

*The following is a summary of the comments and questions asked, along with the answers given at the Rio Vista Landowner meeting hosted by the Department of Water Resources on August 20, 2008*

**Q: [Supervisor Mike Reagan]** We have a lot of study efforts that are going on affecting the Delta and the Suisun Marsh. I think last count I heard it was about 63 study processes going on at the same time, which it's tough to keep track of them all. We've talked about the potential routes, but the rubber actually meets the road when you start figuring out what the mitigation is going to be and the impacts that has on everyone else, which are often more severe than the impacts of the construction.

**A:** Well, we haven't worked all that out yet. And it's not just mitigation. We have to go beyond mitigation and make contributions towards the conservation of the species. It will be harder here because of the fish impacts. If we have a positive barrier fish drain, we can decrease the current concerns related to fish mortality. Cut it in half, by a fourth, or whatever.

Now, in terms of terrestrial impacts like building any sort of physical facility, we're going to have to deal with those issues. One way to do that is to avoid them. Particularly on the eastern alignment, there are wild marsh areas that we will avoid by tunneling underneath them, putting siphons underneath. There will be farming impacts and potentially we'll be looking at putting up some sort of physical facility across there. But the first thing to do is avoid the impact. A lot of times changing a route can really reduce the amount of impact you have. Now we haven't worked out the specific quantifications of measures yet. But we'll be working on that and we'll definitely have to disclose that as we move down the road.

**Q: The size of the engineered conveyance is, I've heard, three, 25 foot in diameter pipes. That would basically be sized to export the three to five million acre feet a year that we export.**

**A:** Well, in terms of flow, it's anywhere from 5,000 to 15,000 cubic feet per second. It depends on how much you use it and how many acre feet you move a year.

**Q: What percentage of the water flowing through these facilities will be water that goes south?**

**A:** The current pumping capacity we have in the South Delta is about 15,000 cubic feet per second. We rarely, if ever, are able to pump that much. We are not proposing to take much more water than we're currently taking. We just want to change the routing of that to better protect fish. Of course, the standards that are in place will dictate how these facilities are operated. The same as they dictate how they're operated today. We'll have to work that out with the fish agencies to find out what they're going to require us to do.

**Q: Is the majority of the conveyance an open ditch or pipes? Is it lined or unlined, and how wide is it?**

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**A:** It's actually a combination of pipes. Where you have street crossings, river crossings, you would have either a pipe or a box culvert. So you would utilize that type of structure under that situation. But where you have flat lands, we're thinking of unlined canals. I believe the canal is about 300 feet wide. The actual footprint would be about 1200 feet. That's only one alternative. - the eastern alternative. If you go with the through Delta option, then you're looking at actually reinforcing existing levees. You're actually constructing set-back levees to address the seismic issues. The western alignment actually has tunnels. There are various combinations of how these facilities will be built. We are not set on any particular type of infrastructure at this time. We are looking at what minimizes the impact to your communities, to the farmlands. We're also evaluating costs and schedules.

**Q:** **The public is amazed at how many actions and studies are going on that they really don't know about, and how much is really being done before the decision has actually been made to do it. The blue ribbon commission study and recommendation is due to the Governor and he's to make a decision. But, there are a lot of things going on and it's hard for people to really understand them. I mean, there's a great deal of confusion, which leads to suspicion. And so, I think it's really important that meetings like this occur right here, in the area where it's going to really have a great effect.**

**I don't think there's been enough outreach, either at the public level or even at the elected officials' level. I mean, I don't know that a conscious decision on the cities' part not to participate in the steering committee has been made. I think we were just too far west to be notified. I've had a great deal of involvement in this and tried to keep up with as much as I can. And frankly, I'm flat confused as well.**

**So, I guess my biggest point is that if you can up the level of involvement and information at this level, I mean, it is just really, really important. Otherwise we have a lot of confusion of the issues, which leads to suspicion.**

**A:** You're absolutely right. We have to do a better job with this. Up to now we haven't done as much of this as we probably could have because we didn't have any plans. And now we've got at least something on paper that we can talk about. It's still at a very preliminary stage. I appreciate how confusing it is, I do this every day and it's hard for me to keep up with this stuff. The Secretary for Resources is committed to meeting with local elected officials every month. So, I think that that will help a little bit, but we've got to develop a better process for getting information to you so that we can hear information back from you, and we're working on that.

**Q:** **Why is the peripheral canal being considered instead of the many nondestructive alternatives that could be combined to achieve the same end?**

**A:** To some extent I think we are looking at different alternatives. We are looking at east alignments, west alignments and through the Delta. I'm not sure what else what could do. There are, however, other ways to get water in California's supply, and in our water plan that we developed in 2005 we talked about desalination, water conservation, water reclamation,

all the different ways to better utilize water. But still, this concept that we have of moving water north to south will still play a role in California's water picture.

Now, certainly the Delta isn't responsible for providing all the water needed in California. That's not what we're looking for here. But there are, hopefully, ways we can move water north to south that is safe for the environment that can still be utilized in the system. We are currently evaluating the different options and that's the process we're talking about here today.

**Q: What assurances of confidentiality do we have about the information that you gain when you're on our land?**

**A:** Some information will be collected regarding endangered species. We'll have to report the data to the fishery agencies and the state fishery agencies. But access to that data will be limited to very general information. Species are not identified by parcel.

We can keep a lot of the other data we collect confidential. The geotechnical information and any physical information that we have will be part of the project and it would stay within the project for study purposes. So it wouldn't be transmitted anywhere other than within the project itself.

**Q: Would the information that you would be collecting be available through the Freedom of Information Act?**

**A:** We need to get an answer to that. Our hope is that we would keep all the information we have on your property confidential in this process. But we've got to get an actual legal answer to that question, and we'll work on that part. So that's one we've got to do some more research on.

**Q: The third draft of the Delta Vision stresses heavily that mitigation doesn't work. What are you going to do to mitigate?**

**A:** Delta Vision is an independent panel. We are looking at a more confined set of issues than they are. If you read something in Delta Vision, that doesn't mean it's ours. In terms of the mitigation, I can't agree with you more that it hasn't worked. And part of the reason is we've been focusing on one thing at a time. We haven't looked at the system as a whole and that's part of this habitat conservation process – it forces us to look at the system more holistically. In terms of a conservation plan, we have to go beyond mitigation and provide a contribution towards conservation. We are really hopeful that this plan will put us on a different course than we've seen historically.

**Q: I really don't care for the concept of a conveyance system pushing water at 15,000 cubic feet per second. The Wanger rulings said to slow the pumps down. I do not agree with the size of this conveyance because fish need water, right?**

**A:** Fish also need food and good temperatures, and a lot of other things as well. Let's talk a

little bit about the Wanger decision. Many of you have heard that Federal Court issued a ruling this year that constrained our operations in the Delta. Principally, it's related to the issue of water movement down two channels, and how it moves the channels backwards. Just this year, that constraint cost the two water projects something on the order of 735,000 acre feet of water. We've got to fix how we move water across the Delta if we're going to have those kinds of rulings that disturb how we move water quickly in drought years.

We could pump a lot more water every year, but we don't because we are constrained by the regulatory process that we have in place. I appreciate the fact that the big issue here for a lot of us is who's going to make the decision about what regulates these facilities and who makes the changes in the future. Who sets the rules and how do you figure out how those rules get changed. That's a huge governance issue that we've got to deal with effectively or this will not happen.

**Q: The BDCP foresees creating a lot of habitat in the North Delta. In addition, the BDCP habitat and operations technical team is looking at creating what the locals will call the Clarksburg Bypass. I think you call it the Deepwater Channel Bypass. It pretty much encompasses all of district 999.**

**The surveying that you're going to do is going to include not just the conveyance facilities, but areas that you want to create the habitat. As you look at converting these lands from their current high value agricultural to a permanent landscape of potentially a bypass or habitat, just be careful. Because if you build it, it doesn't mean they will come. Your prediction of what kind of habitat may not in fact come true.**

**A:** I don't think we're far enough along yet to identify with any sort of confidence what conservation alternatives we need to study. But, we've spent about a year looking at conveyance options. In the next several months, we plan to look at the habitat options more carefully. The Steering Committee will give us some guidance on what we might want to look at in terms of surveys. But it's just not far enough along yet.

**Q: So, once they finish the habitat conservation plan for the BDCP, then you may have another round of surveys that will need to be done?**

**A:** We are doing surveys now based principally on the conveyance options. But, within the next month or two we may get some more guidance on the habitat piece and then we'll probably have to conduct more surveys.

**Q: Will other agencies such as the Department of Fish and Game conduct the surveys with you? Because if they're the agency doing some of these surveys for you, and they find species, or species habitat, they have an obligation. That would cause great regulatory issues for the landowner.**

**A:** We're looking at just having our folks or our consultants go on these lands. There may be times when the fish agencies have to accompany us to make sure that we're doing it right. We still have to report what we find to them, so they don't have to be there except to make

sure that we're doing the right kind of surveys.

**Q: When do you plan to start seeking access with the Temporary Entry Permits?**

**A:** Two weeks after these landowner meetings are done, we will send out notification to specific landowners to begin that process. We would then want to meet with those specific landowners, explain what we're doing, and then, hopefully, with your approval, we would actually access the property in the spring of 2009.

**Q: What will be the length of time that you will be accessing the properties?**

**A:** It would vary depending on the surveys. Some of the biological surveys could require two seasons. There would be spring surveys in 2009 and then again in 2010.

**Q: When will your plan be done?**

**A:** Late 2010.

**Q: Will you be prepared two weeks after we finish these meetings to describe in detail your assurances of confidentiality in relationship to other agencies and the legal implications?**

**A:** Yes.

**Q: If the eastern alignment is going to theoretically help not to entrain fish in the pumps and solve the problems with the various fishing organizations that are now hampering your efforts to pump water, what will that do for the flooding issues and salt water intrusion in the Delta?**

**A:** That's a very good point and we've got to figure that part out. The studies we've looked at so far show that saltwater intrusion doesn't change very much. This is all dependent on what the standards are, of course. But how you take the water doesn't change the saltwater intrusion by itself.

**Q: The eastern alignment is a really bad idea. I would prefer to see a through Delta conveyance, only because at least the water can pass through once, and we get a shot at it for the uses that would be local.**

**A:** We have found that when we stop moving water across the Delta and we pump only an isolated facility, the San Joaquin River water quality sits here in the southern part of the Delta and cooks – it is effected by discharges. By us moving water across the Delta, we're basically moving Sacramento River and San Joaquin River water into this area and flushing out the salts. Our studies have shown us that a fairly modest export, combined with exports in the north, can actually benefit water quality in this area and alleviate some of the water level issues that South Delta Water Agency has in the southern Delta. This has all got to be worked out. We will need standards in place to make sure these things are abided by. But

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we are seeing an ability to protect Delta water quality and still protect the fish as we do these things.

**Q: Are we going to maintain the commitment to the X2 in the Suisun Bay so that we can protect the Suisun Marsh in this process?**

**A:** The Suisun Marsh water quality standards are a separate set of standards beyond the X2 standard that the Water Board developed in the seventies. There is some debate over whether we need to maintain those standards in order to provide for the kind of habitat we want long term in Suisun Marsh. So that will be an issue that will be debated by the fish agencies.

**Q: How are you going to assure us that we don't end up losing additional islands and that we don't create a salinity problem that's going to further influence your exports?**

**A:** Certainly the sea level rise does become even a more challenging issue as we move down the road. What we found is that it really depends on each island and location of the flooding in terms of the saltwater intrusion. For example, when Jones Tract flooded and we repaired it, it actually improved water quality because its location is in a part of the Delta where after it fills up, it just got water in it. It was basically the way the tides slosh in and out, it was actually pumping fresh water out. It really does matter where the islands are in terms of how it affects saltwater intrusion.

**Q: One of the concerns that many people in the north part of the Delta in Clarksburg and Walnut Grove area have is the fact that there is nobody who truly represents the Delta on the Steering Committee for the BDCP. It should've been imperative at some point in the process for the BDCP people to say we need to include some of those people in the Sacramento-San Joaquin Delta, who are so familiar with this area, in the process to address some of the issues that we are dealing with.**

**A:** That's an excellent point and we hear you and we're on a wave to try to fix that the best we can. We're working on doing that. I think the one message that we've heard loud and clear is that you all wanted to have a bigger voice in this process. We've got to figure out how to do that. We're working on it.

**Q: Among all the different processes that are going on concerning the Delta, the two that I think people are most aware of and concerned about is the Bay Delta Conservation Plan and the Delta Vision Plan. And you said they're two different plans and they're going in some ways in different directions. My question is which one trumps the other, and how one trumps the other. Is it through legislative process? Is it through agency instituted plans? How do the different plans that will emerge from these two processes get sorted out and one, the other, or a mixture of the two get decided upon?**

**A:** Good point. Actually, I wouldn't say they're going in different directions. I think they're going in very parallel directions. The Delta Vision is a much broader focus, looking at the Delta as

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a whole. The BDCP process is looking principally at the aquatic ecosystem and how we make that work better. In the process we're involved with in BDCP, there will be very specific, quantifiable goals that need to be done. There will be identified funding sources.

Delta Vision is a little different because it's more like a plan. Once they're done at the end of the year, they're done. Their issues, we don't have to deal with in BDCP, except governance, and that will be a part of the plan that's developed out of the BDCP process for the aquatic ecosystem. The Delta Vision process is probably going to need legislation to do some of the things they want to do, but that could take some time. Hopefully, they will come to a good conclusion.

I think BDCP will be implemented, but that it will be a very specific project. Delta Vision will provide guidance on how we work long term.

**Q: Whose the lead agency? How many agencies are involved? What is the relationship between the agencies? What does “take” mean?**

**A:** There are four lead agencies: the National Marine Fisheries Service and U.S. Fish and Wildlife Service, the federal Bureau of Reclamation, and the Department of Water Resources is the state-lead agency.

Take has a couple of meanings. In federal ESA lingo, take is if you take an endangered fish and actually collect it. You don't have to kill it necessarily, you just have to harm it or harass it in some fashion. In terms of us taking actions, we're a long way from that. We're still in the study mode. We're in a planning document stage. We're years away from actually taking actions. So while it's important to get involved in at this early stage, we're a ways away from actually taking any sort of physical actions on the BDCP.

**Q: Where is the funding coming from for this project?**

**A:** The funding for the Bay Delta Plan and Conservation effort is coming almost entirely from the water agencies. The fish agencies will be doing a lot of work that up until now has been paid for by the water agencies. Next year there is some state funding that was made available to pay for the fishery agencies' activities. So that will be funded by some public funds, but just that part.

**Q: How much fresh water does the Delta need to have a healthy ecosystem?**

**A:** That's a great question but a very hard question to answer because it really depends how you move water across the Delta or to the Delta. Some of the standards we have currently that move water out of the Delta are probably predicated on keeping the fish away from our pumps. Now, if we're not pumping in the South Delta, then that water maybe isn't needed for that activity. In addition, there are things in the Delta in terms of water quality and how water moves across the Delta. Fish flows in the Delta are needed to better protect fish movement.

It's a very complicated question. The Water Board has a table that sets up what the

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standards are. From that compilation of standards of complying with the most stringent one, you get to the answer of what to do for Delta outflow.

**Q: I noticed that you mentioned the PPIC 1 and 2 reports. I believe Dr. Cottrell of the Contra Costa Water District shot Dr. Haynick's salinity and variable salinity argument out of the window with his studies. Then the PPIC-2 comes in and we find out one of the main funders for that study was Steven Bechtel of Bechtel Corporation. So, that doesn't give a lot of credence to that report. Then you were talking about the X2 factor and how it's being held.**

**A:** Only in the very wettest of times. Mostly it's like Fipp's Island area.

**Q: One of the concerns I have about an alternate conveyance source is that it takes the fresh water way up above the Sacramento River, routes it around the Delta, and sends it down to the farmers in the Central Valley, especially the Westlands area. That soil is laced with selenium and then they run it through the San Luis drain out Mud Slough and back down into the San Joaquin River and it comes back down to us West Delta residents. That's a very big concern. You know, it's a tidal estuary, it needs tidal flush. How many acres of Delta land would this project take up – a hundred acres, a thousand acres, ten thousand acres?**

**A:** I don't know the math on that yet. I doubt ten thousand. At this time we don't know, but we can get back to you on that.

**Q: Some of the most fertile farmland in the entire state of California resides here in the Delta. It seems like it's quite a sacrifice to take some of that land out of production to irrigate selenium-based desert and pump in back down to the Delta for West Delta residents to consume.**

**A:** Let me just address a couple of those points. In terms of Delta outflows, some of the studies that were done recently have shown that some of the issues we have with the fish are related to ammonia being discharged by the City of Sacramento. That's basically new data. We did some more studies this last year that indicated a test organism that we've been using isn't as sensitive as ones that actually live in this estuary. So we're refining the test to get a better handle on how important that is. The analysis we've done show increases in ammonia levels are highly correlated with some of the decreases in certain numbers of fish and some of the zooplankton in the system that the fish feed upon.

Another part is the selenium issue and temperature. One of the things that Delta smelt are very sensitive to is temperature and a lot of the changes that we've seen in the estuary relate back to change in temperature. The air temperature has risen by some three degrees and that's affected water temperatures in the estuary and we think that may be a big stressor.

So it's not just outflow - it's one of the problems of focusing simply on the water projects or the flows aspects, and forgetting all the other things that are going on in the ecosystem. Without a doubt selenium is a big issue. Just in the last 10 or 15 years we've decreased the

selenium levels to the river dramatically by the activities of the local drainers to that area. The salt levels have also decreased a lot. The San Joaquin River this year, even though the flows are low, the salt concentrations coming into the system are much lower than they would have been, 10 or 15 years ago – by 15-20 percent. So that's some big changes going on in the system. Certainly, the selenium issue is something we're very concerned about as we move forward.

**Q: Wasn't ammonia among the issues due to a water treatment plant that wasn't properly being processed up in Sacramento? And if so, how's that being handled?**

**A:** Well, I don't really know the answer to that. I'll have to get the answer to that. But certainly it's an issue, and the Water Board's aware of that and I think the data we're collecting will make that much more visible and easier for them to take regulatory action as we see the kind of impacts that we're seeing downstream.

**Q: I've heard a lot about conveyance, but I haven't heard anything about storage. What are you doing to look into increasing the storage capacity so we have more water to send down south?**

**A:** That's a good point. You've probably heard the Governor talk about storage a lot and certainly we're very supportive of storage. The CalFed program has looked at several different reservoirs for storage. Those environmental studies are being concluded; most of them this year, some of them early next. So storage is a big deal. Sites Reservoir, expansion for Los Vaqueros Reservoir, Temperance Flat on the San Joaquin, are all programs that are being looked at very carefully. The important part about storage is that even if we have storage north of the Delta, it wouldn't do us a whole lot of good from a statewide standpoint if we can't get it across the Delta.

**Q: Don't the storage issues need to be addressed before you build the conveyance improvements?**

**A:** In the last several decades we've invested resources in groundwater storage in the San Joaquin Valley, with the Kern Water Bank being probably one of the better examples. There are other storage facilities; Diamond Valley Reservoir of the Metropolitan Water District. They're not State Water Project, or CVP facilities, but they're locally owned facilities and we can use them. That's a big part of how people are getting through the drought now.

The storage south of the Delta that currently exists is very important. The regulations that we have in place now are preventing people from taking advantage of even wet-year flows that may occur for a couple of weeks because of the constraints we have on how we move water. But again, we have to figure out how to get water conveyed across the Delta before taking advantage of that.

In very wet years like 2006, you had a lot of flow going out of the Delta. We didn't get any Delta smelt that year. That would have been a good year to put some water in storage. But if we had additional storage we could take advantage of those kind of really wet years.

**Q: I know most of the problems are around what's going to become mitigation ground and will be taken out of production. When are you going to come to the public with that information? What's the general idea of what you guys are thinking?**

**A:** Well, we don't have the information yet. Part of the reason for the studies we're doing is to figure out whereabouts we have problems in that area. What do we have to mitigate for.

**Q: Your plan for North Delta and South Delta, I think it would be good to at least talk about what you guys are thinking about doing.**

**A:** One of the things we're doing in this habitat conservation plan is looking at habitat areas that might be more productive. One issue is food for the fish and we're looking at what would be better for them. In 2006 we had split-tail fish that were about to be listed as an endangered fish. In 2006 it had lots of flooded habitat that provided the kind of food and habitat resources for it to spawn in and then had food for them to eat. Delta smelt and salmon also benefit from flooded habitat.

So one concept that's been talked about is flooding, and it doesn't take a whole lot of water to do that, maybe 5000 cfs coming in at the Fremont Weir to be able to flood that. Maybe instead of flooding every five or ten years, maybe flood every other year. Cut the Fremont Weir down so it can physically flood passively at a lower flow, put a gate on it and you can flood it at a lower flow if you needed to. The biologists are telling us they think that would provide good food for fish, passage for salmon, and would be beneficial to the system.

If you're a farmer in the bypass, you may not like that because right now when we flood in the bypass, we flood it maybe up until April and then it dries out and it's hard to get a crop in if you can't get in and work the soil until that late in the year. So we're going to have to work that out if we're going to actually implement that program. We're about to the point where we can start talking about that with.

There are habitats, particularly tidal areas and inner tidal habitat, that the fish agencies say would be beneficial for fish. Kind of like what happened on Liberty Island, kind of what the Delta used to look like, it's what a lot of the fish agencies think would be helpful for Delta smelt and other fish issues.

**Q: What would happen if we abandoned existing levees and allowed the river to naturally take over the farm ground?**

**A:** In the case of Liberty Island, it happened and people decided they didn't want to reclaim it. So this happened naturally. Prospect Island was a big deal and that was thought of as maybe a possible habitat area. The Bureau actually has now repaired that, but that's another area that people are thinking about might be helpful for fish down the road.

**Q: In order to establish mitigation, are you going to go and approach the landowners and try to buy it from them or are you going to eminent domain it, or all of the above?**

- A:** My feeling on that is we will be looking for any sort of habitat improvements. There are lots of areas in the Delta to look at habitat and there are folks that will be willing. We'll look for willing partners in those areas.
- Q: Only willing partners? Will you consider the other options if you don't get enough willing?**
- A:** I think that the only way this is going to work is if it's a willing seller. It's hard to talk to folks about condemning land for habitat purposes. We'll have to work that out as we move on in the process.
- Q: Will you share the information that you collect on the farms or on the land with the landowner? Will we have access to the data and the analysis?**
- A:** Yes.
- Q: Is the next step in your plan going to be sending out letters with permits? Are you going to ask us for permission or are you simply going to say we are permitted to go on the land by state authority?**
- A:** We're asking for your permission.
- Q: What are the consequences if permission is denied?**
- A:** We'll talk to you again because part of the issue may be that we haven't communicated well enough the kind of studies that we would do. If it gets to the point where we simply cannot get past this, we'll see if there is another piece of property nearby that would give us the same kind of data. We will do everything we can to try to get around the issue in some fashion. If we can't find property nearby, the law provides that we can gain access. We'd have to go to court. It's a very painful process for everybody involved. But the law provides for us to do that if we really need it to make the process work.
- Q: Then in some sense you're saying we're almost obligated to give you permission?**
- A:** If for some reason we can't work it out, and really do need the data to make it a sufficient document to move forward, the law provides for the mechanism to do that.
- Q: What I find confusing is that we're talking about putting billions of dollars into a facility across the Delta, and I would like to know how the environmental review is proposing to deal with these risk factors that make the Delta unsustainable relative to a land based canal or open ditch canal.**
- A:** The question for a lot of us is what do we do about the risk factors as we move forward? For example, the seismicity question. We hadn't really understood this until the U.S. Geological Survey brought us the data that they've done on earthquakes. We've never had an

earthquake failure in the Delta or had a failure of a levee caused by earthquakes in the Delta that we can find in the record. That's actually not good news because what we find is that since 1906 we've had a pretty quiescent period in California of earthquakes. The scientists are telling us that every year that passes the probability of an earthquake gets greater. The probability that we will have an earthquake that could destroy 20 levees over the next 25 years is basically the probability of the toss of a coin - 53 percent. If we have an earthquake of the kind of magnitude people are saying is likely, we will have deformation of miles of levee.

So the point is we may not be able to fix those levees very quickly. It was like a one in a 300 year event. This is a much more frequent event and it's hard for the Department to look at that data and not try to do something about it.

If we lose the Delta, we could lose up to two years. Fish would do very well but the Delta islands wouldn't do very well. We can't build a canal system that is earthquake proof, but it can at least be engineered and be earthquake resistant, and we can repair some sort of canal system a whole lot simpler.

We've got to invest in the Delta. We've got to figure this out as a group if we're going to move down the road. Our hope is that we can invest and do something in the next several years to create a more sustainable Delta.