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8 Friends of Stone Lakes National Wildlife Refuge

11 **BEFORE THE**
12 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

13 HEARING IN THE MATTER OF
14 CALIFORNIA DEPARTMENT OF WATER
15 RESOURCES AND UNITED STATES
16 BUREAU OF RECLAMATION
17 REQUEST FOR A CHANGE IN POINT OF
18 DIVERSION FOR CALIFORNIA WATER FIX

**[PROPOSED] WRITTEN TESTIMONY OF
ROBERT BURNES**

1 **I. INTRODUCTION**

2 I am Robert Burness, representing Friends of Stone Lakes National Wildlife Refuge. I
3 serve on the Board of Directors of this organization. Moreover, since 2006 I have served as
4 Chair of the Friends of Stone Lakes National Wildlife Refuge Conservation Committee. (See
5 also ECOS-2, Statement of Qualifications).

6 **II. TESTIMONY**

7 The Friends are, and have been, actively involved in protecting the Refuge by providing
8 interpretive, environmental, and conservation education programs, materials, publications, and
9 facilities for the benefit of the general public and assisting the Refuge with scientific, research,
10 natural resource, and conservation projects. As well as advocating on behalf of the Refuge in
11 the Project proceedings, the Friends have advocated on behalf of protecting the resources of
12 the Refuge in local governmental venues for many years.

13 Friends submitted comments on the 2013 Draft EIR/EIS, the 2015 Partially Recirculated
14 Draft EIR/Supplemental Draft EIS ("RDEIR/SDEIS"), and the 2016 Final EIR/EIS ("FEIR/S") for
15 the Project, as well as comments specifically addressed to concerns about the State
16 Department of Fish and Wildlife's authority to issue an Incidental Take Permit for the Project.
17 In these comments, Friends expressed concern that the lead agencies had not adequately
18 demonstrated that Preferred Alternative 4A would satisfy the "zero-take" standard required by
19 the Fully Protected Species statute or would "minimize and fully mitigate" take of CESA-listed
20 species that utilize the Refuge.

21 The Refuge was established in 1994, becoming the 505th refuge in the National Wildlife
22 Refuge System. The Refuge boundary was established at approximately 18,000 acres. The
23 U.S. Fish and Wildlife Service currently manages approximately 6,500 acres within the
24 boundary area. The Refuge is located within the Beach-Stone Lakes Basin in southern
25 Sacramento County and is within the Sacramento-San Joaquin Delta ecoregion. It is located
26 south of the community of Freeport, generally between I-5 and the former Southern Pacific
27 Sacramento-Walnut Grove Railroad right of way, extending approximately to Snodgrass
28

1 Slough and Twin Cities Road. The Refuge is managed according to the Stone Lakes National
2 Wildlife Refuge Comprehensive Conservation Plan. (FSL-6.)

3 The Refuge is located proximate to rapidly expanding urbanizing areas and was
4 established to serve as an important wildlife refuge area that helps to bridge the gap between
5 the Cosumnes River Preserve to the southeast and the Vic Fazio Yolo Basin Wildlife Area to
6 the northwest. Because of the adverse effects of urbanization, the Refuge was determined to
7 be one of the six most threatened refuges in the nation in 2005 by the National Wildlife Refuge
8 Association in its annual Report on the State of the System. (See FSL-7.)

9 Since 2005, the threats to the Refuge have not decreased—if anything, they have
10 increased. Already, approximately 450 acres that were originally envisioned to be part of the
11 refuge have urbanized. Abutting the Refuge to the east is the City of Elk Grove, one of the
12 most rapidly urbanizing areas in the Sacramento region. These adjacent development
13 pressures result in additional human-caused disturbance to the Refuge, such as the loss of off-
14 site foraging habitat for vulnerable species such as the Greater Sandhill Crane, the likelihood
15 of diminished water quality runoff from urban areas into the Refuge, and the chance for
16 transmission of invasive species. Now, in addition to all of these threats from the east, the
17 Refuge is also threatened by the Delta Tunnels project immediately to the west. (See LAND-3
18 and LAND-120 [showing proposed project in relation to Refuge and Elk Grove].)

19 The Refuge is located entirely within the 100-year flood zone. Before European
20 settlement, the flooded basin area during winter could extend from lower Morrison Creek to the
21 Mokelumne River, and supported tens of thousands of migratory birds, as well as elk,
22 pronghorn and grizzly bear. The Refuge is part of the Pacific Flyway and is an important
23 stopover area for migrating birds during the spring and fall, and provides important wintering
24 habitat for waterfowl and other birds. Only about 10 percent of the original pre-European
25 settlement Central Valley wetlands still remain, so any amount which is still available for use by
26 migratory and wintering birds is critical to their well-being.

27 In addition to wetlands, the Refuge has a diversity of vegetative communities, including
28 grasslands, riparian forest, and valley oak woodland. This diverse vegetation provides habitat

1 for a range of birds, reptiles, mammals, amphibians and invertebrates. Over 200 species of
2 birds have been sighted on the Refuge, and approximately 90 have been recorded as
3 breeding. Grasslands provide foraging areas for bird-of-prey, including Swainson's Hawk,
4 black-shouldered (white-tailed) kites, golden eagles, great horned and barn owls, and
5 American kestrels, and are important for white-fronted geese, Canada geese and Ross's
6 geese. Waterfowl and shorebirds birds make extensive use of the managed wetlands both
7 during migration and for winter.

8 In particular, the Refuge, and adjacent public and private lands, provide important
9 wintering habitat for both greater and lesser sandhill cranes. The cranes arrive from the
10 northeast in September and October, and depart northward in March and April. Several
11 hundred greater sandhill cranes have been seen feeding and resting in various parts of the
12 managed wetlands and pasturelands within the Refuge boundaries.

13 In addition to providing wildlife with quality habitat and their environmental needs, the
14 Refuge provides an opportunity for environmental education and interpretation, and access for
15 wildlife observation and hunting. In 2011, a public access area was developed adjacent to the
16 Refuge Headquarters at 1624 Hood-Franklin Road and a handicapped-accessible trail with
17 environmental interpretation was constructed. The Friends support a program to provide
18 transportation for school children to the Refuge and sponsors the "Nature Bowl", an
19 environmental-themed competition, for local schools each spring at the Headquarters site.
20 Thousands of adults and children visit the Refuge each year to view and enjoy the birds and
21 other wildlife.

22 **III. CONCLUSION**

23 The Friends have a long-standing record of advocating for and supporting the best
24 interests of the Refuge, and are extremely concerned about the direct and indirect adverse
25 impacts to the Refuge that would arise from the construction of the proposed Delta Tunnels,
26 including the tunnel intakes, which are located directly west of the northern portion of the
27 Refuge, and the proposed forebay, which is located with the Refuge project boundaries directly
28 north of Twin Cities Road. The Friends are also extremely concerned about the likelihood of

1 mortality to sandhill cranes from the proposed additional transmission lines, which will transect
2 the Refuge. The Friends believe that the impacts of the Project, including such impacts as
3 construction truck traffic, will be extremely detrimental to the welfare of a number of species
4 utilizing the Refuge, including the potential take of State-listed species, and will result in
5 degradation of the Refuge resources.

6 Executed on the 3rd day of April, 2018, at Sacramento, California.

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8 Robert Burness
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