "It is a terrible idea to destroy the
11 Delta. Here we have something very unique and special.
12 Would you use Yosemite as a dump just because it is deep
13 and can hold a lot of trash? No. Someone said that's
14 off limits and everyone accepts that."

15 Well, that's how people who know the Delta feel
16 about it, too.

17 Thank you, Mr. Kondos.

18 (Applause.)

19 CO-HEARING OFFICER DODUC: Thank you.

20 Your next speaker.

21 MS. SWENSON: It's Linda Updegraff with a local
22 business in Clarksburg.

23 MS. UPDEGRAFF: Good morning, Board. My name is
24 Linda Updegraff. I'm the owner of the Dinky Diner that
25 sits on the Clarksburg Marina in Clarksburg.

1 As a business owner of the Dinky Diner located
2 there, this is what I hear day in and day out from people
3 who love to come here.

4 As you can see, also Gregory Kondo's pictures
5 tell you what it really is like there.

6 They take a short drive along the beautiful
7 River Road to get there. Every day people come to this
8 area and they are in awe of the habitat, the greenery,
9 the beautiful trees, the fishing, and especially the
10 Sacramento River.

11 The river has a powerful calmness and sanctuary
12 for city dwellers as well as the local people. Taking
13 this away would totally change what is good in this world
14 and what helps the heart and soul of all that is good.

15 Please don't squelch this new and growing
16 tourist area. This is an incredible gift from above.

17 Thank you.

18 (Applause.)

19 CO-HEARING OFFICER DODUC: Thank you.

20 Your next speaker.

21 MS. SWENSON: Dave Stirling.

22 MR. STIRLING: Good morning.

23 Honorable members of the State Water Resources
24 Control Board, first, thank you for considering these
25 Policy Statements for Delta area residents. These

1 hearings are very important to us.

2 We've been waiting for several years for state
3 agencies or bodies involved in the important Delta water
4 and tunnels issue to take our input seriously.

5 Over the past nine years, going as far back as
6 the Blue Ribbon Task Force on the Delta, many Delta
7 residents have frequently provided oral and/or written
8 testimony at hearings, and we participated in numerous
9 informal meetings. Some of us have logged countless
10 hours doing so.

11 Much of these were recorded by the State
12 sponsoring agency with the assurance that we would
13 receive a response from the agency to our input or
14 decisions -- or questions. No one I know has ever
15 received such a response or any other indication that the
16 input we provided was ever even read.

17 To the contrary, all indications show that our
18 input has been ignored while decision -- key decisions
19 have been made without us.

20 We who will be most affected by the proposed
21 transformation of the Delta want our input to be taken as
22 though we know what we're talking about, because we do.
23 And so we thank you for conducting these hearings and
24 taking seriously our concerns on these important and
25 highly charged issues.

1 Although the specific issue in these hearings is
2 whether to grant Permits to divert North Delta Sacramento
3 River water into two humongous tunnels, there are other
4 closely-related policy and human impact issues that will
5 be affected by your decision on the Diversion Permits.

6 My family has lived in the Delta for more than
7 30 years. I have submitted a detailed Policy Statement
8 that outlines my concern about the incompatible coequal
9 goals behind the California WaterFix Project, my concern
10 about the ultimate cost of this megaproject, and my
11 concern for the deleterious impact this project will have
12 on Delta residents, businesses, agriculture, tourism and
13 recreation. I also reference an alternative. I hope the
14 Water Board will consider the points that I made in that
15 statement.

16 Time does not permit me to discuss this further.
17 However, other speakers will address these types of
18 concerns.

19 Thank you.

20 (Applause.)

21 CO-HEARING OFFICER DODUC: Thank you,
22 Mr. Stirling.

23 MS. SWENSON: Thank you so much.

24 Our next speaker is Kathy Hunn.

25 ///

1 MS. HUNN: Good morning. My name is Kathy Hunn.
2 My husband Peter and I live in Clarksburg, a
3 community in the North Delta. We are deeply concerned
4 about the effects of dewatering on local wells.

5 The entire population of the North Delta relies
6 upon well water. The environmental documents say that
7 construction of the intakes and other structures could
8 dewater wells up to a distance of 2600 feet from the
9 project. The towns of Clarksburg and Hood are within
10 that distance.

11 Here's what the groundwater chapter in the EIR
12 says about mitigation (reading):

13 "Offset domestic water supply losses
14 attributable to construction dewatering
15 activities. The BDCP proponents will ensure
16 domestic water supplies provided by wells are
17 maintained during construction. Potential
18 actions to offset these losses include
19 installing sheet piles to depth below
20 groundwater elevations, deepening or
21 modifying wells used for domestic purposes to
22 maintain water supplies at preconstruction
23 levels, or securing potable water supplies
24 from off-site sources. Off-site sources
25 could include potable water transported from

1 a permitted water source or providing a
2 temporary connection to nearby wells not
3 adversely affected by dewatering."

4 That's from Chapter 7.

5 How much potable water to be brought in? Would
6 it be in bottles or would it be in cisterns hooked up to
7 our individual water supplies?

8 If bottles, this would be totally unacceptable.
9 The idea of camping in our homes, businesses and schools
10 for years so that water could be sent to other
11 communities is absolutely unacceptable.

12 If we don't have running water in which to bathe
13 and cook, we certainly won't have water to maintain our
14 homes and properties. Residents will be forced to leave
15 and their homes left empty. If this happens, the
16 community will fall into disrepair and community property
17 values destroyed.

18 The report says the dewatering solution would be
19 temporary. This intake project is slated to take a
20 minimum of 10 years to complete. I would call this
21 temporary if it lasted only a few months but not when it
22 goes on for years.

23 It would not be temporary if it caused permanent
24 damage such as abandonment of homes. And who is to say
25 that the well water won't be negatively compromised by

1 the destruction of the aquifers due to years of constant
2 construction?

3 This is another example where the burden of the
4 WaterFix falls upon the residents of the Delta.

5 I hope the property is not given Permits. But
6 if the Permits go forward, it must be stipulated that
7 water supplies are to be maintained at existing levels
8 and that we have running water, not bottled water.

9 We should not have to do without adequate water
10 supply so that water can be shipped to other communities
11 down in the south.

12 Thank you.

13 CO-HEARING OFFICER DODUC: Thank you --

14 (Applause.)

15 CO-HEARING OFFICER DODUC: -- Miss Hunn.

16 MS. SWENSON: Our next speaker is Bill Crocker
17 and he's reading for Jim Baumann. Mr. Baumann has throat
18 cancer and cannot speak, so thank you for that
19 accommodation.

20 MR. CROCKER: Good morning to the Board.

21 My name is Bill Crocker. I'm the Harbor Master
22 at Delta Marina in Rio Vista. I'm speaking on behalf Jim
23 Baumann. I'll be speaking in the third person as him.

24 First off, I represent Mr. Baumann as the
25 President of Delta Marina. I represent all of the people

1 who have boats at the marina, all the people who come to
2 the marina for the RV Park and the thousands upon
3 thousands who come to the Point Restaurant to eat their
4 food and enjoy the Delta.

5 Like I say, this is on behalf of Mr. Baumann,
6 and I quote (reading):

7 "As a long-time resident of Rio Vista
8 and the California Delta, and as a managing
9 owner of the Delta Marina Yacht Harbor which
10 has been in my family for 57 years, I am
11 familiar with the recreation business in our
12 area and the concerns of our guests.

13 "I have seen firsthand the change in
14 water flows, particularly in the Sacramento
15 River and Georgiana Slough at their junction
16 in Walnut Creek when the South Delta pumps
17 are running.

18 "When the water is being pulled through
19 Georgiana Slough by the pumps' operation, the
20 flow of the water down the Sacramento flows
21 considerably. The water quality is also
22 affected in that the Georgiana, which is much
23 clearer and cooler when at the same time the
24 Sacramento having slowed is much warmer and
25 muddier.

1 "At this time, for the past several
2 years, we have been dealing also with egeria
3 densa. This plant was introduced into the
4 Delta waterways over 55 years ago and has
5 continued to worsen.

6 "There was an article in October 2000
7 identifying the weeds plants that thrive in
8 warmer waters. They include egeria densa,
9 hydrilla, water hyacinth and water pennywort.
10 These plants get wrapped in propellers and
11 clog up water intakes which can cause engines
12 to overheat.

13 "I am told with that, even warmer water
14 and slower flows can also be looking at the
15 possibility of a new threat in the form of
16 toxic algae.

17 "We have also been fighting hyacinth
18 for many years, which means dragging it to
19 the launch ramp and then dumping it in
20 dumpsters and paying to have that hauled off.

21 "Another aspect for us to consider is,
22 with a lower flow, there would be a higher
23 salt content to the water. Also, salt water
24 is much more corrosive and the resale value
25 of salt water boats tends to be lower than

1 fresh water boats.

2 "Also, if barnacles attach themselves
3 to your boat, you can expect lower speeds and
4 then more drag, which also makes the engine
5 run harder which creates more wear for engine
6 repairs and/or bottom scrubblings.

7 "In closing, the Tunnels Project would
8 be very damaging to the Delta as it would
9 affect both farming and recreation, two of
10 our main industries.

11 "It will affect the tax base which
12 affects all citizens, which could lead to
13 lower quality of life from its effect on
14 services and infrastructure throughout the
15 region," end quote.

16 That's from Jim Baumann.

17 Thank you.

18 CO-HEARING OFFICER DODUC: Thank you --

19 (Applause.)

20 CO-HEARING OFFICER DODUC: -- Mr. -- Thank you,
21 Mr. Crocker and Mr. Baumann.

22 Next?

23 MS. SWENSON: Next we have Stan Grant.

24 MR. GRANT: Good morning.

25 Again, my name is Stan Grant. I'm a Vineyard

1 Consultant. I'm also a Certified Professional Soil
2 Scientist with the Soil Science Society of America and a
3 Certified Horticulturist with the American Society for
4 Horticultural Science.

5 It's been my pleasure to be associated with the
6 Delta for about 29 years. I actually started when I was
7 in grad school; had an internship with a vineyard not far
8 from where these inlet bays are supposed to be developed.

9 And over that 29 years, I've seen the region
10 grow in stature within the wine grape industry. It
11 supplies grapes for, what, all facets of that industry,
12 from Beringer and Bogle to Ledder.

13 Anyway, that's not what I want to talk to you
14 about today. I want to talk to you about two aspects of
15 agriculture that these -- these projects will affect.
16 The first are soils.

17 The soils in the Delta, as you might guess, are
18 fairly unique. Soils right inside the levees were
19 developed from Placer mining debris some hundred-plus
20 years ago. They are deep; they're well drained. They
21 are prime ag land, and there's no other soils like them
22 anywhere else.

23 They've been used traditionally for the
24 production of pears and increasingly they're used for
25 other permanent crops, especially wine grapes.

1 These soils include soils of the Sycamore,
2 Tyndall, Merritt series. Inland, these alluvial fans
3 like floodplains and basins, back swamps. And soils
4 there include the Hominy, Sacramento, equi (phonetic)
5 series soils.

6 And, again, these soils relate to the Delta.
7 They're used for a myriad of crops, field crops, like
8 alfalfa, corn, safflower, and row crops like tomatoes.
9 Increasingly, they're used for wine grapes.

10 And, again, all these soils I described to you,
11 they occur nowhere else in the state and I know that for
12 a fact.

13 A number of years ago, I did a project for the
14 Wine Institute which required me to research all the
15 soils in the state and these soils are limited to the
16 Delta. They cannot be mitigated. Therefore, the loss
17 due to the construction of this project, either by
18 facilities or by debris stacked on top of the soils, it
19 will represent an irreplaceable loss.

20 The other thing I want to talk about is water
21 quality and, you know, these tunnels, of course, will
22 alter the flow in the Delta both in terms of volume and
23 in rate of flow, and, of course, that has several
24 implications for ag.

25 But the one I want to talk about is water

1 quality and that's because I deal with a number of
2 vineyards at the outlet and in the Delta. Actually, some
3 of these vineyards are cherished family heirlooms. One
4 of my best clients is a father-son --

5 (Timer rings.)

6 MR. GRANT: -- team. They are a -- Okay.

7 Long short of the story is, they suffered from
8 salt water intrusion during the Delta -- during the
9 drought. They've had to irrigate with water that's
10 salty, high in chloride. It represents -- Well, it
11 creates challenges for them in terms of water management
12 because the salt presupposes the plants' stress.

13 Along with that, it results in damage --

14 CO-HEARING OFFICER DODUC: Thank you.

15 We would welcome more specific details in a
16 written Policy Statement.

17 MR. GRANT: Thank you.

18 CO-HEARING OFFICER DODUC: Next speaker, please.

19 MS. SWENSON: Debra Chan. Debbie Chan. I
20 apologize.

21 MS. CHAN: Good morning. My name is Debbie
22 Chan. I live in Courtland. I thank you for your kind
23 attention and for this opportunity.

24 The Chan family has lived in Courtland since the
25 early 1900s when our ancestor Chong Chan left China, then

1 San Francisco post the 1906 earthquake.

2 He made his way into the Sacramento River Delta
3 and joined many enterprising Chinese and those of many
4 other ethnicities to build a better life there, which
5 included planting and the nurturing of existing pear
6 orchards.

7 We live on such an orchard today. Those trees,
8 our trees, many of them are over 120 years old. These
9 are still producing and feeding people all over the
10 world. In fact, today, our family is finishing up our
11 pear harvest.

12 We are one of the only Chinese families still
13 farming in the Delta. Chong's great grandson, my son, is
14 tending hundreds of acres of pear trees as well as open
15 ground where crops are very carefully nurtured and
16 carefully rotated.

17 Many historic Chinese dignitaries, including
18 Dr. Sun Yet San, who actually slept there, have visited
19 Courtland and changed countless lives. To this day, we
20 have tours of Chinese and other world history buffs
21 coming to our ranch for the stories and for a few hours'
22 time just visiting a real working pear ranch.

23 In fact, you're welcome to come down August 27th
24 when we know we have a busload coming.

25 Our family history has been featured in

1 documentaries, newspapers and magazine articles and, most
2 recently, a production company came to film and document
3 our younger generation as the faces of the California
4 growing movement.

5 Aside from the history, our way of life, the
6 health and the way of the water, and the employment of
7 dozens in our organization alone, this will be destroyed
8 by the proposed twin tunnels.

9 We are absolutely convinced that this California
10 WaterFix, and as many convoluted and much-amended drafts
11 and variations, make a devastating plan and must never be
12 permitted.

13 Our drinking water, which we get from wells,
14 will be diminished and compromised. The intrusion of
15 salt water will have disastrous effects on the soil and
16 the irrigation of the existing orchards, vineyards,
17 graded vegetable crops.

18 Travel on the local roads will become far more
19 dangerous to residents, school buses, farm equipment,
20 emergency vehicles, truck operators, tourists and
21 wildlife. Permanent loss of farmland is a given. The
22 levees, which are already carefully monitored, will be
23 threatened even further.

24 There are viable options, some already in place,
25 that can and must be considered and implemented that can

1 provide more water to more people in California. This
2 fix just isn't one of them.

3 Thank you.

4 (Applause.)

5 CO-HEARING OFFICER DODUC: Thank you, Miss Chan.

6 Miss Swenson, you're getting a lot of steps in
7 today. I'm jealous.

8 (Laughter.)

9 MS. SWENSON: Our next speaker is Kathie Merwin,
10 another long-time farmer in the Delta.

11 MS. MERWIN: Good morning.

12 I'm Katherine Merwin, member and landowner of a
13 diversified family farm in Yolo County's Reclamation
14 District 999, and surrounding the Sacramento River City
15 of Clarksburg.

16 California built the State Water Project to ship
17 millions of acre-feet south. Then the southern cities
18 and farms expanded to the limits of their imported water.
19 Then they overexpanded, creating a crisis now compounded
20 by the drought.

21 Now they demand more water, always more water.
22 The problem is, there's only so much water to go around.
23 When you hit the limit, you have a fight over water.

24 If the water continues to flow through the
25 Delta, its ecology can recover and its agriculture-based

1 economy continues.

2 If the tunnels are built and the Delta loses the
3 water, it's game over for the Delta. It's not just the
4 water that will be diverted. The prosperity in the Delta
5 will also be diverted. The tunnels become a means of
6 wealth transfer from the Delta to southern farms and
7 cities.

8 It's time for California to live within its
9 means.

10 Urban areas have ramped up conservation and
11 recycling. However, the expansion of permanent crops
12 continues in places where surface water is scarce and
13 this is not sustainable.

14 The State has enabled this situation by
15 overpromising water and by championing the tunnels as a
16 solution for unstable agricultural expanse.

17 We need to live within our means and not
18 sacrifice the Delta for the benefit of other regions.

19 The Board should not enable unsustainable
20 pattern of overworked exports from the Delta to saddle
21 this unbridled growth.

22 I urge the Board to deny these Diversion Permits
23 or, at the very least, severely reduce the size of the
24 conveyance.

25 Thank you.

1 (Applause.)

2 CO-HEARING OFFICER DODUC: Thank you,
3 Miss Merwin.

4 Next speaker?

5 MS. SWENSON: Mr. Brad Pappalardo with Steamboat
6 Resort.

7 MR. PAPPALARDO: Board Members, Hearing
8 Officers, staff, thank you very much for this opportunity
9 to address your Board.

10 My name is Brad Pappalardo. I live on Grand
11 Island on Steamboat Slough. We run a family business
12 there.

13 The southernmost intakes in the Petition for
14 Change in Point of Diversion is located 4.5 miles
15 upstream from our property.

16 The impacts from the water diversion will
17 negatively impact our property in two ways:

18 First, diversions would be injurious to our
19 riparian water rights; and, second, our business would
20 experience negative impacts to recreation, both through
21 the construction process and the operation of the intake
22 facilities themselves.

23 The river downstream of the intakes are heavily
24 used in the spring, summer and fall for fishing and
25 water-related sports. Impacts from construction will

1 include limiting recreational access to the areas due to
2 the trucking, No Wake Zone by the intake facilities, as
3 well as the overall loss in channel width.

4 The EIR/EIS also notes that eight barges are
5 expected to access the area to traverse the Sacramento
6 River each day during construction. The barges, along
7 with the No Wake Zones, will crowd the river and create
8 dangerous conditions for recreation.

9 The barges alone create significant wave action,
10 rollers, making water-skiing and water boarding nearly
11 impossible.

12 The CEQA conclusion to mitigate these impacts is
13 to eliminate boating activities during construction.

14 Well, if construction is anticipated to take 15
15 years, as stated in the EIR/EIS, this will severely
16 impact recreational uses in this area and, in turn, our
17 marina.

18 We have a small marina and have been lucky to
19 have the same tenants for over the last 20 years. Our
20 tenants and guests come to water-ski and relax during the
21 weekends and on vacations.

22 The noise from the 24 hours a day of pile
23 driving and truck traffic will create a monumental
24 nuisance and severely restrict boating activities and the
25 enjoyment of our tenants and of all boaters. It is

1 unlikely they will want to vacation here with these
2 conditions over the 15-year construction period.

3 Our marina cannot attract visitors and rentals
4 due to noise, traffic and limited recreational
5 activities. We will be forced to close.

6 Due to the time constraints, I would like to add
7 briefly that the modeling and other reports suggest a 1-
8 to 3-foot drop in water levels, and we anticipate it will
9 mean less water flows which will also result in
10 floodtides and ultimately degrade water quality. In
11 addition, the low flows will reduce scouring and increase
12 sedimentation.

13 During the drought --

14 (Timer rings.)

15 CO-HEARING OFFICER DODUC: Would you like to
16 finish that one sentence, that one thought?

17 MR. PAPPALARDO: No. Thank you very much. But
18 I'll submit a report.

19 CO-HEARING OFFICER DODUC: Very nice. Thank
20 you --

21 (Applause.)

22 CO-HEARING OFFICER DODUC: -- Mr. Pappalardo.

23 MS. SWENSON: Next we have his daughter Emily
24 Pappalardo.

25 ///

1 MS. PAPPALARDO: Hello, Water Board members, and
2 thank you for this opportunity.

3 I grew up right on Steamboat Slough. I
4 currently work in Walnut Grove for a levee engineering
5 firm, and I got my Master's degree from U.C. Davis in
6 Civil Engineering, specializing in water resources
7 because I am passionate about the Delta and water.

8 Today, I'm here asking you to deny the Petition
9 for Change in Point of Diversion of the WaterFix.

10 Given the WaterFix EIR/EIS and Bay-Delta Water
11 Quality Control Plan Update remain unfinished, this
12 hearing process is premature.

13 Your job is to evaluate the Petition to
14 determine if it will have deleterious impacts to
15 downstream water rights holders and water quality. How
16 can an injury be determined when only a portion of the
17 impacts are identified in the EIR/EIS? What is your
18 baseline to determine injury if you do not have a current
19 Water Quality Plan by which to measure potential impacts?

20 Furthermore, it is hard to determine impacts
21 when the project is presented at such a programmatic
22 level. All we truly know is what we've experienced. We
23 know the exports have changed the system and not for the
24 better.

25 By placing a potential diversion of 9,000 cfs

1 north of the Delta, you are gambling with a precious
2 resource state, the Delta. The Delta is as unique a
3 please as it is a unique ecosystem and it all depends on
4 an ample water supply.

5 It is hard to believe water taken out before it
6 reaches the Delta will have negligible or even
7 mitigatable impacts on Bay-Delta water quality and
8 sensitive aquatic species downstream.

9 The drought highlighted the severity of
10 stretching this resource too thin. This project will not
11 guarantee a reliable water supply.

12 In a drought, if appropriate operational
13 standards are adhered to, it won't even be used.

14 As history has shown, we are guaranteed to have
15 many more prolonged droughts. Do you consider that
16 reliable? Is it worth the investment?

17 Understandably, the right operational standards
18 could protect users downstream but who would stop those
19 from being changed or violated once the intakes are in
20 place?

21 The D-1641 water quality standards were violated
22 during the past drought. Were there any consequences?

23 It is your duty to make a decision that protects
24 the current water right system and current water right
25 holders. Please make the right one for the whole state

1 and deny the petition.

2 Let's all work for a better solution.

3 Thank you.

4 (Applause.)

5 CO-HEARING OFFICER DODUC: Thank you,

6 Miss Pappalardo.

7 MS. SWENSON: Our next speaker is Steve

8 Heringer.

9 MR. HERINGER: Chair and Board Members, I
10 appreciate the time you have allocated to hear our
11 concerns. I am Steven F. Heringer, fifth of six
12 generations to farm Clarksburg and Upper Delta soils.

13 We have farmed sustainably for almost 150 years
14 and grown literally dozens of different crops across the
15 decades. We have always been very judicious in the use
16 of the land and the resources with a clear vision to
17 always leave the greater California Delta in better
18 condition for future generations.

19 Our farming operation has been certified and
20 audited sustainable by Sheer Harvest annually for the
21 past decade. We converted to drip irrigation two decades
22 ago, long before it was mandated by drought conditions or
23 paid for by NRCS grants.

24 We have been outspoken in our opposition to the
25 California WaterFix as it's quite clear that the

1 degradation of the Delta, environment and ecosystem has
2 been exacerbated by the export of millions of acre-feet
3 of water annually.

4 It has also been proven by the historical
5 activities of Metropolitan Water, and the Central Valley
6 will stop at nothing to gain the water they need for
7 residential, commercial and agricultural development in
8 their regions.

9 Claims that the current proposal will improve
10 the Delta -- the ecosystem are a pipe dream and a huge
11 fabrication of the truth which, unfortunately, will be
12 totally and clearly not proven for a decade or two should
13 the tunnels be built.

14 The Delta has much to lose in this proposition.
15 It will invite salt water intrusion into the Upper Delta
16 and permanently harm Delta communities whose economic
17 base is built upon serving agriculture.

18 Salt water will leave tens of thousands of prime
19 California farm ground acres poisoned. All of our
20 irrigation and drainage infrastructure developed over the
21 last 100 years is based on certain river flow elevation
22 levels, which will be negated by the export of water up
23 river, thereby putting our pumps and cyclones out of
24 commission.

25 To presume this ill-conceived plan will bring

1 the several species of fish driven to near extinction
2 back from the precipice is ludicrous. To destroy the
3 Delta's estuary for the benefit of other California
4 regions is not a political situation that our state
5 should be making.

6 We are deeply appreciative to those of you on
7 the State Board and in the State agencies who are
8 protective of the beautiful California Delta and its
9 ecosystem.

10 The oversight you have asserted during this
11 process to properly shed the light of day on the tunnel's
12 projects, its cost benefit ratios and the fact that it
13 creates not one ounce of new water leaves California
14 taxpayers and Delta residents deeply indebted to you for
15 your service.

16 Several other plants, which are much less costly
17 and much less destructive of the Delta, have been totally
18 ignored by the rush of Metropolitan and Central Valley
19 contractors to push the Delta Tunnels Plan.

20 (Timer rings.)

21 MR. HERINGER: We urge you to stay diligent and
22 resolute in your efforts to protect the Delta's unique
23 estuary for the sustainable benefits of all Californians
24 and to help ensure that the next and all future
25 generations of Delta farm families can stay protected on

1 their land.

2 Thank you.

3 (Applause.)

4 CO-HEARING OFFICER DODUC: Thank you,
5 Mr. Heringer.

6 MS. SWENSON: Our next speaker is Amanda Beck
7 from the Friends of the Clarksburg Library.

8 MS. BECK: Thank you very much for the time. I
9 appreciate it.

10 My name is Amanda Beck. I'm here on behalf of
11 the Friends of the Clarksburg Library.

12 I appreciate the opportunity to submit our
13 Policy Statement on the Joint Petition by the State Water
14 Resources Control Board, and Department of Water
15 Resources, and the U.S. Bureau of Reclamation for change
16 in water rights.

17 FLCLS -- Friends of the Clarksburg Library -- is
18 a nonprofit organization that help make it possible for
19 Yolo County to have a branch library in Clarksburg,
20 because they provide and maintain the building which
21 houses the library.

22 The Clarksburg Library is a critical part of our
23 community. It provides a place for learning, enrichment,
24 civic involvement. It's a place where local residents go
25 to access information about county activities and

1 programs. In addition, it's the only library for the
2 three local schools in the area.

3 Students from Delta Elementary Charter School
4 walk from their school to the library weekly to
5 participate in programs and utilize the library services.

6 The draft of the EIR/EIS states the following in
7 Impact GEO-5 (reading):

8 "Pile driving and other heavy equipment
9 operations would cause vibrations that could
10 initiate liquefaction and associated ground
11 movement in places where soil and groundwater
12 conditions are present to allow liquefaction
13 to occur. The consequences of liquefaction
14 could be manifested in terms of
15 compaction . . . loss of bearing capacity,
16 lateral spreading, increased lateral soil
17 pressure and buoyancy within zones of
18 liquefaction. These consequences could cause
19 loss of property or personal injury and could
20 damage nearby structures and levees."

21 The library's a really old building. All of our
22 buildings are really old. Vibration caused by that
23 construction will impact us, impact the building.

24 We're concerned whether there's clearly
25 identified impact in the environmental document prepared

1 for the project. There's no mitigation or plan described
2 to protect and repair buildings that are impacted by the
3 project. Merely following engineering practices to
4 minimize the potential for this to happen is not
5 acceptable.

6 Friends of Clarksburg Library is a nonprofit
7 that would not have the funding to repair major damage to
8 the building caused by the project. This could result in
9 the loss of the library for the town and its schools.

10 I have a number of other items in my written
11 Policy Statement, which I'll submit.

12 I just want to say the Friends of Clarksburg
13 Library would request that this Petition be denied.

14 Thank you very much.

15 (Applause.)

16 CO-HEARING OFFICER DODUC: Thank you, Ms. Beck.

17 MS. SWENSON: Our next speaker is Jane Dickerson
18 (sic).

19 MS. DICKSON: Hi. My name is Jane Dickson. I'm
20 a retired college instructor and retired Forensic
21 Document Examiner, and I currently live in Walnut Grove
22 with my husband, and we also farm 45 acres of pears on a
23 long, long-standing hundred-year-old pear orchard that
24 goes back to the 1800s.

25 I'm talking about environmental justice.

1 Environmental justice is a strong concern with
2 this water project and constitutes a strong violation of
3 Environmental Justice Executive Order 12898.

4 One of the Executive Orders put forth by
5 President Clinton in February of 1994 and reinstated by
6 President Obama, it was all about making sure
7 environmental racism was ended.

8 This was in response to the claim that the
9 underserved and the minority rights were violated when
10 environmental decisions were made detrimental to those
11 minorities living in that area, in that neighborhood or
12 county.

13 And here we go. It is the 22nd anniversary of
14 this Order and President Obama says that he will uphold
15 this Order. Okay. And that includes the Delta.

16 The following are why the tunnels are a
17 violation of environmental justice:

18 There will be increases in lung and related
19 breathing elements, such as asthma for vulnerable
20 populations, due to increased air pollution related to
21 generators needed to run dewatering pumps placed every 50
22 to 75 feet removing groundwater 24/7 around the perimeter
23 of all construction sites during the 14-year construction
24 period.

25 These populations are our neighbors, the farm

1 workers, among others, many others, who wear masks on the
2 farms when working. What will they be wearing for the
3 next 14 years?

4 Removal of up to 50,000 cubic feet per second
5 from the Sacramento River, 6,000 cfs at the Fremont Weir
6 and 9,000 cfs at the three new WaterFix intakes in North
7 Delta. These could all increase the frequency and will
8 increase the duration of blue-green algae bloom in the
9 Delta waterways, which will result in people who rely on
10 fishing in the Delta, many of whom are our underserved
11 and minorities, as a food source, being unable to eat
12 fish they catch.

13 These are our neighbors. Many of us house them
14 on our farms and ranches, help develop their communities,
15 make them a part of their families, and make sure they
16 are kept safe while working on the farms and ranches.
17 You present an environmental justice violation to them
18 and to their food source.

19 Also, there's a conversion, permanent and
20 temporary, of approximately 5,500 acres of important
21 farmland associated with the construction of water
22 conveyance facilities and farro spoils, and much storage
23 areas will preclude future agriculture resulting in these
24 job losses for them.

25 (Timer rings.)

1 MS. BECK: Also, in conclusion, pollutants,
2 selenium and methyl mercury that are expected due to less
3 Delta outflow will cause serious health risk for this
4 large population.

5 And, also, just remember that this puts our
6 low-income and farm workers into what environmental
7 justice is all about.

8 And all of the above health risks are for
9 everyone who lives in the Delta, those who provide their
10 jobs and the community.

11 Thank you.

12 CO-HEARING OFFICER DODUC: Thank you,
13 Miss Dixon.

14 (Applause.)

15 MS. SWENSON: Our next speaker is Mr. Mike
16 Hodge.

17 MR. HODGE: Good morning, dear Chairman and
18 members of the State Water Resources Control Board.

19 I'm speaking here against the Bay-Delta
20 WaterFix.

21 Several alternatives to assisting with water
22 conveyance and habitat conservation have been put forward
23 by many different groups and people.

24 The Restore the Delta Group and many other
25 concerned citizens, such as Dr. Pike, have offered to

1 work with any and every agency that come up with a plan
2 that makes sense with Delta, the people of the state, and
3 those businesses and people needing water in the Central
4 Valley and southern part of the state.

5 Yet, the Governor, certain Water Contractors and
6 the Department of Water Resources continues to ignore
7 these alternatives. The Governor wants to leave a
8 legacy, but I don't think this expensive debacle is
9 really what California needs or the legacy the Governor
10 wants to leave.

11 Water Contractors have spent \$250 million on
12 preparing documents and selling the Bay-Delta WaterFix to
13 each other and to people in other parts of the State of
14 California. And they really know nothing about the
15 Delta.

16 I want to reiterate some facts on the fact sheet
17 published on June 30th, 2016. The California Natural
18 Resources Agency put out a fact sheet extolling the
19 virtues of the proposed California WaterFix.

20 This document, like most of the claims made by
21 tunnel proponents, plays fast and loose with the facts.
22 Let's take a look at some of the claims made in this
23 public relations effort.

24 Claim: Secure clean water supplies for
25 25 million Californians and 3 million acres of farmland.

1 The fact: In reality, 70 percent of the water
2 used from the Delta goes for large industrial agriculture
3 in the southwestern San Joaquin Valley that contributes
4 just .3 percent to the State's gross domestic product.

5 Claim: Improve the Sacramento-San Joaquin Delta
6 ecosystem.

7 Fact: This claim ignores the scientific
8 consensus and State law as outlined in the 2009 Delta
9 Reform Act that less water must be exported from the
10 Delta. In 2010, the State Water Resources Control Board
11 agreed, finding the Delta can safely share 2.5 to 3.5
12 million acre-feet of water, not 4.9 million.

13 Claim: An update to the California's aging
14 water delivery system and part of the State's overall
15 water management portfolio includes conservation,
16 groundwater, management, recycling, ecosystem protection
17 and more.

18 Fact: Tunnel opponents, or conservation,
19 groundwater management, recycling, ecosystem protection
20 projects, and don't want a 15-plus million dollars wasted
21 on a Tunnels Project that does none of those things.

22 The Delta tunnels is an expensive boondoggle
23 conceived in the '60s and rejected by voters in 1982. It
24 depends on continuing to deliver serious snowpack from
25 Northern California to farms in the Southern San Joaquin

1 Valley, even though plant --

2 (Timer rings.)

3 MR. HODGE: -- scientists have warned us not to
4 do that.

5 And I would urge you to pay attention to
6 Congressman Garamendi's plan, which is very
7 comprehensive.

8 Thank you.

9 CO-HEARING OFFICER DODUC: Thank you, Mr. Mike
10 Hodge.

11 (Applause.)

12 MS. SWENSON: Our next speaker is Mrs. Barbara
13 Damion.

14 MS. DAMION: Good morning.

15 My name is Barbara Damion. I'm a Delta resident
16 and a Registered Nurse now retired.

17 I'm very concerned about potential public health
18 threats resulting from the construction and operation of
19 the WaterFix. According to the EIR, these potential
20 public health threats are pathogens, mosquito borne
21 diseases, electromagnetic fields and microcystis
22 aeruginosa, a type of naturally-occurring cyanobacteria
23 commonly known as blue-green algae.

24 My focus will be on the last threat mentioned,
25 blue-green algae. I'm going to tell you all about this

1 dangerous organism.

2 Microcystis can quickly multiply into a harmful
3 bloom when conditions, including light, temperature,
4 nutrient levels and lack of turbulence, are optimal and
5 more often in the warmer months.

6 This organism produces toxins which cause
7 rashes, skin and eye irritation, allergic reactions,
8 gastrointestinal upset and serious illness or death at
9 high levels of exposure affecting humans and animals.
10 Children are especially vulnerable due to their small
11 body weight.

12 Exposure can occur by ingestion, skin contact
13 and inhalation.

14 I will quote the EIR which speaks for itself,
15 quote (reading):

16 "Water conveyance facilities, operation
17 activities, could change hydraulic times and
18 increase water temperatures which could cause
19 an increase in the frequency, magnitude and
20 geographic extent of microcystis blooms.

21 This could result in negative effects on
22 drinking water and recreational waters, which
23 would represent a potential public health
24 concern," unquote.

25 And, in addition, quote(reading):

1 My name's Douglas Hsai and I was a resident of
2 Locke until the fire broke out on July the 3rd.

3 Well, I'm against the California WaterFix. I'm
4 a survivor of the Locke fire and the upstairs of my shop
5 and residence burned through the roof.

6 It jolted me to realize how important it is to
7 have a quick response time for the emergency vehicles.
8 How vulnerable is our heritage and how fragile is our
9 physical testimonial?

10 We don't have 35.4 million pile-driving strikes,
11 continuous rumbling of the heavy trucks. Will our
12 101-year-old poorly-built structures withstand those
13 impacts in Locke?

14 They were poorly built because people who saw
15 the opportunity to build them were constricted to limited
16 means.

17 Well, this limited means is a testimonial to our
18 history.

19 We have the responsibility to preserve them in
20 the name of educating our future generations and
21 preserving our heritage.

22 Although my shop was burned, I am determined to
23 rebuild. This is the place we can build on our legacy.
24 This is the only and the last rural living Chinatown in
25 the country.

1 Please let us keep this piece of history.
2 There's far more historical contribution from the Chinese
3 workers than what we have to show for.

4 Please give us a chance to exist. And please
5 don't throw away our past and present in the name of
6 creating an unknown white elephant.

7 Furthermore, anything that would destroy the
8 Delta is another contribution, don't know anything that
9 would destroy lost business.

10 Thank you.

11 (Applause.)

12 CO-HEARING OFFICER DODUC: Thank you, Mr. Hsai.

13 MS. SWENSON: Our next speaker is Connie DeMars.

14 MS. DeMARS: Good morning everyone. My name is
15 Connie DeMars and I am a Delta resident.

16 Never in the history of California has there
17 been a project of this scale where all the negative
18 impacts fall on one region, the Delta, and that region
19 receives no benefits. This is like Godzilla storming
20 into the Delta.

21 Those of us who live in the North Delta at
22 ground zero are extremely concerned about the impacts
23 that these three water diversions will cause to our
24 communities.

25 The last EIR shows 50 significant and

1 unavoidable adverse impacts. I am including them as an
2 attachment to my letter.

3 The quaint historic legacy towns of Clarksburg,
4 Hood and Courtland are hardest hit in terms of being at
5 risk regarding their health and safety and inability to
6 continue to farm in the area.

7 Dressing it up as a fix might sell in Southern
8 California but people in the Delta have no illusions
9 about what it means for us. It means destruction to our
10 farms, our economy, our communities and the beautiful
11 estuary that sustains us.

12 Construction is supposed to happen 24 hours a
13 day, five days a week, with 5,400,000 piling strikes per
14 each intake, plus heavy equipment, muck ponds, constant,
15 heavy traffic on our levees and our wells dewatered.

16 They say it will take four and a half years to
17 build the intake closest to my home in Courtland. We are
18 only a mile away on Lambert Road from the third intake.
19 I don't see how it will be possible to live in my home
20 during construction, let alone breathe the air from all
21 the pollution.

22 Above all, we should be taking into account the
23 wildlife species that I view daily driving along Lambert
24 Road. To list a few, I see beavers, otters, turtles,
25 egrets, hawks, owls and red wing black birds and Sandhill

1 cranes. They, too, will be displaced, which makes no
2 sense. I guess as the WaterFix proponents would say: It
3 is just an unavoidable impact.

4 The WaterFix needs to stop representing that
5 they are protecting and enhancing the ecosystem when they
6 are destroying it.

7 I know my neighbor was told by a DWR
8 representative recently that we in the Delta did not get
9 it and should understand there are going to be winners
10 and losers in this process.

11 This project is too big and too destructive. It
12 should not be allowed to move forward. If you decide to
13 approve these Permits, at least require them to reduce
14 the number of significant and unavoidable adverse impacts
15 so that we can continue to live in our homes.

16 Thank you for your consideration of the Policy
17 Statement.

18 CO-HEARING OFFICER DODUC: Thank you,
19 Mrs. DeMars.

20 Counsel, after the next speaker we will need to
21 take a break for the court reporter.

22 MS. SWENSON: Thank you very much.

23 Our next speaker is Debra Hamilton from
24 Sacramento.

25 ///

1 MS. HAMILTON: I am Debra Hamilton with the
2 Primary Water Institute.

3 I am aware of an effective and efficient
4 alternative that would help solve California's water
5 problems and avoid the expensive and unwieldy process of
6 building antiquated water diversion systems, including
7 tunnels in the North Delta.

8 This supports the Board's rejection of the
9 permits requested by DWR for the California WaterFix as
10 they are unnecessary in lieu of this far superior new and
11 clean water option for California.

12 There is a source of fresh water that is never
13 mentioned in the mainstream media or widely understood by
14 geologists. This forgotten resource is called primary
15 water.

16 Most water conservation agencies today focus on
17 managing atmospheric water in the form of surface runoff
18 and groundwater while negligible consideration is given
19 to primary water. Pressuring that from deep within the
20 earth through rod fishers, primary water is virtually
21 limitless and clean.

22 According to recent research, water within the
23 earth exceeds five times the amount of water in the
24 world's oceans.

25 The practice of accessing primary water has been

1 around for centuries.

2 What enlightened scientists working at the
3 well-known universities today are finding out is that all
4 water is created in the mantle of the earth and is
5 available in limitless quantities worldwide.

6 Drilling for primary water looks similar for
7 drilling for groundwater. The main difference is
8 accessing primary water is that it requires drilling into
9 a geologic fissure, or fault, to release the primary
10 water that has risen near the surface.

11 Locating well sites to find primary water
12 requires special training and experience. There are
13 countless primary water wells that have been functioning
14 for decades all over California and around the world.

15 Some primary water advantages include:

16 Provides excellent quality, clean, unspoiled
17 replenishable water.

18 It is fresh and not subject to pollution or
19 surface radiation.

20 It's created under pressure so that it comes
21 from near the surface by itself incurring less pumping
22 costs.

23 Never dries up.

24 Unlike groundwater, it's not subject to the
25 effects of drought; does not cause subsidence like some

1 groundwater wells; can create localized water supplies
2 that is available where it is needed and when it is
3 needed.

4 Inexpensive horizontal drilling rigs can be used
5 to benefit fish and wildlife by refilling dried up
6 streams and lakes.

7 Primary water was used to refill Lake Elsinore
8 which went dry in the 1950s.

9 Some mystery of primary water.

10 In the 1960s, the late Stephan Riess, a
11 geologist and mining engineer, introduced the California
12 government to the concept of primary water. He proposed
13 a water delivery plan which included drilling 8,000
14 primary water wells along the foothills of the western
15 slope of the Sierra Nevada Mountains.

16 The State government at the time was geared
17 toward managing only atmospheric water so the Riess
18 proposal was ignored and the California aqueduct was
19 built instead.

20 (Timer rings.)

21 MS. HAMILTON: 30 more seconds?

22 CO-HEARING OFFICER DODUC: Please finish up and
23 we would love to have that in writing as well.

24 MS. HAMILTON: Wonderful.

25 Had Riess' plan been endorsed, the output of

1 these primary water wells at a conservative average of
2 270 gallons per minute could be producing more than
3 3,100,000,000 gallons of water a day.

4 By accessing primary water, it is unnecessary to
5 use massive public works transport systems because water
6 can be localized to meet the water needs of individual
7 communities.

8 DWR needs to explore and research primary water
9 as a viable option, and the Water Board needs to deny the
10 DWR proposed water diversion intakes in the North Delta.

11 CO-HEARING OFFICER DODUC: Thank you.

12 MS. HAMILTON: Thank you very much.

13 (Applause.)

14 CO-HEARING OFFICER DODUC: Miss Swenson, we'll
15 take a break until 10:30 on that clock right there
16 (indicating).

17 MS. SWENSON: Thank you.

18 CO-HEARING OFFICER DODUC: Thank you.

19 (Recess taken at 10:20 a.m.)

20 (Proceedings resumed at 10:30 a.m.)

21 CO-HEARING OFFICER DODUC: All right. If you
22 can please take your seats.

23 Miss Swenson, do you have your next speaker?

24 MS. SWENSON: Okay. Our next speaker is Karen
25 Zehnder.

1 CO-HEARING OFFICER DODUC: I'm sorry. What was
2 the name?

3 MS. SWENSON: Karen Zehnder.

4 CO-HEARING OFFICER DODUC: Zehnder.

5 MS. SWENSON: Yeah.

6 CO-HEARING OFFICER DODUC: Good morning,
7 Miss Zehnder.

8 MS. ZEHNDER: Good morning.

9 I'm Karen Zehnder. I'm a property owner in
10 Courtland, a resident in Courtland, and a business owner
11 in the Delta.

12 Can you hear me okay?

13 CO-HEARING OFFICER DODUC: Yes.

14 MS. HAMILTON: So what I'm going to talk about
15 is the microcystis blooms in the Delta, and one of the
16 permanent impacts of the diversion will likely be an
17 increase in toxic blue-green algae. The recirculated
18 Draft EIR and EIS says as much.

19 It is possible that increases in the frequency,
20 magnitude and geographic extent of microcystis blooms in
21 the Delta would occur relative to existing conditions.
22 The document then lists this adverse impact as
23 significant and unavoidable.

24 Blue-green algae is a health hazard to people
25 and animals by diverting the water at the head of the

1 Delta and slowing the flow of water.

2 This project creates a permanent drought in the
3 Delta and the potential for a deadly situation. This is
4 not theoretical. In October of 2015, a dog died from
5 blue-green algae poisoning at a Sacramento city beach.

6 The Sacramento Bee ran the following article
7 (reading):

8 "Blue-green algae known as
9 cyanobacteria, is naturally found in fresh
10 and marine water, but its presence becomes a
11 health problem when large quantities collect
12 and when they're seen as a bloom or a surface
13 scum.

14 "Ingesting water with the algae can
15 expose pets and humans to symptoms, including
16 eye irritation, gastrointestinal distress,
17 muscle tremors and breathing difficulty. In
18 large quantities, the toxins can also call
19 neurological or liver damage and lead to
20 death. Reactions can occur anywhere from a
21 few hours to days after exposure.

22 "Depending on the dose, exposure can
23 trigger very rapid mortality, says Robert
24 Poppenga, a veterinary toxicologist at U.C.
25 Davis.

1 " 'we've had cases where dogs have gone
 2 in the water and come out and within 30
 3 minutes develop classical signs, and die,'
 4 Poppenga said. 'often people take them to
 5 the veterinarian but the dog is at the time
 6 of presentation.'"

7 I'm extremely concerned about this health
 8 threat. Tens of thousands of people use Delta waterways
 9 to swim and water-ski in the summer, including many
 10 children.

11 It seems to me very unwise to knowingly create a
 12 situation that can sicken people or even kill them. If
 13 they are going to divert water, they must ensure that
 14 public health is not compromised.

15 Unavoidable is unacceptable.

16 Thank you very much.

17 (Applause.)

18 CO-HEARING OFFICER DODUC: Thank you,
 19 Miss Zehnder.

20 MS. SWENSON: Our next presenter is Steve Haze.

21 CO-HEARING OFFICER DODUC: Good morning,
 22 Mr. Haze.

23 MR. HAZE: Good morning. I want to thank the
 24 Board for the opportunity to speak here today.

25 Again, I'm Steve Haze. I'm actually down in the

1 San Joaquin Valley in a little logging town, Auberry.

2 For the last 15 years, I've been involved with
3 State of California as it relates to the challenges
4 associated with water resources through California Water
5 Plan Update: The CALFED Bay-Delta Program, which doesn't
6 exist anymore, and more recently, the Integrated Regional
7 Water Management Program.

8 So I have a lot of experience professionally as
9 relates to these great challenges facing the State of
10 California. And our watersheds throughout the state are
11 being greatly impacted due to extended drought and fires.

12 However, the Sacramento-San Joaquin Delta is the
13 most important watershed to the State of California on a
14 multiregional basis.

15 Under California Water Code 85054, it
16 specifically states that there are two coequal objectives
17 or goals, and that is water reliability, and the other is
18 to assure that the Delta will not be further impaired.

19 I had the opportunity down in Fresno to speak as
20 it related to environmental impact study, and at that
21 time it was apparent that there was only nine -- I
22 believe it was nine options, all of whom dealt with
23 tunnel, or one or two surface conveyance on the eastern
24 side.

25 What we are proposing is to look at other

1 options. So rather than proceed as it relates to the
2 Water Right Change Petition and the billions of dollars
3 to be invested, to look at other options at this point in
4 time because any decision that you make today could
5 literally be in perpetuity.

6 And there's historic indications of megadroughts
7 in the past. And a lot of effort that was undertaken
8 today, in a state of 40 million people with the finite
9 resource that we have, that we have to be looking at much
10 more cost effective and efficient means to address our
11 water needs.

12 So I would like to leave you with this thought:
13 Again, if you proceed to go forward with the Petition,
14 you may have left other options on the table; and then
15 when we look back, whether it was Mono Lake, Owens
16 Valley, then we'll have to redress it and the cost
17 incurred will be much greater.

18 So the citizens and the taxpayers of the State
19 of California are looking towards you, and when you do
20 make that decision, that you are looking at the long-term
21 effects, and there may be unintended consequences.

22 Thank you very much.

23 CO-HEARING OFFICER DODUC: Thank you, Mr. Haze.

24 (Applause.)

25 MS. SWENSON: Our next presenter is Mr. Bill

1 Wells.

2 MR. WELLS: Madam Chair, Board Members, thank
3 you very much.

4 My name is Bill Wells. I'm with the California
5 Delta Chambers and Visitors Bureau.

6 The California Delta is a national treasure and
7 the largest estuary on the West Coast of the Americas
8 since the Colorado River Delta was destroyed by excessive
9 water exports.

10 We strongly oppose creating new diversion points
11 on the Sacramento River, known as the California
12 WaterFix. In human history, there's never been a
13 diversion of this scale that has not destroyed the parent
14 waterway.

15 Examples abound in California: Tulare Lake,
16 Buena Vista Lake, Owens dry Lake and Mono Lake to name a
17 few.

18 The Colorado River was once navigable to Yuma
19 and beyond. Now, after decades of water exports, the
20 Colorado Delta is a desert filled with invasive plant
21 life and brackish water.

22 We've asked the Department of Water Resources
23 numerous times to present a few examples of where a plan
24 like this has worked and they have never answered because
25 there are no examples.

1 There are many more problems and concerns and we
2 see no benefit to any business, resident or visitors to
3 the region. Construction will take some 10 years or more
4 with thousands of tons of diesel exhaust and soot
5 blanketing the area. The noise will be very destructive
6 to residents with construction going on day and night.

7 Residents and visitors will be competing with
8 project trucks on narrow Delta roadways. Traffic jams
9 will be endemic, along with the potential for more
10 traffic accidents.

11 The only groups who will benefit from this
12 mother of all boondoggles will be the contractors working
13 on the plan and the water exporters that have developed a
14 dependency on Delta water.

15 We urge a complete stop to the project until
16 other more practical alternatives are considered.

17 The existing infrastructure does not work well,
18 not for ecosystem and not for the people. This will make
19 it worse.

20 In addition to wiping out farmers, fishermen,
21 business owners and Delta residents, as well as an entire
22 ecosystem, we'll be leaving a horrendous debt on our
23 children and grandchildren.

24 So, thank you very much for your time.

25 CO-HEARING OFFICER DODUC: Thank you, Mr. Wells.

1 MS. SWENSON: Our next speaker is Suzanne
2 Womack.

3 MS. WOMACK: Thank you for having this hearing.

4 Again, I'm Suzanne Womack and I'm speaking right
5 now as an individual who grew up in the Delta.

6 Before I start that, the whole point of the
7 WaterFix is to fix our huge water problem in California.

8 For the past 55 years at Clifton Court, I've
9 experienced the huge problems caused by the pumping of
10 15,000 cubic feet per second by the SWP and the CVP.

11 I'd say that we are the canary in the water
12 project.

13 I still remember when the Clifton Court Forebay
14 was built. I was eight years old. And the negative
15 effects. Our house did sink. Trucks went by day in/day
16 out. We've had a lot of negative effects that have never
17 been addressed, but I -- that's for later.

18 The main thing I wanted to bring up today is,
19 the twin tunnels will not stop the pumping at the Clifton
20 Court Forebay. That will still continue. In fact, I
21 read somewhere they'll continue whenever it's cheapest,
22 power cheapest. So it's nice we'll get a deal somewhere.

23 Furthermore, the SWP and CVP will continue to
24 pump the water south through the leaky canals where much
25 of the water is lost to evaporation or leaks.

1 If Met Water and the state truly want a WaterFix
2 that preserves water, why don't they start with fixing
3 the hundreds of miles of leaky canals south of the pumps
4 first and then submit the entire SWP and CVP, the whole
5 project, whatever we want to call it, to an EIR/EIS.

6 Please don't allow the WaterFix to pretend to
7 fix a real water problem that we have in the State of
8 California.

9 Thank you so much.

10 (Applause.)

11 CO-HEARING OFFICER DODUC: Thank you,
12 Miss Womack.

13 MS. SWENSON: Our next speaker is Patrick Hamer.

14 MR. HAMER: Good day. How are you doing? Thank
15 you for letting me speak.

16 I want to address the false narrative that, if
17 we don't build the tunnels, the only alternative is no
18 action and the Delta will continue to collapse.

19 It was even discussed in the Sacramento Bee
20 editorial from the Editorial Board in July 2015 where
21 they said if the tunnel proposal falters, the Delta will
22 continue to be in trouble.

23 Shame on them. Many alternatives have been
24 proposed, including western Delta Diversion recommended
25 by former Delta Water Master Craig Wilson.

1 Local supplies are what California needs to
2 develop and what cities are actually developing. So
3 herein lies the elephant in the room.

4 We, the public, we all see it but, of course,
5 when corruption and money are the basis, selective
6 blindness, selective enforcement of precedence creates
7 civil and human right abuse under the U.S. Constitution,
8 which I will explain.

9 However, those who will capitalize in our
10 communities, water resources, of course will still
11 pretend rights are not an issue.

12 In 2008, according to common knowledge and from
13 the media, and I quote (reading):

14 "The California Water Resources Control
15 Board denied water rights for the Auburn Dam
16 Project in 2008 due to lack of
17 implementation."

18 The historical records shows that local supplies
19 are banned by the Water Resources Board based upon a
20 failure to provide assurances to the soundness of a
21 danger in society of a dam subjected to geological
22 soundness of California's massive fault lines throughout
23 the state.

24 Furthermore, it is not cogent to suggest that
25 Southern California can claim Northern California water

1 resources commodity which is maintained by our local
2 taxes. This water is our protected property under the
3 U.S. Constitution and not to be deprived without due
4 process in line with the Fourteenth Amendment, Equal
5 Protection.

6 If the water resources Board will not allow us
7 to enhance our water supply, what logic do you use to
8 allow Southern California to violate the precedence you
9 have already established in the line of U.S. Supreme
10 Court, Log Interests vs. Oregon (2008), United States,
11 which states there would be a valid claim under equal
12 protection clause because it alleged that this person,
13 Engquist, had intentionally was treated differently from
14 other similarly situated and there is no rational basis
15 for the difference in treatment.

16 A basis for the Appellate Court reversal is that
17 an act fails to comply with Aristotelian logic drilled
18 into the minds of law professionals will set strong
19 precedence not to allow local communities to enhance
20 their own water supplies through similarly situated. On
21 the other hand, to allow theft of property without due
22 process while arbitrarily ignoring State and U.S. Supreme
23 Court precedence in abuse of power, under 18 USC 241,
24 242.

25 Building this tunnel based upon existing record

1 is no intention to violate property rights in Northern
2 California.

3 We would also find that the Water Resources
4 Board restricted L.A. -- dams in L.A --

5 (Timer rings.)

6 MR. HAMER: -- yet Stillwater using powers are
7 totalitarian at best.

8 Thank you.

9 CO-HEARING OFFICER DODUC: Thank you, Mr. Hamer.

10 If you would like to submit those written
11 comments as well.

12 MS. SWENSON: We're going to upload all of the
13 ones from today --

14 CO-HEARING OFFICER DODUC: Oh, good.

15 MS. SWENSON: -- so that they'll be North Delta
16 C.A.R.E.S. folders.

17 CO-HEARING OFFICER DODUC: Thank you very much.

18 MS. SWENSON: You're very welcome.

19 Our next speaker is Jeff van Loben Sels.

20 MR. VAN LOBEN SELS: Good morning. Thank you
21 for your time to listen to our concerns.

22 My name is Jeff van Loben Sels. I'm speaking on
23 behalf of Russell van Loben Sels, a fourth generation
24 farmer in the Courtland area who is not able to be here
25 today.

1 With your permission and if there's time, I'd
2 like to read a second statement from an investor in
3 San Mateo.

4 So, first of all, I'll be speaking on behalf of
5 Russell (reading):

6 "To the California State Water
7 Resources Control Board.

8 "I'm writing in opposition to the
9 requested Permit to divert up to 9,000 cubic
10 feet of water per second from the Northern
11 Delta as part of the State and Federal Water
12 Projects.

13 "Construction of proposed new
14 additional diversion points will devastate
15 the Delta and will turn the North Delta into
16 an industrialized war zone.

17 "Negative impacts would include noise,
18 air pollution, excessive truck traffic, road
19 and levee damage, dewatering of local wells,
20 pollution related to 31 million cubic yards
21 of tunnel, conversion of agricultural land
22 industries and damage to Reclamation
23 Districts and other agricultural
24 infrastructure.

25 "However, the most devastating effect

1 to the new diversion sites will be to degrade
2 water quality in many areas in the Delta.

3 "Currently, water quality standards are
4 regularly violated in the South Delta because
5 of inadequate flow from the San Joaquin
6 River.

7 "The new proposed points of diversion
8 will result in reduction of flow downstream
9 of the diversion points. Even if outflow
10 from the Delta meets certain requirements of
11 D-1641, flow between the new diversion points
12 and a point of outflow measurement would be
13 reduced, resulting in salt water intrusion
14 and concentration of contaminants.

15 "Water rights holders downstream from
16 the proposed points of diversion will decline
17 by poor quality water and lower river levels,
18 which could make pumps inoperable.

19 "Agricultural lands will be damaged,
20 critical habitat will be degraded, and
21 ecosystems will be destroyed.

22 "And this proposal does not conform to
23 the Delta Reform Act requiring reducing
24 reliance on the Delta in advancing the
25 coequal goals in a manner that protects and

1 enhances the Delta's resources, including
2 agriculture.

3 "The Delta Reform Act 29702 states,
4 'The coequal goals shall be achieved in a
5 manner that protects and enhances the Delta's
6 cultural, recreational and natural resources
7 and agriculture as an evolving place.'

8 "This proposal advances only one of the
9 coequal goals at the expense of the others
10 and unique cultural, recreational and natural
11 resources including Delta agriculture.

12 "I urge you to remember Owens Valley,
13 Mono Lake and the San Joaquin River and
14 reject the Permit application.

15 "Sincerely, Russell van Loben Sels."

16 Thank you very much.

17 CO-HEARING OFFICER DODUC: Thank you.

18 Did you wish to read the second statement?

19 MR. VAN LOBEN SELS: If we have time.

20 CO-HEARING OFFICER DODUC: Since you are reading
21 a second statement from a different person, please go
22 ahead.

23 MR. VAN LOBEN SELS: Okay. Thank you very much.

24 This is a statement written by Bradley Murray in
25 San Mateo California, an investor in the Bay Area

1 (reading):

2 "To the California State Water Resource
3 Control Board.

4 "I am writing to oppose the requested
5 Permit to divert water from the Northern
6 Delta as part of the State and Federal Water
7 Projects.

8 "While the environmental effects of the
9 Water Diversion Project are well documented
10 and incredibly alarming, as a businessman,
11 I'm perhaps even more disturbed about the
12 economic implications of the project.

13 "Already, over 250 million has been
14 spent in doing research for the project which
15 has not even been completed. It is estimated
16 that it will take 1.25 billion to finish the
17 plans for the project and at least 15 billion
18 to complete the project.

19 "Millions and millions of dollars that
20 would be required to complete the Water
21 Diversion Project is huge amount of money to
22 spend on a project which has marginal
23 benefits at the very best to a very small
24 group of individuals, but it will destroy the
25 entire Delta ecosystem and economic system.

1 "As an investor, I would never allocate
2 such a large amount of capital to a project
3 with so many risks and so little return.

4 "Instead of partaking in such an
5 enormous project to divert water, the State
6 can much more effectively invest the same
7 amount of money, if not less, in more
8 conservative, higher-return projects and not
9 waste taxpayer money.

10 "For example, instead of building
11 tunnels that will actually provide less water
12 to Southern California, the money could be
13 used for water recycling, conservation,
14 desalination, groundwater cleanup, repairing
15 existing leaky infrastructure.

16 "Creating a portfolio solution to the
17 water dilemmas in California would be a great
18 and beneficial undertaking for the current
19 state of affairs and for generations to come.

20 "I urge you to consider the economic
21 implications of the Water Diversion Project
22 and reject the Permit Application.

23 "Sincerely, Brad Murray."

24 CO-HEARING OFFICER DODUC: Thank you.

25 MR. VAN LOBEN SELS: Thank you very much.

1 CO-HEARING OFFICER DODUC: And thank you to
2 Mr. Murray as well.

3 MR. VAN LOBEN SELS: Thank you.

4 (Applause.)

5 MS. SWENSON: Our next speaker is Jim Jorgensen
6 and he has a ranch in Merced.

7 MR. JORGENSEN: My name is Jim Jorgensen. I
8 represent the Jorgensen Ranch, a 300-acre ranch in
9 Gustine, California, Merced County.

10 My father was the first Caucasian born on the
11 Mexican land grant San Luis de Gonzaga which is now at
12 the bottom of the San Luis Reservoir, which, you know,
13 speaks to my dad and his background in agriculture.

14 We continue to be very concerned about this
15 massive project which will not help us with any water in
16 Gustine or from the Delta-Mendota Canal. And they're
17 going to spend nearly \$15 billion dollars for a project
18 that is iffy at best.

19 This Tunnel Project will also grab and take
20 hundreds of acres of land from my father's friends who
21 live in Courtland and Clarksburg. Those are family-owned
22 ranches, farms, vineyards, pear orchards, et cetera, just
23 like my dad's, who developed our ranch in Gustine.

24 My dad was a hunter, and I'm a hunter. I served
25 two years in the Peace Corps at Kenya, East Africa. I'm

1 concerned about wildlife. And this project could do
2 very, very much damage to wildlife, birds, fish, many
3 endangered species that habitat the Sacramento River
4 along in the Delta.

5 This is an ill-conceived project, and I request
6 you stop it, you cancel it, and come up with some better
7 options.

8 We really need water storage in California.
9 That's what we need. And we have done nothing since
10 Folsom Dam, Shasta Dam, Oroville Dam, and then finally
11 San Luis Dam.

12 Thank you for your time.

13 (Applause.)

14 CO-HEARING OFFICER DODUC: Thank you,
15 Mr. Jorgensen.

16 MS. SWENSON: Our next speaker is Joseph Rizzi.

17 MR. RIZZI: I have a presentation or a paper
18 he's bringing up.

19 Thank you.

20 Fish screens can and should be installed to keep
21 the fish in Old River and out of Clifton Court Forebay.
22 And the Central Valley Project intake channel needs to be
23 connected only to Clifton Court Forebay. That way, we
24 could retire both the Tracy and the Skinner facilities,
25 permanently close them, which will actually increase, or

1 give us money, if you wish, or make the project less
2 expensive.

3 The DWR has stated that the Clifton Court
4 Forebay cannot have a fish screen on it. That is
5 absolutely false.

6 And on my presentation here, we can add what I
7 call up screens, which is instead of the fish screens
8 being -- if your channel is here (indicating) and you're
9 trying to push the water -- There's the blue picture
10 there. You see the water coming in at the fish screens?
11 You don't want that to happen.

12 If you put the fish screens that are floating,
13 or on piers, and then you have the screens go across,
14 then you have the water going underneath and then coming
15 up.

16 Well, by having the water coming up, it's easy
17 to clean because all you do is, you push some water down,
18 have spreaders. Real easy.

19 Right next to there is the Clifton Court
20 Forebay. If you put the up screens at that point there,
21 with the screens that are one-third the size of what is
22 required by the Fish & Game people -- one-third smaller,
23 so that means it's a better feature -- you can decrease
24 the flows by half of what they require. That makes it
25 even slower.

1 That means you're going to kill less fish than
2 you would ever have. You will never kill any fish.

3 And if you do the operation where you have 11
4 hours on, one hour off, that's water going into the
5 Clifton Court Forebay, not pumping, then you're going to
6 allow the fish and everybody to go down in the right
7 direction.

8 Now, if you go to the next screen, this is a
9 little bit more expensive, but it's actually -- This is
10 where you really have a real hard time saying that there
11 cannot be fish screens. That's almost a mile and a half
12 long there.

13 What are the fish screens that they're actually
14 proposing now? They're not doing the best fish screens
15 that they could, and they should be doing much better.

16 That would give you 4.5 million square feet of
17 fish screens. That would slow the flow of water from the
18 required .2 cfs to down to .005 cfs. That's extremely
19 slow. They can and they should.

20 This should be the very first project they
21 should be doing, is fixing Clifton --

22 (Timer rings.)

23 MR. RIZZI: -- Court Forebay.

24 The next one is, if you go down to the bottom of
25 that screen, you will see that what they really should be

1 doing is stopping the salt water at Benicia, because that
2 is the biggest problem in the bay.

3 First, you put in a shipping lock system. If
4 that doesn't take off enough of your salt water from
5 intruding, you add louvers, just like a drier vent --

6 CO-HEARING OFFICER DODUC: Okay.

7 MR. RIZZI: -- that eventually goes open when
8 the --

9 CO-HEARING OFFICER DODUC: Thank you very much.

10 MR. RIZZI: Thank you.

11 (Applause.)

12 MS. SWENSON: Our next speaker is Mr. Michael
13 Jackson.

14 MR. JACKSON: I'm looking forward to starting on
15 Friday, and I will be representing clients.

16 I'm here today for myself.

17 In the 30 years I've been trying to understand
18 the Delta, it has been a pleasure to get to know many,
19 many members of Board staff and Board Members.

20 You have an opportunity here to actually begin
21 to affect California for the next hundred years.

22 First of all, the Delta as a place has been
23 described by the Delta Reform Act as an estuary of
24 hemispheric importance. And it's true. It includes all
25 the wildlife and the fish that you'll hear about in

1 Part II, and it includes the best farmland in California
2 that you're going to hear about in Part I.

3 The problem with the place is that it only has
4 so much to give, and the old project and the way it's
5 operated has been the problem.

6 If you look at any one piece of history in
7 writing, it should be Bulletin 76, written in 1960 to
8 describe what the State Water Project was supposed to do.
9 In that, you will find that the project was underbuilt.

10 The problem is expressed in Bulletin 76, that by
11 1991, with only Oroville, the Clifton Court Forebay
12 operation, Tracy, and San Luis, by 1981, there would be
13 only water for 3 million acre-feet of diversion.

14 The solution to that, since the State went ahead
15 and signed contracts for 8 million acre-feet, was to
16 develop the north coast rivers.

17 When they came out, what began to happen is,
18 they tried to make it up from the Delta channels in the
19 face of everything the Engineers knew when they built the
20 project. It didn't work. It's been a slow collapse ever
21 since.

22 I would point out that the State Water Board has
23 dealt with this problem before in miniature, and it is
24 Mono Lake. And it was the State Board's finest hour in
25 the 30 years that I've been coming to these meetings.

1 It established a process and it established the
2 idea of, you replace imported water by increasing
3 conservation and water sources in the local areas.

4 The main problem you're going to have today is
5 that the Delta Reform Act requires you to reduce reliance
6 on the Delta as a water source. The proposed project
7 increases reliance on the Delta.

8 Thank you for the opportunity to give you my own
9 opinions and please don't hold it against any clients in
10 terms of the rest of the time.

11 CO-HEARING OFFICER DODUC: Thank you,
12 Mr. Jackson.

13 (Applause.)

14 CO-HEARING OFFICER DODUC: Thank you,
15 Mr. Jackson. We will note that.

16 MS. SWENSON: Our next speaker is Nicky Suard of
17 Snug Harbor in Ryer Island.

18 MS. SUARD: Hi. My name's Nicky Suard and I'm
19 speaking today as an individual and lifetime boater in
20 California. That's "B" for "boating," not "V" for
21 "voting." I've been told before that that's confused.

22 I am going to be submitting a map that I hope
23 will be part of all the Policy Statements. I'm going to
24 show an example of one of them. This is a recreation map
25 of the whole Delta.

1 I am talking here right now about more North
2 Delta impact.

3 So, as I said, I have been boating in California
4 my whole life. I actually came up to the Delta in the
5 early 1970s as a teenager. I was in Sea Scouts. And I
6 really got to know the Delta, especially the North Delta.

7 For any of you that don't boat, you maybe don't
8 realize how important it is. There's 500,000 people who
9 live in the legal Delta region, many of which own boats.

10 There are 14 million boating and fishing days a
11 year. And these tunnels will impact so severely all of
12 that. Despite what any documents say, the reality is, if
13 there is traffic and smells and vibrations and hindrances
14 not just for the boats but for people dragging their boat
15 trailers and RVs trying to get to all the recreational
16 places in the Delta, it will destroy recreation at least
17 in the North Delta, the current plans do.

18 Sorry. I'm at that stage when I have to take on
19 and off the glasses.

20 What I want to say is, who is going to want to
21 visit historic places like the North Delta towns? Who's
22 going to want to come to the farm stands that are
23 wonderful to go get the fresh produce? Who's going to go
24 to the marinas? Who's going to go to the 300 restaurants
25 that you can boat to around the Delta, about 35 of which

1 are right around this area. Well, actually, North Delta,
2 a little bit south of Sacramento.

3 All that will get stopped, and for that
4 temporary 10 years, that is ridiculous to think any of
5 those businesses can survive.

6 And if tunnels are built, taking too much water
7 out of the Sacramento River creates a permanent
8 destruction of all that wonderful recreation that is the
9 Delta, the boating, the fishing, the bird watching, the
10 RVing. All of that gets destroyed by this plan.

11 There are alternatives. People have been
12 talking about the alternatives.

13 I encourage you to please say no to what's being
14 proposed and encourage the decision-makers to go back and
15 listen to other alternatives.

16 Thank you.

17 (Applause.)

18 CO-HEARING OFFICER DODUC: Thank you,
19 Miss Suard.

20 I'm going to give you my Fitbit so you can add
21 steps on it for me.

22 MS. SWENSON: I know, and I'm not carrying out
23 my phone so my S Health isn't even, like, recording it.

24 Our next speaker is Kathryn Sweeney.

25 ///

1 MS. SWEENEY: Hello. Thank you for listening.

2 Mr. Jackson was so astute and on point that I'd
3 like his speech to be the beginning of what I have to
4 say, and that cuts out some that you won't have to listen
5 to.

6 This project comes with very slick marketing.

7 There's a video that explains how the humongous
8 pumps devastated the Delta, and now we need to fix past
9 mistakes with another humongous project.

10 This project was initially described as a
11 Conservation Plan but the EPA and others have clearly
12 said it has nothing to do with conservation.

13 It's time to stop now before we invest more
14 money and cause more damage. Have uninterested
15 scientists take a look at the Delta as the Delta and
16 consider it separately from the water needs of the south.

17 Thank you very much.

18 (Applause.)

19 CO-HEARING OFFICER DODUC: Thank you,
20 Miss Sweeney.

21 We've lost Miss Swenson.

22 (Laughter.)

23 CO-HEARING OFFICER DODUC: Oh, here she comes.

24 MS. SWENSON: Pardon me.

25 Do you have someone in mind?

1 MS. DALY: Yeah, Drew March from Garamendi.

2 MS. SWENSON: From Congressman Garamendi's
3 office, Andrew March is here to speak.

4 CO-HEARING OFFICER DODUC: Mr. March.

5 MR. MARCH: Thank you, Hearing Officers and
6 Board Members.

7 My name is Andrew March. I'm here on behalf of
8 Congressman Garamendi, a resident of the North Delta.

9 So I have a letter from Congressman Garamendi
10 that I will read to you today (reading):

11 "Dear Co-Hearing Officer Marcus and
12 Co-Hearing Officer Doduc.

13 "I am proud to represent the people of
14 California's Third Congressional District
15 which includes thousands of households who
16 live in the Sacramento-San Joaquin Delta
17 Region.

18 "My family also lives in the Delta and
19 we are deeply troubled by the proposed twin
20 tunnels that are disingenuously called the
21 California WaterFix.

22 "Since 1975, my wife Patty raised our
23 six children at our home in Walnut Grove in
24 the heart of the Delta. At that home, we
25 have also spent many days and nights watching

1 our grandchildren grow up and, for several
2 years, we helped cared for our mother as she
3 bravely spent her last years living with
4 Alzheimer's Disease.

5 "Along with our friends and neighbors,
6 we depend on a healthy Delta to grow pears.
7 Our pear orchard was planted 90 years ago and
8 we have been blessed to sell many successful
9 lots over the years.

10 "We are also grateful for the
11 recreation opportunities provided by the
12 Delta, boating, fishing, bird watching and
13 exploring nature, combining these activities
14 to sustains jobs for many of our neighbors.

15 "We are all a combination of nurture
16 and nature, and the Delta's helped our
17 children and grandchildren become people who
18 love mother earth and understand the
19 fragility of our threatened ecosystem.
20 That's why I write to you today.

21 "My family and my constituents believe
22 the twin tunnels represent an existential
23 threat to the health and vitality of the
24 Delta.

25 "To build a plumbing system capable of

1 exporting 15,000 cubic feet per second of
2 water from the Delta south could effectively
3 drain the Delta six months out of the year.

4 "With such a system in place, the Delta
5 will be left vulnerable and underdefended in
6 drought years as well-financed interests and
7 other parties in the state of bully policy
8 makers, who allow the Delta to be ruined for
9 short-term economic gains.

10 "The twin tunnels' \$14 billion price
11 tag will also drain our state of needed
12 resources that could fund other vital
13 priorities, like water storage, recycling,
14 conservation and levee restoration.

15 "Unlike the twin tunnels would simply
16 extract water from one place at the behest of
17 another, these investments create new water
18 for the entire state.

19 "They're a package of infrastructure
20 improvements almost everyone can get behind,
21 and they make our state more resilient to
22 fluctuations in both wet and dry years.

23 "I propose comprehensive water
24 solutions based on these ideas, and others in
25 the state have also proposed complementary

1 plans.

2 "I urge you to consider these better
3 options instead of the twin tunnels
4 boondoggle. Let us not enact policies that
5 will irreparably destroy the Delta and the
6 many communities it sustains.

7 "Thank you for your service."

8 (Applause.)

9 CO-HEARING OFFICER DODUC: Thank you, Mr. March.

10 MS. SWENSON: Our next speaker is Mr. Mark
11 Wilson from Clarksburg.

12 MR. WILSON: I'll do my show and tell here.

13 These are --

14 MS. SWENSON: Oh, I can help you. May I hold
15 them? Oh, you've got tape.

16 MR. WILSON: What you see before you are some --
17 I'm Mark Wilson, Wilson Barns and Vineyards, Clarksburg.

18 What you see before you are some well logs. I
19 don't know how familiar you are with those.

20 The one on the left here is pretty close to
21 where the third intake is going down towards Courtland,
22 and we have one ranch right across from the north intake.

23 But the point of these well logs is, you can see
24 the shaded areas which are different layers of water as
25 you go down to the soil profile.

1 And I want to talk about a subject that's really
2 received little notice overall, and as a result of the
3 Sustainable Groundwater Management Act, our groundwater
4 resources have entered into the realm of public trust and
5 environmental justice, and groundwater is now everybody's
6 business.

7 Whether we're talking about the implementation
8 of the change in point of diversion or the whole WaterFix
9 Project, it will be an unmitigated and a permanent
10 unmitigable consequence of dewatering actions taking
11 place during the construction process.

12 It's much more than drying up or damaging
13 individual domestic water wells. The dewatering process
14 is going to cause permanent damage to groundwater
15 quality, which is going to damage present and future
16 users and uses of this resource.

17 For hundreds of the dewatering wells that will
18 have to be bored, the only feasible method from the cost
19 and speed standpoint will be rotary well drills, not the
20 more costly driven case style well drilling method that
21 is more protective of groundwater quality.

22 The latter method isolates the individual
23 water-bearing strata from each other. The rotary well
24 boring method does not.

25 The important point to understand is that every

1 water-bearing strata is not of equal quality. Some
2 strata have polluted or poor-quality water, and some have
3 high-quality water, and other strata gradations between
4 the two.

5 The rotary boring method will cause a permanent
6 mixing of these water-bearing strata and degrade our
7 better and best quality water.

8 There will be multiple penetrations and
9 perforations of the same water-bearing strata because the
10 dewatering Wells will not be very far apart.

11 The best way I can describe this situation is a
12 gang rape of our groundwater resources.

13 What will be the power source of these new
14 watering pumps? Most likely diesel.

15 Whatever the fuel source and means of delivery,
16 there will be a massive amount of air pollution that will
17 not only affect the agricultural areas, our prevailing
18 wind patterns will blow pollution into our urban centers
19 as well. I would equate this as the barbarian burning
20 down the village after the rape orgy.

21 How will the dewatering wells be abandoned? If
22 they are rock-packed rotary wells, they really can't be
23 cement-filled to isolate the different water-bearing
24 strata. The water will --

25 (Timer rings.)

1 MR. WILSON: -- still move through the rock
2 backing.

3 Anyway, I think it's a big issue, and you have
4 my written statement.

5 Thank you very much, and I'd urge you to not
6 grant the point of diversion.

7 CO-HEARING OFFICER DODUC: Thank you,
8 Mr. Wilson.

9 (Applause.)

10 MS. SWENSON: Our next speaker is Debbie Elliot.

11 MS. ELLIOT: I'm going to make reference to
12 the -- I want to be sure you have it before I start
13 speaking -- Supplemental Information for Petition for
14 Change in the Point of Diversion. Because I'm going to
15 reference Page 2.

16 Do you all have a copy of this? It's the actual
17 Permit Application.

18 But, anyway, first, thank you for considering
19 these Policy Statements from residents in the Delta area.

20 I'm a fifth generation farmer's daughter, as
21 well as a real estate agent since 1979, specializing in
22 the Delta.

23 My family's agricultural orchard operation is
24 known as David J. Elliot & Sons and Stillwater Orchards
25 located in the North Delta outside of Courtland.

1 Our orchards began in the 1850s when our
2 ancestors decided to buy and reclaim land in the Delta
3 instead of panning for gold. This Delta land was our
4 gold, so our roots run deep and we have never sold a
5 piece of land.

6 Our Rose Orchard Ranch is also Intake No. 3
7 north of Hood, which is a 205-acre orchard with cherries,
8 pears and apples, and that's the poster child on the Bee.
9 You'll see that. It was yesterday and the day before.

10 My father, David A. Elliot Jr., instilled in our
11 family a love for the soil and land, plus a strong work
12 ethic. I've laid sprinkler pipe, picked and packed pears
13 growing up.

14 I remember riding around with my dad in the
15 orchards when he suddenly jumped out of his Army Jeep.
16 He hung on to a pear blossom and then he explained to me
17 how and when it would become a pear.

18 And then he put a clump of soil in my hand. And
19 he said, "This is yours. Protect it. It's the most
20 fertile soil in all of the world."

21 I will always remember his words.

22 Looking back, now I understand how his teaching
23 and preparing me at the early age, that we are the
24 stewards of this land. And I'm grateful he raised me to
25 feel that responsibility of respecting and protecting it.

1 So my message to you is his message to me.

2 I pulled up the Petition for the Diversion
3 Permits and I noticed the DWR states they are consistent
4 with the coequal goals.

5 But I could not help but notice how they omitted
6 a section of 29702, so I'll read it to you so it's in the
7 record (reading):

8 "The coequal goals shall be achieved in
9 a manner that protects and enhances the
10 unique cultural, recreational, natural
11 resource and agricultural values of the Delta
12 as an all-evolving place. The two goals are
13 more than just providing a reliable water
14 supply for California and protecting and
15 restoring the ecosystem."

16 This representation, or omission, of important
17 details feels like another blatant attempt to erase our
18 rich heritage from the equation and that we don't count.

19 This approach makes it easier for the tunnel
20 advocates to build their support and claims. We as Delta
21 residents have been told, as you'll recall, to shut up,
22 but we never will.

23 I also want to read from the 1992 Delta
24 Protection Act, which states, 29701 (reading):

25 "The legislature finds and declares the

1 Sacramento-San Joaquin Delta is a natural
2 resource, a statewide national and
3 international significance containing
4 irreplaceable resources, and it's the policy
5 of the state to recognize, preserve and
6 protect those resources of the Delta for the
7 use and enjoyment of current and future
8 generations."

9 CO-HEARING OFFICER DODUC: Thank you,
10 Miss Elliot.

11 MS. ELLIOT: Thank you.

12 (Applause.)

13 MS. SWENSON: Our next speaker is Sherri
14 Stanley.

15 MS. STANLEY: Hello. My name is Sherri Stanley
16 and I have lived in the California Delta since 1980,
17 currently on Grand Island in Walnut Grove. I absolutely
18 love the Delta and I don't think there's anyplace like
19 it.

20 And I have to say we were very fortunate enough
21 to have my late husband, Marty Stanley, who was
22 third-generation born and raised, a renowned Delta
23 artist, he captured the natural and wondrous beauty of
24 our Delta in his paintings (indicating).

25 My fear is the destruction of this unique and

1 awe-inspiring region by the so-called WaterFix. If the
2 tunnels are permitted and approved, this Delta we know
3 now will become history.

4 My children are fourth-generation Delta, born
5 and raised, and it would be a crime to have their
6 children only know about their beloved Delta through
7 history books and paintings.

8 California is a land of innovation. We have
9 Apple, Google, HP, Intel and many more. These tunnels
10 are the best we can do?

11 Seriously, the Department of Water Resources
12 needs to get onboard the 21st Century and start leading
13 on water issues. Why's the State so stuck on this
14 dinosaur project? That's what I'd really like to know.

15 People don't want huge expensive projects that
16 degrade the environment. Younger people, especially, the
17 despise big projects that squander our natural and
18 national resources. Local resources are more sustainable
19 and more reliable than long-distant resources. They are
20 also much less expensive.

21 In the energy sector, the combination of
22 reducing demand and creating local and sustainable
23 solutions has reduced the need to build expensive and
24 polluting power plants.

25 Ditto with water. Using less water doesn't mean

1 going without. It just means being smarter about how you
2 use it. New technologies for more efficient water use
3 are coming online constantly driven by demand.

4 We don't need the tunnels. They will only alter
5 and ruin the Delta ecosystem, farmland, communities and
6 recreation. We need to take politics, greed, and water
7 crap out and let the water flow through the Delta the way
8 nature intended.

9 Please deny these Permits. Be smart, logical,
10 and start looking to the future of water in California
11 instead of hanging on to the past.

12 Thank you very much.

13 (Applause.)

14 CO-HEARING OFFICER DODUC: Thank you,
15 Miss Stanley.

16 MS. SWENSON: Our next speaker is Mr. Tom
17 Wallace.

18 MR. WALLACE: Good morning.

19 CO-HEARING OFFICER DODUC: Good morning,
20 Mr. Wallace.

21 MR. WALLACE: My name is Tom Wallace. I'm a
22 52-year resident of Clarksburg.

23 I'm a retired Civil and Geotechnical Engineer
24 who has practiced in the Northern California area for
25 over 40 years.

1 I am the Geotechnical Engineer of record for
2 many of the high-rise buildings in Sacramento, including
3 this one. And I've worked on projects throughout the
4 Delta, including most of the TV transmitting towers in
5 the Walnut Grove area.

6 Geotechnical engineering involves a good deal of
7 interpreting data using common sense. On that note, I
8 would like to comment on the tunnel proposal from the
9 standpoint of an overview. I have not been involved in
10 the detailed discussions and will offer you my opinion
11 based only on common sense as I see the situation.

12 The disruption to all of the river communities
13 in the area during the extended construction period will
14 essentially obliterate them. Home values will be
15 worthless. Water wells will be destroyed. And noise
16 vibrations and 24-hour construction traffic will make the
17 communities unlivable.

18 Some of the richest agricultural land in the
19 United States will be destroyed by salt water intrusion.
20 Our fragile Delta and the fish and wildlife dependent
21 upon it will be compromised.

22 Other alternatives are available and should be
23 pursued. It seems that the bureaucratic steamroller has
24 such a head start that no one cares to look at cheaper,
25 better and less destructive ways of proceeding.

1 What about the Delta Tulare water plant?

2 Every time desalinization is mentioned, it is
3 said to be too expensive. Of course it is. Every new
4 technology starts out too expensive and gets less
5 expensive and more practical as companies get competitive
6 and develop new ways of accomplishing their goals.

7 I understand that as much as 40 percent of
8 Israel's household water is provided by desalinization of
9 seawater.

10 Speaking of expensive, if a potential client had
11 come to me and said he wanted to convey a large quantity
12 of water a long distance through the California Delta, he
13 had an unlimited budget and wanted to spend as much money
14 as possible, a logical choice would be a large-diameter
15 tunnel. Oh, heck, let's build two of them.

16 (Laughter)

17 (Applause.)

18 MR. WALLACE: You can spend a huge amount of
19 money because you will be dealing with interbedded loose
20 sands and peat soils and must start by lowering an
21 extremely high groundwater table to even get started.

22 You will be faced with incredible delays and
23 construction problems. You will literally destroy normal
24 life in the area and undoubtedly will face years of
25 lawsuits.

1 I would respond to this mythical potential
2 client by saying, obviously you --

3 (Timer rings.)

4 MR. WALLACE: -- would have to be crazy to even
5 think of trying to build tunnels through the Delta.

6 In summary, if the Tunnel Project becomes a
7 reality, and long after Governor Brown and the tunnel
8 advocates are gone, after the Delta and its communities,
9 culture and farming are memories, the Southern California
10 agencies and powers that be will complain that they need
11 more water from the north.

12 The tunnels are shortsighted, too expensive and
13 a highly disruptive option.

14 Thank you.

15 CO-HEARING OFFICER DODUC: Thank you,
16 Mr. Wallace.

17 (Applause.)

18 MS. SWENSON: Our next speaker is Mr. Graham
19 Connor. He's a very long-time farmer in the Delta.

20 CO-HEARING OFFICER DODUC: Welcome, Mr. Connor.

21 MR. CONNOR: Hello there.

22 Yes, my name is Graham Connor. I'm a month
23 older than Jerry Brown, but I'm not quite as sharp as I
24 never was.

25 Here's my Policy Statement:

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1 Our family has been living and farming in the
2 Delta for eight generations. Top that. That's 163 years
3 of truly sustainable agriculture.

4 A great-grandmother saw sturgeons against the
5 white sand bottom of the Sacramento River. Sad tale.

6 But the community of farmers built the dikes.
7 There was no government aid of any kind in those days.
8 They fought for their land and they were sustained by
9 hard work on deep, rich, well-drained, salt-free number
10 one soil with very high quality flowing by and this
11 before any dams had ever been built.

12 The Tunnel Project is slated to send over
13 66 percent of the water it will divert to unstable
14 agriculture on salty, poorly drained, lower-grade soil
15 where it takes a lot of high-quality water just to push
16 toxic salts down below the root zone.

17 The contaminated drain water from this project
18 is still going into the San Joaquin Delta where more than
19 41,000 acres of the Bay-Delta Estuary are listed as
20 impaired by selenium contamination. That's a lot.

21 Continuing to pump too much water from the Delta
22 by just changing the diversion point will not help the
23 endangered fish or the ecosystem of the Delta.

24 The Tunnel Project is a way to literally get
25 around the endangered species mandate and resume

1 overpumping water from the Delta.

2 I'm against Permits being issued for a project
3 that the EPA judged as not protecting the Delta habitat.

4 Dr. Jeff Michael, who's the Director of the
5 Center of Business and Policy Research at UOP, stated
6 very recently, "The WaterFix isn't a Habitat Conservation
7 Plan anymore" --

8 (Timer rings.)

9 MR. CONNOR: Can I go on a bit?

10 CO-HEARING OFFICER DODUC: My apologies. If you
11 could go ahead and wrap up that one thought.

12 MR. CONNOR: Okay.

13 -- "because it doesn't reach the standards of
14 restoring or improving endangered species."

15 This project is primarily an agricultural
16 project and I tend not to trust a Water District that's
17 willing to commit fraud to sell bonds just to pay for the
18 public planning of these tunnels.

19 (Applause.)

20 MR. CONNOR: And, thus, they received a very
21 rare penalization from the Securities & Exchange
22 Commission.

23 CO-HEARING OFFICER DODUC: Thank you,
24 Mr. Connor.

25 MR. CONNOR: Okay.

1 CO-HEARING OFFICER DODUC: And --

2 MR. CONNOR: I pray you bring your total being
3 and can be totally humble and have inner peace with your
4 decision.

5 CO-HEARING OFFICER DODUC: Thank you,
6 Mr. Connor.

7 (Applause.)

8 MS. SWENSON: We have two more people from the
9 Connor family and then maybe lunch?

10 CO-HEARING OFFICER DODUC: What I'd like to do,
11 Miss Swenson, after your next two speakers, is ask
12 Miss McCue to put up any names from speakers who are here
13 who are not associated with North Delta C.A.R.E.S. that
14 would like to speak before lunch break.

15 MS. McCUE: We don't have any cards right now
16 so --

17 CO-HEARING OFFICER DODUC: Okay. In that case,
18 we will take lunch after the next two speakers.

19 MS. SWENSON: Thank you so much.

20 Our next speaker is Teresa Dahlburg. She's
21 also from the Connor family.

22 MS. DAHLBURG: Good morning. I'm Teresa Connor
23 Dahlburg. I am here on behalf of myself and my husband,
24 James Bo Dahlberg, Jr.

25 We live just south of Clarksburg on Merritt

1 Island on our family's farm and are both six-generation
2 residents of the Delta.

3 Our concerns involve the dewatering and lowering
4 of the groundwater surrounding each intake structure
5 during construction and how that will affect our water
6 supply, our wells, farmland, community and way of life.

7 The scope describes the low rate of the
8 groundwater, 30 feet, to accommodate construction. It
9 calls for dewatering within a one-mile radius, installing
10 pumps approximately 75 feet apart within that radius, and
11 treating that water prior to returning it to the river.
12 That would mean there would be around 4,956 pumps to
13 dewater the groundwater, including a treatment facility
14 on each side of the river.

15 Infrastructure would need to be built to support
16 those pumps -- electrical power supply, piping system to
17 a central treatment facility, et cetera -- thus
18 eliminating all farming in the area, including land
19 outside the boundary that would be affected from the
20 infrastructure and pumps. Water treatment plants on both
21 sides of the river at each site would be needed to treat
22 that water being pumped.

23 We believe that, in our area, the water table is
24 only 5 to 10 feet below the surface. To pump down one
25 foot of water in one acre is 325,858 gallons. That's one

1 acre-foot.

2 In one square mile, which is 640 acres, one foot
3 of water is 209 million gallons, or 68 acre-feet.

4 A 30-foot drop in groundwater would equate to
5 6.24 billion gallons. That's 19,200 acre-feet.

6 This would be for each construction site where
7 pumps would be installed for the tunnels.

8 Is this just another way to pump more water
9 south for at least 10 years while the tunnels are being
10 built?

11 Presuming that there would be continual
12 groundwater coming in from outside the target area, the
13 total number could double and easily triple.

14 On our land, which is only 10 feet above sea
15 level, it may never completely dewater. Underground
16 rivers could flow into the area for years.

17 If a water treatment facility is constructed, it
18 can process 15 million gallons a day, then this operation
19 would need to run 24/7 for over two years or more --

20 (Timer rings.)

21 MS. DAHLBURG: -- before the target 30 feet of
22 groundwater reduction might be achieved.

23 Would I be able to finish my sentence?

24 CO-HEARING OFFICER DODUC: One sentence, yes.

25 MS. DAHLBURG: Okay. Are you willing to put

1 your signature on a Permit and be responsible for ruining
2 an entire Delta ecosystem, thousands of families'
3 livelihoods, historic buildings, and tens of thousands of
4 acres of prime farmland for some corporate farms that
5 grow crops in an already questionable area.

6 Thank you for your time.

7 (Applause.)

8 CO-HEARING OFFICER DODUC: Thank you.

9 MS. SWENSON: Our next speaker is Charlyn
10 Connor. She's also part of the Connor family.

11 CO-HEARING OFFICER DODUC: Yes, I guessed that.

12 (Laughter.)

13 MS. SWENSON: I just love them so much.

14 MS. CONNOR: Good morning.

15 CO-HEARING OFFICER DODUC: Good morning.

16 MS. CONNOR: We are a farming family living on
17 Merritt Island 3 miles south of Clarksburg. Our
18 great-grandfather at age 20 emigrated here in 1958 from
19 Hampshire hoping to farm some of the most fertile land in
20 the United States.

21 In 1872, he succeeded in buying 160 acres which
22 eventually grew to 280 acres through the hard work of the
23 next three generations of Connors.

24 During those 144 years, our family farming
25 operation has adapted to many changes in the condition of

1 the Sacramento River Delta and been able to recover and
2 remain viable as sustaining producers of food for our
3 nation, beginning as milk producers, then seed crops like
4 lettuce, onion and alfalfa, then peas, beans, corn,
5 tomato, greens, safflower oil and wine grapes. We
6 adapted as market demands changed.

7 In the early years, threatened by flooding, we
8 built our own levees. And in response to recent drought
9 periods, we have converted over half our acreage to drip
10 irrigation.

11 Now, the ill-conceived WaterFix Plan threatens
12 to destroy the quality of our water through diversions
13 that will be taken upstream, our family legacy, our
14 historic home, our fertile land through salt water
15 intrusion, and our agrarian way of life.

16 Constructing tunnels that would divert enormous
17 amounts of water from the Sacramento River will prevent
18 the outflow needed for sustaining a health ecosystem for
19 fish, wildlife, agriculture and humans.

20 There is an alternative plan. It's called a
21 Sustainable Water Plant for California. It was presented
22 in May 2015 by Restore the Delta, which accommodates
23 present water quality standards set by the State Water
24 Board Delta Flow Criteria and mandates agricultural water
25 conservation, reinforcement of levees and installation of

1 improved fish screens at the water pumps south of the
2 Delta. That's at an http website California.org reports
3 EWC Water Plan 9/1/2015.

4 Please consider the alternative to the extremely
5 damaging, controversial and costly WaterFix which is
6 designed to send our quality water to irrigate the
7 salt-laden land south of the Delta that cannot sustain
8 agriculture over the long-term.

9 Thank you.

10 CO-HEARING OFFICER DODUC: Thank you.

11 (Applause.)

12 CO-HEARING OFFICER DODUC: Will your remaining
13 speakers be able to be here by 12:45 or would you need a
14 little bit more time?

15 MS. SWENSON: I think 1 o'clock. Apparently,
16 there's an accident on I-5, so --

17 CO-HEARING OFFICER DODUC: So let's do that.
18 That will be more time for us to enjoy the Farmers Market
19 in the park.

20 MS. SWENSON: Awesome. Thank you so much.

21 CO-HEARING OFFICER DODUC: We will convene at
22 1 o'clock.

23 MS. SWENSON: Thank you.

24 (Luncheon recess was taken at 11:37 p.m.)

25

1 Wednesday, July 27, 2016 1:00 p.m.

2 PROCEEDINGS

3 CO-HEARING OFFICER DODUC: If you can start
4 taking a seat.

5 All right. (Banging gavel.) I love this thing.

6 It is 1 o'clock. We are reconvening.

7 Miss Swenson, thank you very much for the very
8 efficient organization and for the succinctness that your
9 speakers have provided.

10 We'll now resume with your remaining speakers
11 for today.

12 So please go ahead with your next speaker.

13 MS. SWENSON: Our next speaker is William
14 Brooks.

15 CO-HEARING OFFICER DODUC: Good afternoon,
16 Mr. Brooks.

17 MR. BROOKS: Good afternoon. I'm William
18 Brooks, an engineer with Recharge.

19 I want to address energy requirement,
20 sustainability, which were conveniently ignored in the
21 EIR.

22 As I'm sure you know, 20 percent of the energy
23 consumed in California goes to water pumping and
24 treatment. Currently, the single biggest user of
25 electricity in the state is the State aqueduct.

1 The plans for the proposed tunnels and system
2 indicate a total pump requirement of at least three times
3 the current size.

4 Over 50 percent of California's energy comes
5 from coal and gas power plants. The EPA states that the
6 scrubbers at power plants are the nation's biggest
7 producer of toxic waste in water, and that emissions of
8 nitrogen oxide, sulfur oxides, and particularly matter by
9 these plants represent a significant contribution to air
10 pollution in the state. And this does not even address
11 the water pollution created by the fracking fluids and
12 gas extraction.

13 Power plants will have to be built at taxpayers'
14 expense just for this project. The cost and the effects
15 of the environment and our health are of significant
16 concern to most Californians.

17 But what really bothers me is why we're even
18 considering these tunnels. We're not facing reality.
19 Even global warming deniers say that we will experience a
20 warming spell for a long time to come. Why aren't we
21 investing California taxpayers' money wisely?

22 The temporary solution to transfer water to
23 benefit one farming community in the south over another
24 in the north is not a solution, especially when their
25 water pumping is being subsidized.

1 Why aren't we facing reality? California is
2 warming. We need to stop projects like this and invest
3 in water conservation methods.

4 We have a perfectly good water conveyance system
5 right now, although it could probably do with expanded
6 winter storage. But the reality is, we need to invest in
7 efficiency, local water storage, recycling, storm water
8 capture, groundwater recharging and so many other things.

9 Just look at what Orange County's done with
10 their water recycling. It's amazing.

11 Even buying everyone in California a dual-flush
12 toilet fixture would save more money and water and create
13 more jobs than this boondoggle corporate welfare project.

14 Thank you.

15 (Applause.)

16 CO-HEARING OFFICER DODUC: Thank you very much,
17 Mr. Brooks.

18 MS. SWENSON: Our next speaker is Tim Waits of
19 Lake Winchester in Clarksburg.

20 MR. WAITS: Thank you, Board Members.

21 The Bay-Delta Conservation Plan of November 2013
22 of the BDC, and a successful plan, California WaterFix,
23 propose to dramatically alter the way Sacramento and
24 San Joaquin Delta waters are allocated through -- run
25 through the Clarksburg District.

1 As the California WaterFix has been introduced
2 for several months now, it has yet to announce a
3 significant plan of its own and done very little to
4 provide information as to their intent. Going forward,
5 we have assumed that many of the aspects of BDCP will
6 still be relevant.

7 As a managing member of Lake Winchester
8 Vineyards LLC in Clarksburg, we are gravely concerned
9 about the potential for significant impacts of the
10 proposals of the Cal Fix on local commercial operations,
11 real property usage, environmental and social impacts.

12 The following comments are submitted for your
13 submission:

14 Lake Winchester Vineyards is 342 acres. It's
15 about a half mile from the river itself.

16 All irrigation and farming activities at Lake
17 Winchester Vineyard relies on the Delta water source, and
18 the one we tap into is the Sacramento River.

19 Our parcels on Lake Winchester which receive the
20 water from Sacramento River are provided by Reclamation
21 District 999 to meet our needs and include agriculture
22 irrigation. The outtake for our source of water, Lake
23 Winchester Vineyards, is on Pump House Road.

24 A number of State and Federal entities are
25 pouring various surface strategies, policies, habitat

1 conservation plans, of course, and other procedures that
2 will have potentially significant impacts. These plans
3 could seriously damage Lake Winchester and Lake
4 Winchester Vineyards and neighboring properties and the
5 unique wildlife habitat in rural areas.

6 Lake Winchester Vineyards is home of endangered
7 species, including the Swenson Hawk, Elderberry Beetle,
8 Roaring Owl, among many others. All of these are
9 dependent on the waters for survival and would be
10 significantly impacted by water flow restriction.

11 One of the things we've done at Lake Winchester
12 Vineyards is embrace environmental conservation. We have
13 partnered with Ducks Unlimited to put in a 5-acre duck
14 pond.

15 We're very concerned about the lack of analysis
16 in the water quality, both surface and groundwater. We
17 have existing wells --

18 (Timer rings.)

19 MR. WAITS: -- as well as many other ways to get
20 water.

21 In conclusion, I want to thank the Board for
22 hearing our comments and we'd like the Board to see if we
23 could do something much better than the Cal Fix.

24 CO-HEARING OFFICER DODUC: Thank you, Mr. Waits.

25 (Applause.)

1 MS. SWENSON: Our next speaker is Mr. Greg
2 Merwin.

3 MR. GREG MERWIN: Good morning. I'm a retired
4 farmer from the Clarksburg area.

5 Whatever you call the tunnel project, it is a
6 euphemism for abandoning the Delta and safeguard Southern
7 California's water.

8 The elephant in the room is that the lower
9 Delta's levees are not sufficient to withstand a major
10 flooding, and south state water interests have long since
11 decided that abandonment is inevitable and that a safe
12 conduit is desperately needed.

13 Sorry, but we're long past the time when this
14 solution will pass the smell test. Given the precarious
15 state of the Delta, it is way past time to deal with the
16 Delta's levees. But, so far, they have miraculously
17 held.

18 Habitat restoration and safe water supply can
19 wait. Better late than never. Let's start making those
20 levees reasonably safe.

21 Thank you.

22 (Applause.)

23 CO-HEARING OFFICER DODUC: Thank you,
24 Mr. Merwin.

25 MS. SWENSON: Elizabeth Merwin is the next

1 speaker.

2 MS. MERWIN: Hi. I'm Elizabeth Merwin from
3 Clarksburg. That was my dad.

4 I'm going to speak a little bit about my senses
5 and my feelings. I don't have any hard numbers for you.

6 The Delta has been home to my family for four
7 generations. Our family farm has been in operation for
8 more than 80 years. I'm raising my sons in what we call
9 the home ranch house which was the house my grandpa
10 brought my grandma home to in 1929.

11 I hardly know where the Delta ends and I begin
12 because it's a part of me. You might say I have ditch
13 water in my blood.

14 The Delta treats us with lots of sensual
15 pleasures. We can smell sun-baked blackberries and figs
16 that grow along the riverbanks.

17 Cool breezes blow in the evenings. Sunsets
18 reflect in the grand slow river and artists are inspired
19 to come from everywhere to enjoy the unique, radiant
20 Delta light.

21 Flocks of geese and cranes fly over the house
22 near enough to hear the whoosh of their wings beating in
23 the air, and our nighttime is an opera of frogs, owls and
24 water birds.

25 In Clarksburg on a Wednesday evening in the town

1 proper, you can hear choirs rehearsing, kids playing on
2 the soccer field, people chatting on the porch at the
3 library. Our community is busy, healthy and wholesome.

4 We care about each other. We welcome family
5 from surrounding areas into our churches and schools
6 because they want to be there, too.

7 But the tunnels will bring catastrophe to
8 everyone who calls Delta home. The stench of the sludge
9 alone will foul our air. The violent pounding of the
10 pile driving will interrupt our schools and our churches,
11 and our levee roads would all be clogged.

12 And then there's the water.

13 I know from experience around the ranch that
14 when the ground is shaken, such as happens when huge
15 pilings are driven, good water wells foul for miles
16 around.

17 Bigger than that, if the fresh water sucked out
18 of our Delta, brackish water would back in. The fields
19 and orchards and vineyards would get sicker and then die
20 from the salt.

21 The plan for mitigating the loss of water and
22 water quality is no plan. Truckloads of water would
23 be -- not be forthcoming to run our homes and irrigate
24 our crops. And there's no mitigation for the demise of
25 home, of family farm legacy, a healthy community, an

1 awe-inspiring place which delights all of our senses.

2 There's no mitigation for that.

3 You'd be stealing it from California, from our
4 country, our world. It is a unique place and beautiful.

5 I urge the Water Board not to issue Permits for
6 these tunnels.

7 Thank you.

8 CO-HEARING OFFICER DODUC: Thank you.

9 (Applause.)

10 MS. SWENSON: Our next speaker is Mr. Mike
11 Campbell.

12 MR. CAMPBELL: Good afternoon.

13 I'm Michael Campbell. I'm a lifelong resident
14 of Clarksburg and the Sacramento Delta.

15 My mother and father came to Clarksburg in 1939
16 and worked for Gregory Merwin's father and grandfather.
17 They came from Oklahoma for a better life.

18 In this David vs. Goliath battle, I'm proud to
19 say I'm on David's side.

20 I'm here to express my great concern for the
21 inadequacy of the EIR/EIS for the proposed WaterFix
22 Project.

23 This gigantic water conveyance facility proposed
24 for construction in the Delta will result in permanent
25 injury to water users and citizens in the vicinity of the

1 three intakes, pipes connecting to the tunnels, the
2 tunnels themselves, and the intermediate forebay.

3 I have major concerns with three primary project
4 components of this estimated 14-year construction period,
5 each with individual adverse impacts on farming,
6 irrigation, water quality accumulatively result in severe
7 adverse impacts on local water supplies, agricultural
8 production and local communities.

9 Homes, farms, businesses and communities relying
10 on well water will lose water supply use to dewatering
11 and lowering groundwater levels to more than 30 feet.

12 The EIR/EIS fails to identify the volume of
13 water that will be discharged into individual local
14 drainage ditches and Delta waterways, or the cumulative
15 daily amount of discharges from dewatering that will
16 serve to degrade water quality from existing conditions.

17 A network of pipes and tunnels will cross
18 hundreds of existing drainage ditches and canals in this
19 massive destruction -- construction -- maybe destruction
20 was right -- zone. These ditches and canals will be
21 disconnected and drainage and irrigation disrupted.

22 And having farmed in the area being considered
23 for the tunnels, I can testify to the sensitivity of the
24 soils and how difficult it is to control underground
25 water.

1 Blocking drainage ditches will result in the
2 shallow groundwater seeping to the surface of farm lands,
3 preventing farming due to oversaturated soils, which will
4 mean permanent crops being damaged or killed, and
5 thousands of acres being fouled for 14 years or more.

6 The project descriptions in the EIR/EIS and the
7 Change of Diversion Petition both lack sufficient details
8 regarding the frequency, extent and severity, location or
9 duration of the destruction of water supplies.

10 The rest will be in my report.

11 Thank you.

12 CO-HEARING OFFICER DODUC: Thank you very much,
13 Mr. Campbell.

14 (Applause.)

15 MS. SWENSON: Our next speaker is Mr. Hal
16 Shipley.

17 CO-HEARING OFFICER DODUC: Good afternoon.

18 MR. SHIPLEY: Good afternoon.

19 I'm Hal Shipley. I'm a retired engineer and a
20 resident of Clarksburg where my family moved in 1939.

21 I'm very concerned about the impact that these
22 three water intakes for the tunnels would have on our
23 community.

24 My home and the entire Clarksburg community are
25 dependent on the aquifers for domestic water. In times

1 of draws, we are frequently now pumping sand and not
2 water, and we can't afford to lose the water that we now
3 have.

4 My major concern is, of course, my water supply
5 for our home. But the negative impacts that these
6 intakes would have on the local roads and the levees as
7 well as the historic buildings up and down that river
8 would be a tremendous loss to our community.

9 And I just want to say that I -- I don't like
10 the idea, and I very much appreciate you voting against
11 the three tunnels to Southern California.

12 Thank you.

13 MR. SHIPLEY: Thank you, Mr. Shipley.

14 (Applause.)

15 MS. SWENSON: Our next speaker is Miss Marilyn
16 Gill.

17 MS. GILL: Good afternoon.

18 It's hard to believe that, really, you expect
19 that any of us to be able to convey to you in three
20 minutes what our lifestyle has been and the fears we hold
21 for the future.

22 I was born and raised in the Clarksburg area
23 where my father came to be a Superintendent of the
24 construction of the sugar mill, one of the major
25 industries in the Clarksburg area.

1 Now, you'd think, because the sugar mill no
2 longer operates to create sugar, that we have a failure
3 on our hands. Well, we've had lots of changes in
4 Clarksburg, lots of them.

5 And we didn't give people three minutes to
6 convey their concern about it. We've always met as a
7 whole, extended community. And we haven't won all the
8 issues that each of us as responsible citizens would like
9 to have, but we love each other and we care for one
10 another.

11 And as I look back on my busy, busy life, I
12 think on a weekly basis how grateful I am that I grew up
13 in Clarksburg, where I was raised with all the benefits
14 we try to create now for other communities in our
15 country, hopelessly trying to prevent shootings and hate
16 and crime and all of that kind of thing.

17 We have an extended family.

18 And I'll tell you what. Recently -- Well, two
19 years ago, as I was being discharged from Sutter Hospital
20 after a month's stay, they said, "We don't think you can
21 go home to be by yourself."

22 I've been a widow for the last 21 years.

23 And I said -- I smiled and I said, "It's okay.
24 I'm going home to my extended family, my neighbors who
25 love me, in Clarksburg."

1 And they said, "Well, how are you going to
2 manage your meals?"

3 "Well," I said, "the church and the community's
4 going to bring me food for lunch and dinner for the next
5 two weeks or however long I need it."

6 And they said, "How do you know?"

7 And I said, "Well, because I've been making food
8 and distributing it since I returned to Clarksburg."

9 I haven't always lived in Clarksburg. I went
10 away to college in Santa Barbara, and then I've lived in
11 various other communities. Those experiences in other
12 communities have given me the real heartfelt knowledge
13 that the Delta has something else to teach the rest of
14 the world, some of it not too far --

15 (Timer rings.)

16 MS. GILL: -- away.

17 CO-HEARING OFFICER DODUC: Thank you very much
18 for coming.

19 (Applause.)

20 MS. SWENSON: Our next speaker is Tom Merwin.

21 MR. TOM MERWIN: Thank you for taking the time
22 to listen to probably the youngest speaker today, but I'm
23 an eighth-generation farmer in the Clarksburg area and
24 this project's going to affect me probably the longest
25 because I'll probably be farming longer than anybody else

1 will be living back there.

2 (Laughter.)

3 CO-HEARING OFFICER DODUC: You're treading on
4 thin ice.

5 MR. TOM MERWIN: Hopefully.

6 But I know you don't have a -- It's not an easy
7 decision to sit on that Board and represent all the
8 interests that you have, and I respect the decision that
9 you have to make.

10 I was born and raised in Clarksburg. I plan on
11 living there the rest of my life.

12 And we grow wine grapes. I have a small little
13 wine brand and winery that we operate and I'm fully
14 invested in. My family is completely invested in wine
15 grapes.

16 And if this project goes through, it's really
17 going to affect how we farm and how we live. And, you
18 know, it's scary.

19 My dad and my grandfather -- my grandfather just
20 passed away -- he would tell us, "Oh, you know, this
21 project's been in the works a long time. It'll never
22 happen."

23 And, you know, I -- my dad didn't want to come
24 today because he's been through all this before, and I
25 wanted to represent our family. I know there are other

1 Merwins that have spoken today but I just -- I love my
2 community.

3 I know that if this project goes through, it's
4 really going to have a negative impact on the economy,
5 the culture and our way of life. And my heart's pounding
6 right now, I'm just so scared for what could happen to
7 our community.

8 I know that I've been lucky to live in
9 Clarksburg and to have been raised there. It's such a
10 unique community. It's so safe. So much love is there.

11 The person that just spoke -- Mike Campbell
12 spoke two or three speakers ago -- and my great
13 grandfather died in his father's arms.

14 You know, we're all connected and it's just -- I
15 don't know what else I would do if I couldn't farm. I
16 want to continue on the legacy of our years of farming in
17 the Delta and making high-quality products for people.

18 When I make wine, it's not just to make a great
19 drink for people to enjoy, but it's also so I can export
20 our product. It's a way for me to share what Clarksburg
21 is.

22 When people say they don't know where the North
23 Delta is or anything, the first thing I tell them is,
24 "Oh, it's bovo wine."

25 And now I built this business with two of my

1 best friends, you know, and I hope to continue this
2 business and keep growing it, keep spreading what
3 Clarksburg's all about.

4 I appreciate the decision you guys have to make,
5 and I hope you rule in our favor.

6 Thank you very much.

7 (Applause.)

8 CO-HEARING OFFICER DODUC: Thank you.

9 MS. SWENSON: Our next speaker is Kathleen
10 Updagraff, and she is with the Clarksburg Marina.

11 MS. UPDAGRAFF: And wearing our wonderful
12 shirts.

13 Hello. Clarksburg Marina is a family-owned and
14 -operated marina on the Sacramento River. It's been
15 serving boating and fishing public since the early 1960s.

16 We are acutely aware of the need for this Marina
17 and additional water-related services in the Clarksburg
18 area. We will aspire to provide such services, even as
19 the fishery has ups and downs and the water and fishery
20 management fluctuates.

21 A driving force for expanding our services is
22 the growth in the local wine tasting and agritourism
23 industries.

24 Our businesses and services we offer depend on
25 the water of the Sacramento River, both the quality and

1 the quantity, and we can attest to the fact that these
2 two characteristics are inseparable.

3 It is obvious in the winter and spring, when we
4 get rain, that the water quality decreases as flows
5 increase. This natural process triggers a sequence of
6 events that keeps the estuary in balance.

7 What is not as obvious is the effect that the
8 current water management is having on the Delta. We are
9 experiencing continuous record low water flows, lower
10 than any droughts experienced in the last 50 years.

11 And in the last three years, we've experienced
12 never-before-seen waterborne vegetation and algae growth,
13 high water temperatures, silt buildup, salinity
14 intrusion, and counterflow on incoming tides to the point
15 that we have sea lions swimming around our docks.

16 State-produced literature admits that
17 construction activities for the tunnels will seriously
18 affect the local fishery. Nowhere have we found in the
19 documentation where the State addresses the effect on
20 local boating.

21 But just as motorists will avoid the heavy
22 construction zones, we can logically expect that boaters
23 will avoid our area as well, and that would be only the
24 start of the decline.

25 We see no scenario in which the State's tunnel

1 and our Marina coexist. If the State goes forward with
2 the Tunnels Project, we anticipate that the damage done
3 to our environment on which our business depends will
4 render our business unviable.

5 The fishery will be decimated due to loss of
6 both water quantity and the resultant quality. Boaters
7 will avoid the areas as will tourists, in part, to the
8 bite the massive intakes will take on our landscape, as
9 well as the shallow vegetation-laden river that will
10 increase from water diversions.

11 Even though Clarksburg Marina is the closest
12 marina to the intake, our situation is not unique. The
13 increased water diversions will be catastrophic
14 throughout the entire Bay-Delta Estuary and every living
15 creature on the water, on the land and flying over the
16 area.

17 No tweaking of science will ever honestly prove
18 that increasing diversion will bring the estuary back
19 from the brink of destruction where the State currently
20 holds it.

21 We hope honest public-serving authorities will
22 come forward and find a different solution to the State's
23 water situation.

24 Thank you.

25 (Applause.)

1 CO-HEARING OFFICER DODUC: Thank you very much.

2 MS. SWENSON: We have Mr. Mark Pruner and he's
3 representing the Clarksburg Fire District.

4 MR. PRUNER: Thank you, members of the Board.

5 I stand before you today as the Chair of the
6 Board of Directors and Commissioners of Clarksburg Fire
7 Protection District. We are the most local and the most
8 closest to the ground unit of local government in the
9 North Delta, specifically in the portion of Yolo County
10 south of the West Sac city line and between the river and
11 the deep-water ship channel down to the Solano County
12 border.

13 I have a written statement which I think you'll
14 see later.

15 Let me just try and read some parts of the
16 written statement.

17 The mission of the District as first responders
18 in the Clarksburg Fire Protection District area is to
19 provide fire suppression, emergency response, medical aid
20 to residents, structures and businesses within the
21 boundaries of the District.

22 The District was organized in the late '40s and
23 has continued its operation continuously since then. We
24 are a firehouse. We just built a second structure. And
25 we have approximately five to six rolling pieces of

1 equipment that we dispense on a regular basis.

2 Last year's calls, I believe, were 208. The
3 historical average tends to be in the high hundreds,
4 although it's creeping and trending upward above 200
5 calls per year.

6 In order for the District to operate in its most
7 effective manner, we rely on four things in particular.

8 Number one, we rely on a system of funding
9 that's composed of three parts: A portion of property
10 taxes; second, a direct assessment component; and, third,
11 DIF developmental fee impact structure, not uncommon to
12 most small Districts that represent the needs of their
13 residents closest at the ground level.

14 We also rely on roads and free access along
15 those roads.

16 Third, on an ongoing system that we employ for
17 purchasing and maintaining our equipment, rolling stock,
18 personal protection, fire suppression gear, medical aids
19 or supplies;

20 And, fourth, and important, I think, for the
21 purposes of this proceeding, levees that will stay in
22 existence for a long time and keep floods at bay when and
23 if they come.

24 We have done an independent study on what we
25 think would be the cost to the District on an annualized

1 basis because of the increased traffic, the increased --
2 People are people. They're going to have accidents and
3 things are going to occur, and we're going to get called
4 out.

5 For the training and equipment we need to have
6 to address those on a competent basis and to meet the
7 State-mandated standards that we have always adhered to,
8 which we estimate to be at \$1,675,000. This includes
9 training, equipment and other items that we employ on a
10 regular basis.

11 We are an all volunteer Department, including
12 members such as myself, with the exception of a small
13 stipend paid to our Chief and Assistant Chief. We want
14 to maintain that as part of the community, not just a
15 fire suppression and emergency response local district.

16 Thank you very much for your time.

17 (Applause.)

18 CO-HEARING OFFICER DODUC: Thank you.

19 MS. SWENSON: Our next speaker is Mr. Bob
20 Saunders.

21 MR. SAUNDERS: Good afternoon.

22 My name's Bob Saunders. I'm with the Essence of
23 Life Project, Saving our Water and Oceans, Crunch Nestlé
24 Alliance, North Delta C.A.R.E.S., and Sacramento
25 Community Guild.

1 Water is for life, not for profit, or foolish
2 and unnecessary diversion projects and environmental
3 degradation.

4 Members of the Board, I'm here to talk to you
5 about large-scale north-south water transfers and their
6 impacts on groundwater land subsidence.

7 The tunnels will encourage and facilitate the
8 transfer of water from farmers in the Sacramento Valley
9 to farmers south of the Delta.

10 Water transfers are often seen as providing more
11 flexibility in the system. At first glance, this may
12 seem true, but if you look under the hood, these water
13 transfers will create a number of serious problems for
14 the Sacramento Valley north of the Delta.

15 The Center for Food Safety discussed these
16 issues in their 2015 comments on the tunnels' EIR.

17 The vast majority of these transfers are from
18 agricultural users in the Sacramento Valley to
19 agricultural users in the San Joaquin Valley, meaning
20 that their purpose is to shift agricultural production
21 from the north, where there's more water, to the south,
22 where there is less.

23 This is environmentally inefficient and penciled
24 out as economically efficient only because many of the
25 costs of the transfers are borne by taxpayers or spread

1 among all water users, not borne solely by the recipients
2 of the transfer of water.

3 Many, if not most, of the new water transfers
4 will involve groundwater substitution. Increased
5 groundwater pumping to facilitate water sales will result
6 in depleted aquifers and groundwater subsidence and will
7 result in dewatering of streams and rivers, and the
8 surface waterways of the Sacramento Valley which are
9 tightly connected to groundwater, surface water
10 recharges, groundwater aquifers, while groundwater
11 provides water for streams and rivers.

12 Today, less than 30 percent of the consumptive
13 water use in the Sacramento Valley is from groundwater.
14 That percentage will certainly rise with the construction
15 of the tunnels and the increased water transfers that
16 will result. And with it, land subsidence will increase
17 and dewatering of rivers and streams will increase.

18 Land subsidence will have other devastating
19 impacts as is already evidenced in the San Joaquin
20 Valley, where overpumping of groundwaters cause severe
21 land subsidence.

22 Impacts can include increased flooding, reduced
23 freeboard, and carrying capacity of canals, aqueducts,
24 rivers and flood control channels, damage to engineering
25 structures like buildings, roads, bridges, pipelines,

1 canals, aqueducts, levees and Wells and loss of aquifer
2 capacity.

3 Many people think that the negative impacts from
4 the tunnels are only to the Delta, but these water
5 transfers will result in negative impacts to the
6 Sacramento Valley Watershed. This should not be allowed.

7 I sincerely hope the Board will consider these
8 negative impacts and deny Permit for the tunnels.

9 And one more thing, since I've got 28 seconds.

10 Also I think all you folks and Governor Brown
11 really need to respect and honor the heritage of the
12 people who have lived for generations throughout the
13 Delta.

14 And coming in and laying waste to a lot of that
15 area to build an unnecessary tunnel system would be like
16 mowing over the graves of your ancestors. I don't think
17 you would like that, and I don't think that would be
18 respectful to your family.

19 Thank you.

20 CO-HEARING OFFICER DODUC: Thank you.

21 (Applause.)

22 MS. SWENSON: Mr. Dane Henas is our next
23 speaker.

24 MR. HENAS: Hi. My name's Dane Henas. I'm a
25 Graphic Designer in Sacramento, and a lifetime born and

1 raised in Sacramento, visited the Delta many times over
2 the last four years. Just I'm a Delta lover.

3 And my biggest concern about the WaterFix
4 Project is it will diminish water quality in the Delta
5 and this will have serious health and economic impacts on
6 the people who live there.

7 One of the significant at-risk impacts is an
8 increase in toxic algae blooms. Another significant
9 adverse impact is the doubling of salinity. These
10 impacts, spelled out in the environmental documents, tell
11 me all I need to know about how much water will be
12 diverted.

13 They claim that the WaterFix won't deliver any
14 more water than they're getting now. If that's true,
15 then why the increase in algae blooms and salt? If the
16 Delta were to receive enough flow, this would not be the
17 case.

18 My understanding is that these hearings are
19 about whether the project causes injury to other users of
20 water. If stagnant water causes algae blooms, and these
21 blooms are toxic to people and animals, it sounds like an
22 injury to you. Doesn't bother me.

23 Bay Area cities draw water from the Delta. They
24 won't be able to use that water if it's contaminated from
25 toxic algae.

1 I'm here today representing myself as a Delta
2 lover, and I am concerned about the historical
3 preservation of the Delta.

4 The northern part of the Delta is home to nine
5 legacy towns, Freeport, Clarksburg, Hood, Locke,
6 Courtland, Walnut Grove, Ryde, Rio Vista and Isleton.
7 They are the heart of California's legacy since
8 California became a republic in 1849 and a state in 1850.

9 These legacy towns play vital roles in
10 supporting the forty-niners and their offspring who came
11 to California to mine for gold.

12 Whether these communities were ports for good
13 exchanges with San Francisco and other port cities, or
14 whether they were built by the Chinese immigrants who
15 helped construct California railroads and levees, or by
16 farmers raising crops to provide for to the forty-niners
17 and other pioneers, these towns all played pivotal roles
18 in California history.

19 As the Sacramento River was the I-5 of the day,
20 these towns were born in the mid-1800s to early 1900s
21 along this prominent thoroughfare to support the building
22 of California as a state.

23 By allowing water diversions and tunnels in the
24 North Delta, the State Water Resources Control Board will
25 largely be allowed the destruction of key aspects of

1 California's early history.

2 Not only will towns of Hood, Courtland, Locke
3 and Walnut Grove be severely impacted, but the ambiance
4 of this world treasure, our Delta, will be forever lost.

5 Historic buildings in Locke -- okay? -- which
6 was listed on the National Register of Historic Places in
7 1971, and then designated a National Historic Landmark
8 District in 1990, would likely suffer structural damage
9 from the intense and incessant pile driving and
10 vibrations of traffic.

11 Businesses and families who rely on recreation
12 and tourism for their income will become impoverished and
13 forced to abandon their homes and businesses.

14 Who would want to visit these historic towns
15 during the 10 to 14 years of construction? The noise and
16 traffic congestion will turn these communities into ghost
17 towns.

18 After construction, who will want to drive
19 Scenic Highway 160 which will then be a series of
20 industrial parks full of concrete pumping plants and
21 forebays?

22 There needs to be an expanded effort to look
23 into other viable alternatives to California's WaterFix
24 Tunnels. An alternative plan combined with conservation
25 and aquifer recharge would help provide the water

1 necessary to sustain Central and Southern California's
2 water needs without destroying the Delta and its legacy
3 towns. They are important monuments to California
4 history.

5 I'm asking that you not improve Permits for
6 Additional Water Diversion in the North Delta.

7 Thank you.

8 (Applause.)

9 CO-HEARING OFFICER DODUC: Thank you,
10 Mrs. Henas.

11 MS. SWENSON: Our next speaker is Mr. Chuck
12 Kelly.

13 MR. KELLY: Thank you all for listening.

14 I wasn't clear on the format, so I'm rather
15 unprepared, but I do have a couple thoughts that I think
16 are very relevant.

17 I noticed that as the Petition has been changed,
18 it really is rather innocent, and your decision doesn't
19 seem like a very, very heavy decision.

20 But I really see that as a splitting of the
21 overall what good is Part I without Part II?

22 In the meantime, I see no need. They are
23 getting as much water as they request at this time. Even
24 though it may not be good for the Delta at this moment,
25 is it going to be helpful to hurry up and get Part I done

1 and then be forced to do Part II because they've spent
2 all this money?

3 I also point out that, in the '80s, we voted not
4 to have a peripheral water system. This is just an
5 alternative to that same moment.

6 We still do. There was one. The Cross Delta
7 Canal is, in essence, a peripheral tool.

8 I simply think that we need to provide more
9 water so we can flush the Delta, keep it healthy, and try
10 to meet their demands, and it's going to require more
11 storage.

12 I thank you all.

13 CO-HEARING OFFICER DODUC: Thank you, Mr. Kelly.

14 (Applause.)

15 CO-HEARING OFFICER DODUC: Let me just respond
16 to something you said to provide clarification:

17 We are dividing the hearing into Part I and
18 Part II just to structure the hearing. We are not making
19 a decision separately on Part I and Part II.

20 MR. KELLY: No, but when I look at the
21 alteration to the Petition, the Petition now is
22 foreseeingly very innocent, just water outtakes. They're
23 useless without the rest of the project.

24 And, again, I don't think that -- I don't know
25 why they need to have Part I keep moving when Part II is

1 unsettled. It's not even good for them --

2 CO-HEARING OFFICER DODUC: All right. Thank
3 you.

4 MR. KELLY: -- except it will force you to have
5 to consider that this infrastructure has started, money
6 has been spent, and the momentum is underway.

7 It's not much different than Sacramento
8 developing the American Basin and now finding out that
9 millions and millions and millions have being spent to
10 get levees to protect it because the infrastructure there
11 is so valuable.

12 CO-HEARING OFFICER DODUC: Thank you, Mr. Kelly.

13 MR. KELLY: I'm afraid you guys could get
14 pressed into that same corner.

15 CO-HEARING OFFICER DODUC: Thank you.

16 MR. KELLY: Thank you.

17 MS. SWENSON: Our next speaker is Mr. Dan
18 Bacher.

19 MR. BACHER: I'm an investigative journalist.
20 I'm editor of the Fisherman Magazine.

21 I've published hundreds of articles about the
22 Delta tunnels in a wide array of publications. I have
23 been covering fish, water and environmental justice
24 issues in California west for over 30 years.

25 In my reporting, I've covered many aspects of

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1 the controversial California WaterFix, formerly called
2 the Bay-Delta Conservation Plan. I've covered how the
3 project won't create one drop of new water while spending
4 up to 67 billion of taxpayer -- ratepayers' money.

5 I've covered how the project's former point man,
6 Jerry Merrill, in a moment of candor in 2013 claimed the
7 Delta cannot be saved.

8 I've covered the reports of scientific panels
9 ranging from the Delta's Independent Science Board, the
10 Federal EPA scientists that have given the alleged
11 science to the Tunnels Project a failing grade.

12 I've covered how the project won't help
13 Californians during the drought, find innovative water
14 conservation, storm water capture or water recycling
15 projects that are desperately needed.

16 I've covered how the plan will push endangered
17 fish species, such as Delta and long-fin smelt, winter
18 bunching of salmon, Central Valley steelhead and green
19 sturgeon, over the specific distinction, while failing to
20 address the State's long-term water supply needs.

21 I've covered how the project will devastate not
22 only the San Francisco Bay and Delta fisheries but
23 recreational, commercial and subsidence fisheries up and
24 down the West Coast.

25 I've covered how the tunnels will always imperil

1 the salmon, steelhead and other fish populations of the
2 Klamath and Trinity Rivers that are an integral part of
3 the culture and livelihoods of the Yurok, Karuk and Hoopa
4 Valley tribes.

5 I've covered how the tunnels will devastate the
6 Delta's 5.2 billion a year agricultural economy and
7 750 million per year recreational and tourism economy.

8 I've covered how the Winnemem, Wintu and other
9 California tribes who have been excluded or marginalized
10 in the Delta Tunnels' process.

11 I've covered how documents for the Delta Tunnels
12 in an overt case of environmental justice have not been
13 translated into Spanish and other languages, as required
14 under an array of State and Federal laws.

15 I've covered how the current Petitioning before
16 the Board and all the previous plans, EIRs, documents of
17 the BDCP have failed to address other alternatives, such
18 as the Environmentl Water Caucus' sustainable water plant
19 for achieving the dual goals of ecosystem restoration and
20 water supply.

21 But in all the hundreds of hours I've spent
22 covering the California WaterFix and its predecessors,
23 there's one terminal flaw with the project. It stands
24 out among all others.

25 The false assumption the project is based upon.

1 The WaterFix is based on the absurd contention
2 that taking up to --

3 (Timer rings.)

4 MR. BACHER: -- 9,000 cfs of water from the
5 Sacramento River at the new points of diversion, as
6 requested in the Petition by the Department of Water
7 Resources and Bureau of Reclamation, will somehow Restore
8 the Delta ecosystem.

9 I am not aware of a single project in U.S. or
10 world history where taking more water out of a river or
11 estuary has resulted in the restoration of that river or
12 estuary.

13 CO-HEARING OFFICER DODUC: Thank you, Mr. --

14 MR. BACHER: Based on this --

15 CO-HEARING OFFICER DODUC: Thank you very much.

16 MR. BACHER: -- untenable premise and all the
17 flaws that thousands of Californians have pointed out
18 about the project, I strongly urge you to reject the
19 Petition of DWR and of the Bureau of Reclamation.

20 CO-HEARING OFFICER DODUC: Thank you,
21 Mr. Bacher.

22 (Applause.)

23 MS. SWENSON: With the Board's permission, one
24 of our speakers is unable to come. Apparently she's
25 stuck in traffic.

1 But she e-mailed it to someone that's here so is
2 that okay? Can we --

3 CO-HEARING OFFICER DODUC: Please.

4 MS. SWENSON: Okay. Thank you.

5 Debbie Elliot for Ms. Cox.

6 CO-HEARING OFFICER DODUC: Ms. Elliot? Okay.

7 MS. ELLIOT: Hello again.

8 CO-HEARING OFFICER DODUC: Hello, Miss Elliot.

9 MS. ELLIOT: My name's Debbie.

10 As I said, I also have sold real estate for
11 years, since 1979, in the Delta.

12 So, anyway, I just got this e-mail from Sheryl
13 Cox and it's appropriate that you have these lovely
14 displays from Mr. Kondos up on your screen.

15 Anyway, Sheryl Cox was going to come here and
16 let you all know her house -- you have the maps --

17 ". . . Is right north of Intake 3, my families'
18 property."

19 And that house is on the National Register.

20 I sent her a map two days ago of the Petition
21 and they thought they'd be okay.

22 Now they see the new map and it goes right
23 through two houses they own, and that's Rosebud. That's
24 where Wayne Tebow lived originally.

25 It was built by Senator Johnston in the 1800s,

1 sits probably on five acres. And it was also designed by
2 Nathaniel Goodell, and he's the architect that did the
3 Governor's mansion.

4 So it's another -- Being on the National
5 Register, she's saying to me -- I'll just read you her
6 e-mail (reading):

7 "Hi, Deb. Thanks for sending this.

8 It's a new map to us. And you're absolutely
9 correct. The permanent surface impact in
10 Section 11 goes right through our home as
11 well as our rental home next door. Guess it
12 won't matter much about the noise from over
13 5 million pile-driving strikes after we have
14 to abandon our property entirely for this
15 outrageous land/water grant.

16 "The Water Board should know that
17 destruction of Rosebud, which is on the
18 National Register of Historic Places, and the
19 Federal Environmental Impact Reports that are
20 mandatory before a project that would impact
21 such a property. It will be a sad day when
22 we have to resort to legal recourse to
23 protect our home from California WaterFix.

24 "Sheryl Cox. Please speak on my
25 behalf."

1 And this other picture that you have up here,
2 those people aren't here today, either, the Hemleys
3 (phonetic). And this is one that sits directly on the
4 water, owned by Hemley. But they're in the midst of pear
5 season and so is my family. That's why I'm here and
6 they're not.

7 But this is another historic home.

8 And I'll put in my report all the historic
9 homes, and I would love to have you read it so you know
10 what's going to be devastated.

11 And also hidden in their EIR, and they're not
12 saying it, but they do one side of the river; they
13 reserve the right to do the other side of the river. So
14 we really don't know how many houses are going to come
15 across down on the other side that are quite, quite
16 historical.

17 So I hope you make the right decision on behalf
18 of all the Delta residents and look more closely, because
19 nobody is talking about what the destruction is. They're
20 not being clear.

21 And also, I noticed today when I was looking at
22 the Diversion Permit, the intake diagrams that they have.
23 I don't know how you can know what you're looking at
24 because they call them all Intake No. 2 --

25 (Timer rings.)

1 MS. ELLIOT: -- so it's really confusing.

2 So you might want to have them go back and
3 clarify to you what intakes you're looking at because
4 they've got three listed and they're calling them all
5 Intake No. 2.

6 Thank you.

7 CO-HEARING OFFICER DODUC: Thank you,
8 Miss Elliot, and Miss Cox as well.

9 (Applause.)

10 MS. SWENSON: Our next speaker is Mr. Paul
11 Hughes.

12 MR. HUGHES: Ladies and gentlemen, it's clear to
13 me from reading the EIR documents that the project
14 proponents did not seriously examine reasonable
15 alternatives to this expensive and destructive project.
16 To them it's the tunnels or nothing.

17 They have already diverted the San Joaquin River
18 to the point that it runs dry. Low flows due to lack of
19 upstream precipitation. It limits pumping for export and
20 agra. They've created poor water quality in the South
21 Delta, so now the exporters have set their sights on the
22 North Delta and its high-quality Sacramento River water.

23 Diverting the Sacramento River just as it enters
24 the Delta will have severely negative consequences for
25 this degraded estuary. Degraded because too much water

1 has already been diverted from the Delta.

2 Salinity intrusion is already a problem for the
3 western Delta. Taking fresh water from the top of the
4 Delta system via the tunnels is expected to double the
5 number of salinity violations. This increase in salinity
6 is listed in the EIR as, quote, "a significant and
7 unavoidable adverse impact," unquote, and this is after
8 mitigation.

9 When you irrigate with salt water, not only do
10 the crops do poorly but the salts build up and the land
11 is eventually ruined. The Delta is California's oldest
12 and most productive agricultural area. 75 percent of the
13 Delta's farmland is federally designated as prime
14 farmland. By comparison, the rest of the state has only
15 18 percent of agricultural land classified as prime.

16 Contaminating prime Delta farmland with salts so
17 that Sacramento River water can be exported to corporate
18 farms in a semidesert is a terrible policy choice for
19 California. The State should place a higher value on the
20 Delta's prime farmland instead of sacrificing it along
21 with the Delta's resources to benefit other regions.

22 These new water diversions for the tunnels
23 should not be granted a Permit by the Board.

24 Thank you.

25 CO-HEARING OFFICER DODUC: Thank you,

1 Mr. Hughes.

2 (Applause.)

3 MS. SWENSON: I should have brought running
4 shoes.

5 Your next speaker is Wendy Heaton.

6 MS. HEATON: Good afternoon. My name's Wendy
7 Heaton.

8 Build it first, then ask questions. That's a
9 quote from State Engineer Harvey Banks in the mid-1950s
10 as he worked up support for the State Water Project. He
11 cited urgent need for speedy action. The State built it
12 and the Delta has been in decline ever since.

13 I mention Mr. Banks because history is
14 repeating. DWR again proposes a massive water project
15 and it's at 10 percent design. "Permanent now," they
16 say. "We'll work out the details later."

17 Governor Brown cites the urgency of the project,
18 just as Pat Brown and Mr. Banks did six decades ago.

19 It seems premature to move forward now with
20 Permits with when the project is at 10 percent design.
21 Unintended consequences could be enormous and even
22 catastrophic. The environmental documents are full of
23 impacts unmentioned, unanalyzed or left for future
24 analysis. There is too much we don't know.

25 How do these unknown impacts affect Delta

1 residents? I live directly across the river from Intake
2 No. 2 on the Yolo side. Copper dams would restrict the
3 flow of the river and raise surface elevations upstream.
4 This must be mitigated.

5 The documents state, quote (reading):

6 "Under existing regulations, U.S. Army
7 Corps of Engineers, Central Valley Flood
8 Protection Board, and DWR would require
9 installation of setback levees or other
10 measures to maintain existing flow capacity
11 in the Sacramento River," unquote.

12 If they built setback levees, our homes against
13 the levees are gone and the highway would have to be
14 moved. Pretty big impacts, and they are not mentioned.

15 If not setback levees and, instead, other
16 measures, what are they? They don't know because it's
17 10 percent designed. So we don't know and you don't
18 know.

19 This lack of information goes up the chain from
20 unknown impacts to local residents to the entire Delta
21 and beyond downstream to the bay and upstream to the
22 Sacramento River Watershed.

23 A 10 percent design. Can adaptive management
24 save us from unintended consequences? Is permitting the
25 project now worth risks?

1 I hope you will not Permit this project at this
2 early stage. Please require the project be further
3 developed so the impacts are better known before
4 considering a Permit.

5 Thank you.

6 CO-HEARING OFFICER DODUC: Thank you,
7 Miss Heaton.

8 (Applause.)

9 MS. SWENSON: Our next speaker is Miss Barbara
10 Daly. Mrs. Sorry. Sorry, George.

11 MS. DALY: Thank you.

12 Hello. Good afternoon, Board. Thank you for
13 giving us this opportunity to speak with you today.

14 I am a volunteer on the North Delta C.A.R.E.S.
15 Action Committee, and I'm a volunteer also on the Delta
16 Chambers of Commerce and Visitors Bureau, and also a
17 volunteer on the Delta Protection Commission Advisory
18 Board. And I'm here to speak with you today about the
19 two economic drivers of the Delta, which are agriculture
20 and recreation, but specifically recreation in my case.

21 I am the owner of the Das Cliff House Marina in
22 the Sacramento-San Joaquin Delta. I'm greatly about the
23 current plans to build two tunnels and divert water from
24 the Sacramento River at the north end of the Delta.

25 Being that my livelihood and the success of my

1 marina business depends on a free-flowing river, it is
2 certain that both the process of constructing these
3 tunnels, as well as the use of the intakes and tunnels
4 after their construction, will severely adversely impact
5 my marina as well as all marinas up and down the Delta.

6 And I might state that during the Browell
7 (phonetic) Group's economic inventory of all of the
8 recreation marinas in the Delta, their In Plan Report
9 could not cover marinas or recreation, so there was no
10 economic study done on the marinas in the Delta.

11 The dewatering that will be needed to construct
12 the three to five intake facilities in the North Delta
13 will severely limit, if not eliminate altogether, the
14 amount of water currently going past my marina and
15 keeping it afloat.

16 Even if there's still some water going by my
17 marina, any reduction in water level will hamper the
18 docking of boats that rely on specific water depths to
19 accommodate their hulls and for the safe passage of their
20 boats.

21 Worst-case scenario is there will be
22 insufficient water for any boats to safely use my marina
23 and, likely, most marinas, and I and other Marina owners
24 will have to close their doors.

25 And even if some boats can still dock at my

1 marinas, boating enthusiasts will soon lose interest in
2 trying to recreate in the Delta and they will take their
3 boats and business elsewhere.

4 The partial as well as full construction of the
5 tunnels will impact mine as well as all other Delta
6 marina owners.

7 Additionally, as the water flow lessens and
8 pools of stagnant water begin to form, there will be an
9 exponential increase of algae blooms and other
10 undesirable plant growth such as you've heard earlier
11 today.

12 The water hyacinth is already a problem. It has
13 shut down the Port of Stockton, curtailing the Port's
14 activity and likely costing the Port significant amounts
15 of lost revenue.

16 You've already heard about increases in
17 salinity, and an emergency drop area was installed at
18 West Falls River in the Delta during 2015 to double back
19 salinity. That barrier impacted recreational activity
20 for a number of Delta businesses and created an increased
21 loss in business.

22 If we allow further degradation of the Delta by
23 constructing intakes in the north Delta and, thus, create
24 reduction of flow through the Delta, this will largely
25 obliterate any and all recreation and tourist

1 opportunities there.

2 (Timer rings.)

3 MS. DALY: I strongly urge that the State Water
4 Resources Control Board reject DWR's applications and
5 also the U.S. Bureau of Reclamation for water intake
6 locations in the North Delta and, instead, to consider
7 meeting any other water shortages in California by
8 addressing and satisfying those needs with more localized
9 and viable solutions, such as the Tulare Lake Basin Plan,
10 the diversion lower in the Delta, such as Dr. Pike's
11 plan, better conservation methods, other alternative
12 options and not building an expensive public works
13 project.

14 Thank you so much.

15 CO-HEARING OFFICER DODUC: Thank you, Miss Daly.

16 MS. SWENSON: It's my turn.

17 My name is Anna Swenson and I do a variety of
18 things in Clarksburg. I'm a volunteer for North Delta
19 C.A.R.E.S. I'm on the Board of the Friends of the
20 Clarksburg Library, because I love literacy and I love
21 the library.

22 And I live in the Village of Clarksburg just
23 across the river from one of the intakes that is
24 proposed.

25 I have five children who attend school in

1 Clarksburg. We participate in many community activities,
2 such as the Fourth of July Parade, the Parade of Lights.
3 We work in the community garden. We attend the Community
4 Church, with choir and service. We attend the Clarksburg
5 Library weekly for events and different activities that
6 promote literacy.

7 We also participate in the Clarksburg Country
8 Run, and that's just the beginning. There are many, many
9 other opportunities of engagement that we have.

10 Our community is our second family, and farming
11 plays a large role in our daily life.

12 We celebrate births, we celebrate achievements
13 together, and as a community we grieve and remember those
14 who are no longer with us.

15 Life here in Clarksburg is peaceful and quiet,
16 with the exception of our local volunteer firehouse alarm
17 that alerts our volunteers that it's time to drop what
18 they're doing and go report to an emergency.

19 This is one of the few places on earth where I
20 feel that my children are truly safe.

21 When people discover Clarksburg, they often say
22 the same thing: Wow, this is Mayberry. And all I can
23 say is you are absolutely right.

24 So, one of my many concerns about this project
25 is the impact of noise on Clarksburg and the other legacy

1 communities.

2 The 14-year construction project in building the
3 tunnels. I have yet to see any analysis of the
4 cumulative noise level created by the project. Noise is
5 mentioned throughout the plan from pile driving, truck
6 noise, idling air brakes, et cetera, that will be created
7 by truck traffic from the construction.

8 Traffic will increase by 10-fold with trucks
9 coming and going at a rate of one truck every five
10 seconds from 6 a.m. to 7 p.m. for the next 14 years.

11 We've done the math and we've tallied up. There
12 will be a total of 5 million pile strikes per intake.
13 That's 15 million pile strikes that our communities will
14 be forced to endure, our hundred-year-old buildings will
15 be forced to endure and probably will not survive.

16 I'm also concerned about other sources of noise,
17 including the boring equipment that will be used for the
18 tunneling. And I feel that the plan has not factored in
19 the cumulative effect of the noise that will be affected
20 not only on Clarksburg but other legacy towns near the
21 project.

22 The Delta is flat and open with few trees and
23 other structures to interrupt sound. We can literally
24 hear the concerts in West Sacramento, which is 14.7 miles
25 away from us, very clearly.

1 How will our children be able to learn in the
2 Clarksburg schools? There's three schools. How will
3 they be able to learn during the day with the constant
4 pile driving that will be occurring just directly across
5 the river from them?

6 Will the continuous noise harm their learning?

7 (Timer rings.)

8 MS. SWENSON: Sadly, our community will be the
9 ones who will have to endure this, and we'll have to find
10 out.

11 We're asking you on behalf of the community and
12 on behalf of the children of Clarksburg to please not
13 allow this intake to go in across Clarksburg. It's too
14 precious a commodity to be wasted on a project that can
15 be solved with other solutions.

16 Thank you.

17 (Applause.)

18 CO-HEARING OFFICER DODUC: Thank you,
19 Miss Swenson.

20 MS. SWENSON: And I have one more person, and I
21 don't know if he is -- He keeps texting me saying he's
22 looking -- Oh, parked, on his way.

23 I don't know if we can wait a few minutes for
24 Mr. Dick Marshall but he's the last of our speakers.

25 CO-HEARING OFFICER DODUC: All right. Why don't

1 we take a short break for the court reporter --

2 MS. SWENSON: Okay.

3 CO-HEARING OFFICER DODUC: -- and we will
4 reconvene at 2:10.

5 MS. SWENSON: Sounds perfect. Thank you.

6 CO-HEARING OFFICER DODUC: All right.

7 (Recess taken at 2:03 p.m.)

8 (Proceedings resumed at 2:10 p.m.)

9 CO-HEARING OFFICER DODUC: All right.

10 Miss Swenson, I believe your last speaker has arrived.

11 MS. SWENSON: Yes, he has.

12 CO-HEARING OFFICER DODUC: (Banging gavel.)

13 I'm liking this thing.

14 MS. SWENSON: I need one of those.

15 Our last speaker for North Delta C.A.R.E.S.

16 today is Mr. Dick Marshall.

17 CO-HEARING OFFICER DODUC: Mr. Marshall. Thank
18 you for joining us.

19 MR. MARSHALL: Thank you for waiting for me.

20 My name's Richard Marshall. I live in
21 Clarksburg on 50720 Babel Slough Road. I'm very familiar
22 with the Delta and I have some comments on the dewatering
23 process.

24 In its 2014 comments on the BDCP EIR, the County
25 of Sacramento identified some very serious effects on

1 groundwater that will help major impacts on the people
2 who live and farm in the project area.

3 These include, but are not limited to,
4 substantial depletion of municipal and agricultural water
5 supplies.

6 There's no mitigation to offset the well losses
7 due to liquefaction and settlement caused by pile
8 driving, boring, and also project dewatering, as happened
9 along the wastewater treatment lines in West Sacramento.

10 Some of those wells along those properties where
11 they dewatered for the Wastewater Treatment Project are
12 still not adequate, or of much lower quality.

13 There's no effort to quantify how much water
14 would be unavailable for existing uses. And there's no
15 offset for diminished groundwater quality. There's no
16 offset for increased energy use created by the need for
17 deeper wells.

18 The effects are considered temporary, even
19 though the project will go on for 10 or maybe 14 years.

20 And here's what the County comments say
21 (reading):

22 "That the BDCP is likely to
23 substantially deplete municipal and
24 agricultural water supplies within the Delta
25 construction area" --

1 Can you hear me okay if I stand up taller?

2 CO-HEARING OFFICER DODUC: Yes.

3 MR. MARSHALL: My chiropractor says stand up
4 straight.

5 (Reading continued):

6 -- "from a construction area
7 dewatering as well as construction-induced
8 liquefaction and settlement, such as from
9 pile driving, tunnel boring and operation
10 of other heavy equipment, which could
11 adversely effect groundwater levels and
12 operation integrity of the wells."

13 The DEIR or the EIS glosses over the serious
14 effects by characterizing them as temporary even though
15 construction will take place for 10 years or more.

16 The DEIR/EIS makes no effort to estimate the
17 quantity of water that the BDCP would make unavailable
18 for existing uses.

19 As mitigation, the DEIR/EIS proposes to offset
20 domestic losses attributable to dewatering but not losses
21 or adverse effects attributable to diminished groundwater
22 quality or from losses caused by construction-induced
23 liquefaction and settlement.

24 Measures proposed to achieve this objective
25 include installing sheet piles to depths below

1 groundwater elevation, deepening or modifying wells used
2 for domestic purposes to maintain water supplies at
3 preconstruction levels --

4 (Timer rings.)

5 MR. MARSHALL: -- or . . .

6 CO-HEARING OFFICER DODUC: Please go ahead and
7 wrap up that sentence.

8 MR. MARSHALL: I only have one more paragraph.
9 May I read it?

10 CO-HEARING OFFICER DODUC: A short paragraph?

11 MR. MARSHALL: Yeah (indicating). May I?

12 Further, it's not clear whether the DEIR/EIS
13 evaluated the secondary impacts associated with well
14 deepening, including increased energy use, air quality
15 impacts and also, I would add, water quality.

16 If the project receives a Permit, the Permit
17 should be conditioned to address these impacts,
18 specifically compensation for liquefaction and
19 settlement, identify the quantity of water that will be
20 unavailable for existing uses.

21 And people have a right to know this
22 information, and they do.

23 Compensation for reduced groundwater quality.
24 Residents may require filters on their water system. And
25 if residential and agriculture users must dig deeper

1 wells, the project should not only pay for the well
2 deepening but also pay for increased energy bills in
3 perpetuity. Local users should not have to shoulder this
4 burden.

5 Thank you for the extra time.

6 CO-HEARING OFFICER DODUC: Thank you,
7 Mr. Marshall --

8 (Applause.)

9 CO-HEARING OFFICER DODUC: -- and for driving
10 all that way.

11 Miss Swenson, does that wrap it up for you
12 today?

13 MS. SWENSON: For today, yes. We will plan to
14 be back in Part II.

15 (Laughter.)

16 MS. SWENSON: More organized.

17 CO-HEARING OFFICER DODUC: Well, I want to thank
18 you and again, Miss Heaton and Miss Daly, for your
19 tremendous work, for, you know, bringing everyone
20 together and sharing with us what we've heard today.

21 I want to thank everyone who spoke today, from
22 Mr. Kondos to Mr. Marshall. You painted a vivid picture
23 for us of the people, the community, the life and the
24 heritage of the Delta. It is much appreciated.

25 And, again, thank you all for taking the time

1 and sharing these experiences and these perspectives with
2 us, which is extremely valuable.

3 And we look forward to reading your comments,
4 your written policy letters, for more details that we
5 were not able to get into today.

6 MS. SWENSON: Okay. And we'll get those
7 uploaded for the Board.

8 CO-HEARING OFFICER DODUC: Thank you very much.

9 MS. SWENSON: Yes. Thank you all for this
10 opportunity. We very much appreciate it.

11 CO-HEARING OFFICER DODUC: All right.

12 Miss McCue, are there any speaker cards
13 remaining who are not -- Is anyone here who's not part
14 have North Delta C.A.R.E.S. to provide a policy
15 statement?

16 MS. McCUE: I haven't received any.

17 CO-HEARING OFFICER DODUC: Not seeing anybody
18 standing up and rushing up here, that will conclude the
19 meeting for today.

20 We will reconvene at 9 o'clock tomorrow.

21 Thank you all again.

22 (Applause.)

23 (Proceedings adjourned at 2:17 p.m.)

24

25

1 State of California)
2 County of Marin)

3

4 I, Candace L. Yount, Certified Shorthand Reporter
5 for the State of California, County of Marin, do hereby
6 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: August 3, 2016

23

24

25

Candace L. Yount, CSR No. 2737

