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8 **BEFORE THE**
9 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

10
11 HEARING IN THE MATTER OF
CALIFORNIA DEPARTMENT OF WATER
12 RESOURCES AND UNITED STATES
BUREAU OF RECLAMATION REQUEST
13 FOR A CHANGE IN POINT OF DIVERSION
FOR CALIFORNIA WATERFIX

TESTIMONY OF STEVE HERINGER

1 I, Stephen F. Heringer, do hereby declare as follows:

2 **I. INTRODUCTION.**

3 My name is Steve Heringer. I am a fifth-generation farmer and I currently reside in
4 Clarksburg. My family and I own and operate Heringer Estates Vineyards & Winery, which
5 specializes in producing grapes and high-quality wines. Our operation includes about 800 acres of
6 owned, leased, and contract-managed vineyards planted entirely in different varieties. Each year,
7 we deliver wine grapes to about 50 different wineries located mainly in Amador, Napa, Sonoma,
8 San Joaquin and Yolo Counties. Farmed lands are located throughout the Clarksburg area,
9 including near and along South River Road, Willow Point Road, and Netherlands Road. We also
10 have an additional vineyard in Solano County on Ryer Island.¹ We have a maintenance facility
11 south of Courtland Road in the very southern part of the Clarksburg region that services and
12 provides winter storage for our farm equipment.

13 Following my graduation from Fresno State College in 1969, I served two years in the U.S.
14 Army, including a tour of duty in Vietnam. I then was employed for two years by the Farm Credit
15 Bank prior to joining the family farming operation in 1973. I have served as a trustee on the
16 Reclamation District 999 Board for 38 years, including serving as President for 24 years. I have
17 served the California Association of Winegrape Growers as a Director for nine years and am
18 currently a Director on that association's Foundation Board of Directors. I have been involved for
19 the past decade in North Delta Cares and Local Agencies of the North Delta (LAND). I am a
20 member of the Clarksburg Wine Grape Growers Association and many local and community-based
21 organizations.

22 **II. OVERVIEW OF TESTIMONY**

23 My testimony focuses on describing how Delta Tunnels construction traffic will affect
24 agricultural operations in the Clarksburg area, including the routine daily movement of agricultural
25 equipment from vineyard to vineyard and very intensive wine grape harvest activities that take
26 place annually from August through November. In preparing this testimony, I was apprised of the
27

28 ¹ Throughout the Clarksburg appellation, wine grapes are planted on about 13,000 acres.

1 following facts from the Final EIR/EIS certified by the California Department of Water Resources
2 (“DWR”) for the Delta Tunnels:

- 3 • Chapter 19 of the Final EIR/EIS describes a significant increase in traffic and pavement
4 deterioration on three of the four local road segments studied therein;
- 5 • In the Clarksburg area, four road segments were studied in the Final EIR/EIS: one state
6 highway (State Route 84) and three County Road segments (two segments of South
7 River Road, and Courtland Road).² I reviewed a map from the Final EIR/EIS depicting
8 those four segments (SWRCB Exhibit 102, Ch. 19, Fig. 19-2a) and I am personally
9 familiar with each road;
- 10 • I also reviewed graphics included in Appendix 19A to the Final EIR/EIS (*Id.* at Att. E)
11 that illustrate the increase in traffic on each of the four road segments relative to existing
12 conditions if the project moves forward;
- 13 • The Final EIR/EIS explains that State Route 84 (usually referred to as Jefferson
14 Boulevard both inside and outside of West Sacramento) may be heavily used by Delta
15 Tunnels construction traffic. The graphics mentioned in the preceding bullet indicate a
16 potential increase in vehicles from 50-150/hour to 700-800/hour between 6:00 a.m. and
17 7:00 p.m. On average, this represents a vehicle every four seconds during the 13-hour
18 period analyzed in the Final EIR/EIS;
- 19 • The Final EIR/EIS indicates Courtland Road and South River Road (from its junction
20 with Courtland Road south) would receive essentially the same increase in traffic as
21 State Route 84 of about 600 vehicles/hour above existing traffic levels during the 13-
22 hour period analyzed. I understand this level of traffic may be overstated, but it is
23 nonetheless the information provided to the public and thus I am relying on it herein;
- 24 • South River Road north of the Courtland Road intersection is not expected (per the Final
25 EIR/EIS) to see a significant increase in traffic;

26
27 ² I note that a segment (CT-34) that includes a portion of Courtland Road and Ryer Avenue was
28 also studied but indicated in the Final EIR/EIS as unlikely to receive significant traffic. For that
reason, I refer to roads within that segment only briefly in my comments herein.

- 1 • The pavement of each of these road segments is identified as deficient in the Final
2 EIR/EIS, with limited exceptions for portions of State Route 84. The Final EIR/EIS also
3 explains that construction traffic could exacerbate pavement deterioration and trigger
4 road repairs, reconstruction, and/or the use of alternative routes for construction traffic;
5 and
- 6 • DWR has indicated it will repair or reconstruct roads as needed to accommodate project
7 construction traffic.

8 With this background in mind, my specific comments and concerns are set forth in the
9 following section.

10 **III. COMMENTS AND CONCERNS REGARDING DELTA TUNNELS** 11 **CONSTRUCTION TRAFFIC.**

12 **A. Agricultural Vehicle Movement.**

13 A significant concern is the movement of agricultural vehicles on the various road segments,
14 as well as other roads (such as Netherlands Road) that were not studied in the Final EIR/EIS.

15 Clarksburg has many small fields that necessitate the frequent movement of agricultural
16 equipment. I farm six different vineyards throughout the Clarksburg area each year, and (as
17 mentioned above) have a shop in the southern part of the area that services and stores equipment.
18 For this reason, I rely heavily on the only two significant north-south routes in the Clarksburg area:
19 State Route 84 and South River Road.

20 These roads are each used to move large and small agricultural equipment—primarily
21 tractors with various implements, including some that are oversized and require flag cars—during
22 the entire growing season that begins in December with pruning and extends through the conclusion
23 of harvest in early November. I rely in particular on State Route 84 to access vineyards along South
24 River Road, Willow Point Road, Netherlands Road, and Ryer Island, as well as the maintenance
25 shop. Like many other growers in the Clarksburg area, I move multiple pieces of agricultural
26 equipment on State Route 84 and other roads every day during the growing season. Often, I will
27 move equipment several times during a single day.
28

1 This equipment moves very slowly—speeds of 5-10 miles per hour are typical, with some
2 equipment moving a bit faster (but nothing over 20 m.p.h., well below the 55 m.p.h. speed limit
3 (and the 65 m.p.h. most commuters travel) for most rural roads). The possibility of hundreds of cars
4 each hour on State Route 84 is a daunting prospect for local agriculture. With that volume of
5 traffic—an average of a vehicle every four seconds—even turning onto State Route 84 from a field
6 or adjacent road will be difficult and certainly dangerous. And even assuming occasional gaps in
7 traffic permit such turns, it is hard to imagine safely moving agricultural equipment on State Route
8 84 on a regular basis as dozens of cars follow closely behind or attempt to pass. In all locations,
9 shoulder space is insignificant and does not allow equipment to move much off the traveled way.

10 All the foregoing is also true for the portion of Courtland Road identified as YOL 03 in the
11 Final EIR/EIS, which we use to access Morse Road to travel south to our maintenance shop. The
12 same applies to South River Road if traffic increases there, as it has guardrails in many locations
13 that prevent agricultural equipment from moving at least partly out of the traveled way. Portions of
14 South River Road north of the Freeport Bridge are already experiencing increased traffic during
15 peak commute hours (due largely to traffic existing the Cosumnes River Exit on Interstate 5). I
16 generally try to limit equipment movements during commute hours because of delays and safety
17 risks—one of our tractors was nonetheless rear-ended this year on South River Road during early
18 morning hours. Fortunately, our operator survived but the tractor and spray rig being towed were
19 totally destroyed.

20 The issues described in the preceding paragraphs would be magnified during harvest.
21 Moving harvesting equipment is even more difficult than moving cultivating and spraying
22 equipment. Harvesting equipment is larger and often is more challenging to move on roads.
23 Harvest movement of equipment is particularly burdensome and challenging for Heringer Estates
24 Vineyards. In our case we regularly move two large grape harvesters, four 80-100hp tractors
25 pulling grape gondolas, a light tower, a fuel service trailer, and a parts trailer at one time. This
26 creates a quarter-mile or more of slow-moving harvest equipment yet commuters will, with
27 complete absence of forethought about safety, attempt to pass or dart in and out of the equipment.
28

1 Although it is possible to reduce some challenges by loading equipment onto trucks for
2 transportation between fields or to the shop, I do not consider this practical. Trucking equipment is
3 a time-consuming endeavor with loading and unloading the equipment and getting the truck to and
4 from the fields. Also, as such trucks themselves move quite slowly, trucking would not solve the
5 congestion and safety problems that would result from moving this equipment in the customary
6 manner on State Route 84 and other local roads. These are among the reasons why we would be
7 unlikely to do this on a regular basis.

8 The problems that would arise with increased traffic volumes in the Clarksburg area,
9 including on State Route 84 and the other road segments slated to receive substantial Delta Tunnels
10 traffic, would be just as serious for us (and other growers) in farming adjacent regions of Solano
11 County to the south. Growers in the Ryer Island area also depend on State Route 84, Courtland
12 Road, and South River Road to access their fields and move agricultural equipment.

13 B. Farm to Market.

14 State Route 84 is a major “farm to market” route used by firms that transport agricultural
15 commodities from the Clarksburg area—including wine grapes, alfalfa, wheat, and fruit—to
16 processing and distribution facilities. The same is true for the Courtland Road-South River Road-
17 Courtland Bridge segments covered in the Final EIR/EIS, which serve as the principal trucking
18 route for commodities bound for destinations in Sacramento County or other destinations to the
19 south. Clarksburg competes with other agricultural areas for trucks that transport commodities
20 during the harvest season. For these firms, delays resulting from congestion, road conditions, and
21 repairs or reconstruction would make it more difficult and costly to serve Clarksburg.

22 In a worst-case scenario, delays and related inconveniences from major road repair projects
23 could deter some trucking firms from continuing to serve Clarksburg area growers. State laws
24 regarding driver hours and rest create significant scheduling challenges if long delays and related
25 complications are possible. Trucking costs would rise, perhaps considerably, with decreased
26 competition. Even if the trucking firms that currently serve the area are not deterred by congestion
27 and delays, such higher trucking costs are inevitable. As trucks wait and delivery or service times
28 extend, a number of costs—driver wages and fuel, for example—increase for trucking firms.

1 Delays also increase the number of trucks needed to provide services during harvest and otherwise.
2 These factors result in higher prices for growers in affected areas.

3 To my knowledge, there is only one major trucking firm located in the north Delta region
4 (John Perez & Sons in Walnut Grove). Heringer Estates relies also on trucking firms that are not
5 located in the immediate area: G-3 (Gallo near Lodi), Tiger Lines (Lodi and Modesto), and Valley
6 Transport (Dixon). It is difficult to know whether significant traffic delays could limit our ability to
7 continue using these firms, but the possibility of increased costs or a reduction in the number of
8 available trucking firms is a significant concern.

9 With wine grapes, there is an additional complication arising from the need to deliver
10 harvested grapes to processing facilities within very specific delivery windows that are established
11 in advance of harvest. These windows are used by wineries to ensure grapes are delivered cool,
12 promptly after harvest, and capable of being crushed immediately (a particular challenge for smaller
13 wineries that cannot easily “work in” an untimely delivery). Harvested wine grapes oxidize rapidly
14 and, for that reason, they must be delivered and crushed within just a few hours of being harvested.
15 Missed delivery windows compromise quality and business relationships; too many missed
16 windows may be the end of a relationship with a winery.

17 These issues are very important to Heringer Estates because we deliver harvested wine
18 grapes to over 50 different wineries. We have a higher incidence of small deliveries than many
19 other wine grape growers, with many wineries purchasing only a fraction of a 25-ton truckload of
20 grapes. Additionally, many of our boutique winery clients self-haul their small lots of grapes and
21 will have to make multiple trips in and out of our vineyards throughout the harvest season to receive
22 the different grape varieties they are purchasing. They will be traveling during the early morning
23 commute hours generally pulling smaller trailers for which the increased traffic and time
24 requirements will be problematic. Also, when more than one winery is purchasing grapes delivered
25 by a single truck, timing is critical because a late delivery will compromise relationships with
26 multiple wineries.

27 For these reasons, I am concerned that substantial increases in construction traffic due to the
28 Delta Tunnels (as well as the potential need for related road repair and reconstruction projects)

1 would make it more difficult to timely deliver grapes to the many wineries that contract with
2 Heringer Estates. If a late delivery occurs, the purchaser has discretion to reject it entirely. (As a
3 point of reference, a 25-ton load of wine grapes is typically worth between \$15,000-\$35,000. For
4 the winery that receives and processes it, the same load of grapes ultimately yields a product that
5 can bring in between \$130,000 to \$800,000 in gross revenue.) But even more importantly for us,
6 late deliveries could compromise the relationships that are key to our business model and overall
7 success as a producer of wine grapes.

8 C. Other Agricultural Impacts.

9 Clarksburg growers compete with other areas for agricultural laborers, which are
10 increasingly scarce throughout the state. Laborers often travel significant distances each morning to
11 fields where they assist with planting, harvest, and all other activities necessary to produce
12 agricultural commodities. My experience is that most agricultural laborers serving the Clarksburg
13 area come from Galt, Lodi, and similar Central Valley locations with plentiful low-cost housing.
14 Particularly during critical vineyard cultural operations and harvest periods when the demand for
15 agricultural labor is at its peak, laborers will be less likely to accept Clarksburg-area jobs (or will
16 demand significantly more money) if travel times increase due to congestion, road reconstruction,
17 or other factors relating to Delta Tunnels construction.

18 This is a serious issue, both in the context of the Delta Tunnels and generally. My
19 understanding and personal experience is that the supply of agricultural labor has decreased by as
20 much as 40% to 50% in recent years. Nobody chooses to drive a greater distance to work and spend
21 more money on gas if they have other options. The agricultural labor workforce will go wherever is
22 closest to their homes (provided competitive wages are paid). This could be a serious challenge for
23 Heringer Estates—we cannot lose any more labor, whether due to delays on the roadways or
24 otherwise.

25 Separately, winemaking enterprises from other areas frequently express an interest in
26 establishing vineyards in Clarksburg due to favorable soil, weather, and other conditions. This is an
27 important part of the local winemaking economy; a number of out-of-area wineries, including
28 Trinchero Family Estates, Lange Twins Winery and Constellation, have a substantial stake in local

1 vineyards. This increases the visibility of the Clarksburg appellation within the winemaking
2 industry and with consumers, making local grapes and wines more desirable. In time, this trend
3 could result in the addition of more local processing capacity—a highly desired outcome for local
4 wine grape growers. Outside interest and investment activity could decline, however, if the various
5 concerns noted herein significantly increase production costs or otherwise make Clarksburg less
6 attractive to outside investment.

7 D. Soil Characteristics.

8 As a lifelong Clarksburg resident and fifth-generation farmer, I am very familiar with local
9 soil conditions and the condition of local roads. Heavy rain and a high groundwater table contribute
10 to saturated soils throughout the Clarksburg area. As a consequence, area soils frequently shift up,
11 down, and laterally over time due to ever-changing moisture conditions in shallow soils. Some
12 agricultural activities, such as maintaining irrigation ditches, thus require regular attention to
13 counteract soil movement.

14 The same conditions appear to contribute to pavement deterioration and other problems with
15 local roads. This is evident in many locations where roads are immediately next to drainage or
16 irrigation ditches. In those locations, the paved road surface erodes away at the edges and develops
17 significant cracks and other flaws. I observe this regularly on Clarksburg-area roads. In other
18 locations, the soils shift the paved road surface up and down (such as near the headquarters of
19 Reclamation District 999 on Netherlands Road and along State Route 84). Locations with culverts
20 under the paved road surface are also notable for sinking over time and eventually collapsing if the
21 culvert is not replaced. Some older culvert locations are even constricted in a manner that narrows
22 the roadway, adding another hazard. Notably, during the 1997 heavy rainfall event that closed I-5,
23 vehicle and truck traffic was diverted to South River Road from Thornton to Sacramento which the
24 CHP promptly closed to truck traffic due to sponging and concerns for the levee integrity during the
25 high water event.

26 E. Alternative Routes.

27 While the Final EIR/EIS studied four road segments in the Clarksburg area, it did not
28 account for the potential use of other roads that are regularly used by vehicles driving through the

1 Clarksburg area bound for the Courtland Bridge. Agricultural traffic also relies on these roads,
2 including for the regular movement of farm equipment during the growing season (as described
3 above in the context of State Route 84).

4 One likely alternative route is for vehicles to use Clarksburg Road rather than Courtland
5 Road to move east-west between State Route 84 and South River Road. This will be an attractive
6 option for southbound vehicles if State Route 84 is congested due to Delta Tunnels traffic and/or
7 related repair or reconstruction work. It is also possible that Netherlands Road could be used by
8 vehicles seeking an alternative route north toward the town of Clarksburg. If this occurs on either
9 road, it will result in all of the agricultural equipment and safety-related conflicts noted above, as
10 well as additional traffic through the town of Clarksburg.

11 Another alternative north-south route is the segment of South River Road north of
12 Clarksburg. The Final EIR/EIS indicates it will be little used during Delta Tunnels construction.
13 For the same congestion-related reasons that Clarksburg Road might be more heavily utilized,
14 however, this South River Road segment could be more heavily used. As mentioned above, this
15 road segment has been experiencing much more traffic over the past two to three years, as traffic is
16 increasingly using a new overpass north of the Freeport Bridge on I-5 to exit and take South River
17 Road to and through West Sacramento.

18 F. Other Trucking Activity.

19 State Route 84 is routinely used by firms that provide agricultural equipment and supplies
20 (e.g., propane, fertilizer and agricultural chemicals, fencing), solid waste removal, and other
21 services within the Clarksburg area. Heringer Estates receives deliveries of such materials on a
22 daily basis, both at our maintenance shop and to the individual vineyard parcels. Diesel and
23 gasoline deliveries are also common. These deliveries would be impacted by increased congestion,
24 worsened road conditions, and delays due to local road repairs or reconstruction resulting from
25 Delta Tunnels construction. As with many other elements of the agricultural economy discussed
26 herein, it is reasonable to expect that prices to Clarksburg-area growers would increase as a result.
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1 G. Bridges.

2 Bridges at Freeport and Courtland (particularly the latter) are likely to receive significant
3 Delta Tunnels construction traffic if the project proceeds. This presents two concerns.

4 First, the approaches to these bridges is narrow and difficult to negotiate in a large truck.
5 Structural elements of the bridges are frequently struck—usually by large vehicles—under existing
6 traffic conditions, and must be approached slowly and cautiously by the drivers of such vehicles.
7 Additionally, both the Freeport and Courtland bridges require 90 degree turns at each end both on
8 and off the bridges requiring truck traffic to utilize both traffic lanes of the bridge and of the roads
9 running perpendicular at each end. The Sutter Slough Bridge on South River Road has a sharp curve
10 at the south end of the bridge which severely limits the capability to see oncoming traffic.

11 Second, as each bridge is narrow, it becomes difficult or impossible for traffic heading the
12 opposite direction to cross when a large truck is using the bridge. This causes congestion and
13 delays, as well as a traffic safety issue. Increased large vehicle traffic on these bridges will
14 therefore impede local traffic and the movement of harvested agricultural commodities to
15 processing facilities and markets. This is a particular concern regarding the Freeport Bridge. As
16 noted above, the recent increase in traffic levels at and near the Freeport Bridge causes enormous
17 problems for Clarksburg-area residents who travel north to Sacramento. During commute hours
18 especially, access and egress on and off the bridge is both dangerous and problematic. Yolo County
19 has recently installed a 3 way stop at the west end of the bridge which increases safety but slows
20 traffic and increases congestion. That bridge does not appear to have been intended to
21 accommodate substantial amount of traffic in both directions. Delta Tunnels construction traffic
22 would exacerbate these conditions.

23 H. School Enrollment. In my opinion as a Clarksburg resident with general familiarity
24 with the operation of local schools, local traffic and bridge congestion could reduce the likelihood
25 that families from West Sacramento and families on the east side of the Sacramento River will
26 continue to send their children to the charter K-6 school (Delta Charter), the Clarksburg Middle
27 School and the high school in Clarksburg. These children are an important part of the local school
28 population and the both schools could face difficulty remaining open if enrollment significantly

1 declines. Delta Charter was established with an emphasis on agriculture which includes field trips to
2 local farms and ranches so that the children have a hands on, close up and personal connection to
3 our strong agricultural heritage. The Delta Charter School has grown from an attendance of 80
4 students at inception a decade ago to over 400 students today dramatically proving the efficiency
5 and effectiveness of our small school program, community involvement, and rural setting.

6 **IV. CONCLUSION**

7 As this testimony seeks to make clear, Delta Tunnels construction traffic—whether it
8 approaches the volumes described in the Final EIR/EIS throughout the day or only at certain peak
9 hours—would impact Clarksburg agriculture in a number of ways. These impacts vary in degree
10 but, particularly when taken together, they represent a real and significant threat to Heringer Estates
11 and other local agricultural operations. To my knowledge, these impacts (and others described
12 above) have received no meaningful attention from DWR to date and they serve as just one example
13 of why the Delta Tunnels is contrary to the public interest.

14 Of course, like most Delta residents, my concerns with the Delta Tunnels extend beyond
15 traffic and many of the other (generally, agricultural) issues described above. It would be naïve to
16 assume that more than a decade of major construction would pass with little notice. To the
17 contrary, I expect construction noise, dust, and other inconveniences both large and small, known
18 and unknown, would occur throughout the construction period. Regional impacts from the project
19 on traffic, agriculture, air quality, and the economy would affect every community, particularly the
20 Delta legacy towns such as Clarksburg.

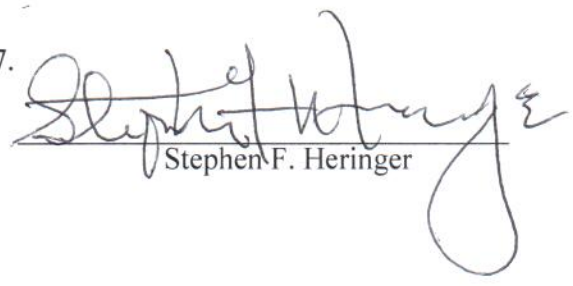
21 Finally, Heringer Estates Winery operates from the Old Sugar Mill our winery and tasting
22 room. It is absolutely imperative that our visiting guests have a memorable experience as 90+% of
23 our wine sales are across the counter at our tasting room. Ask the Napa wineries how much the
24 wildfires have affected their winery visitors and you can sense our fear of a 10+ year mega-
25 construction project with related traffic, dust, noise, etc., negatively affecting our wine sales and
26 local tourism. There are more than 15 small wineries headquartered in the Old Sugar Mill in
27 Clarksburg with similar fears and concerns.

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Folks come to the Delta for the peace, tranquility, beauty and historical integrity of a rural region largely unchanged over the last century. Yolo County's protection of our agricultural economy has been paramount in that process. This project is absolutely not in the best interest of the Delta, its inhabitants, or the ecology of the largest fresh water estuary in the Western Hemisphere. Enough already!!!

Executed on this __ day of November, 2017.



Stephen F. Heringer