BUREAU OF RECLAMATION

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BAY DELTA CONSERVATION PLAN MEETINGS

PUBLIC COMMENTS ONLY

FOR:

STOCKTON

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BUREAU OF RECLAMATION
BAY DELTA CONSERVATION PLAN MEETINGS
March 2009

STOCKTON:

Chair: We're going to have questions and comments. If you have a question, go ahead with your question and a follow-up question. We'd like you, if you can, to keep that to three minutes or so. And if you have a comment, again, three minutes or so. Our goal is to get through everyone who would like to speak at least once. If we have time left over, we're happy to come back and give you another chance to make a comment or a question. So what I'm going to do is I'm going to call your names two or three at a time so you can prepare. If you can come up to the microphone and state your name. If you choose to state an organization

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you're representing, that's fine. But if you can clearly state your name, that will help us. The first one is Blair Hake, and then Jane Wagner-Tyack.

Mr. Hake: My name is Blair Hake. I'm past president for California Delta Chambers, member of Village Race Yacht Club, San Joaquin Delta Power Squatters, and lifelong resident of the Delta. I just have a couple of comments. No questions. First off, I'll start, I look at this and I think it's a fraud. I don't even know why you guys are bothering. You pretty much have made up your mind you're going to build this canal and I see where you're going. I also don't see any representatives from the environmental or agricultural interest here in the Delta on your board. And I could be wrong. Just my observations. Let's get real. This attempt to take the water from the north and ship it south, you probably heard that

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last night at your meeting. But that's the way it is and what you're doing. You think it's going to help the Delta recover. And I don't understand how taking water out of one area and shipping it to another area is going to help the Delta in any way. The -- I just look at the track record of the state and federal governments. And anyplace you've done this, be it Mono Lake, Owen's Valley, et cetera, your track record is dismal. Anyways, I just -- in closing, like I say, I don't trust the government. The promises you made, you've never kept them. If we can go back to the water agreements originally made many years ago and they -- you know, we see what's happening to the Delta smelt today. It's because of that. If you look up ahead or upstream of us here on the San Joaquin, the problems we have there, you took the water. I guess we can go up to the

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Trinity and we can look at that and where the salmon runs there nowadays too. Anyways, I think a more viable plan would be self-sufficiency for those regions that need the water. And thank you.

Chair: Jane, and then John Studarus.

Ms. Wagner: My name is Jane Wagner-Tyack. And I'm speaking here on behalf of Restore the Delta, which is a grassroots network of citizens committed to preserving the Sacramento-San Joaquin Delta. We want to express our dismay once again that the BDCP Steering Committee was formed to exclude representatives of Delta communities. You have designed a planning process in which the regulated bodies will, in effect, design the system that will regulate them. We have no confidence in your intention to provide for water quality for any except export purposes, even though a multi-billion dollar economy of

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farming and recreational and commercial fishing, with the jobs that the economy provides, depends on ample clean water in the Delta. We have no confidence in the state's ability to plumb this intricate system in ways that sustain Delta habitat and human communities. We question the science on which you have based many of your decisions. We believe you moved precipitantly to consider only an isolated conveyance as a solution to the Delta's challenges. And we think it is a terrible mistake to invest time and resources in planning for more of the kind of infrastructure that has already created unrealistic expectations about water availability and reliability statewide. The state should be putting these resources and efforts toward regional self-sufficiency and the most flexible, resilient systems possible in order to confront unknown

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conditions in the future. Thank you.

Chair: John, and then Dante Nomellini.

Mr. Studarus: First of all, I'd like to say that I agree completely with the prior statements. Another statement that I would like to present to the governing boards, or whoever, is that in the Sacramento Bee and a lot of the other publications, we've been seeing a lot of statements about the dangers of the levees subsiding in the Delta. The numbers that I have seen are 50 levees failing, and 20 islands flooding if there's a 6.5 earthquake in the Bay Area. In almost 100 years of Delta levees, there's not been one levee that has failed due to an earthquake. That also includes the 1989 earthquake that was 6.9 to 7.1 on the Richter scale that was in San Francisco. Still no levees failed. The water in the Delta, the quality of the water in the Delta for the fish, the wildlife,

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and for the humans cannot be improved by taking it out at a higher spot and making the Delta more of a cesspool.

Mr. Nomellini: I'm Dante John Nomellini. I'm one of the attorneys for the Central Delta Water Agency. I share this pessimistic view of your process. In my opinion, this is a preconceived objective to build a peripheral canal. And all of these studies that you've developed are all tainted. And they present a difficulty for any decision-maker to make an honest decision, because you've corrupted the science. Now, one of the basic premises on which water was shipped south in California was the promise that you would only take surplus water. The state water project, as I hope you all know now, was to develop 5-million acre feet on north coast rivers. It was not developed. The state water project today is still dealing with an

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entitlement of 4 and a quarter million acre feet. You have no supply for the state water project. Similarly, there's a lack of supply identified for the San Luis unit. Those shortages are on top of the shortages that exist in Northern California watersheds. I think your studies ought to deeply investigate the availability of water. You can see what happened in February when the projects could not meet the X2 requirement. We were in the beginning of the third year of perhaps a six-year dry cycle. We couldn't even make it through this process. So I think you should look at the availability of water. Northern California has the right to recapture the water back from the projects. That's clear in the law. It's liable to happen as time goes on. And therefore, you should make a realistic determination of how much surplus water there is available for export.

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Determine what type of mechanism you need to work with in a range of alternatives of what water might be available. There's not 15,000 cubic feet per second that's going to be exported through an isolated facility as time goes on. We support strongly the concept of self-sufficiency, particularly in the urban areas. The earthquake scenario that's been set up in your dream study, in my opinion, is not valid. It's an overstatement of what actually is the risk. The problem with it, it's only one part of the earthquake threat to your water facilities. You should recognize the aqueducts, the pumping plants, the pipelines are all more vulnerable to earthquake than the Delta. So self-sufficiency. Make our urban areas more reliant on their own resources. Desalting. Practice water recycling. Reclamation. That's the way we're going to have to go.

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Because the water does not exist in this watershed. Thank you.

Chair: Thank you. David Hurley, and then John Herrick.

Mr. Hurley: Thank you. I'm David Hurley. I watched the movie Chinatown this last week, a 1973 film noir classic. And so I did a little study on the history of L.A. and water use. And in 1860, L.A. was able to -- with 6 percent of the habitable land in the state, but .06 hundreds of the available water, they were able to sustain themselves with diversions from their local canals. Within a generation, they pumped out all the artesian wells and the local streams were mined. So as we know, in 1900, a group of investors prepared a $25 million dollar water bond and that was to take water from the Owens Valley. On the eve of that water bond, the city of L.A. went to rationing. Of

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course, the water bond passed, and a 238-mile canal was brought from the Owens Valley. But it never reached the City of Los Angeles. It only made it to the edge of the San Fernando Valley. And so that water never made it into the city of L.A., and L.A. still was in a shortage. So the next step was to go to the Colorado River, which required a 400-mile aqueduct to be built. And that water made it to the city, but that wasn't enough. In the next subsequent period of time, there were two additional extensions of the Owens Valley up into Mono Lake. But that still wasn't enough. So in the 1950's, water became -- coming from the state water project. At first, it was 1-million acre feet, then it was 1.7, 3-million acre feet, 4-million acre feet, and currently, 7-million acre feet. I think we're like a squirrel on a treadmill that's running around. And all we're

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proposing is to add more to the structure without looking at the history of where we've been. If we continue to do what we call now an alternative conveyance instead of calling it what it is, which is a peripheral canal, we're going to stay on that treadmill. And we can say that it's -- we're doing this for conservation. But conservation and exports have never been in conjunction with each other. It's either exports or it is conservation. So please take this into consideration. Look at the history of what has gone on. We know what happened to the Owens Valley. And we can see what would happen to the Delta if this was to take place. Thank you.

Chair: John, and then Dante Nomellini, Junior.

Mr. Herrick: My name is John Herrick. I'm the attorney for the South Delta Walter Agency. The prior commenters have expressed it pretty good.

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But let me just make a couple of points. We don't think it's appropriate or legal to ask for scoping comments on a project that has not yet been clearly defined. The purpose of scoping is to get input on what people think you should examine for a specified project. Right now, the project is we want to move forward with investigations, and then decide on something later. So we think that's inadequate. The major problem with the BDCP process is that rather than seeking to develop habitat conservation plans to protect fisheries or the environment, it's an effort to protect species and the environment and having minimum amount of exports. Now, that's not my opinion. We all know that's the studies that have been done. The preliminary modeling. And if any modeling or studying results in, I don't know what it is, somewhere less than 6-million

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acre feet average annual exports, then it is discarded and we move on to some other proposal. Now, the fact that the fishery agencies would be involved in a process that has as a starting point a minimum amount of exports before they have determined how much water is available in the system, as Dante recognized, is just inexcusable. Because the result of the process by which you determine what is protective of fish may result in you saying there's only 2-million acre feet available average annual. So if you have a starting process that is to protect exports in a habitat conservation plan, we believe you're in violation of the law. Dante briefly talked about the February incident. And I just want to highlight that. Because as you're examining the impacts of these proposed actions, you have to explain to us how future operations will be regulated. The

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outflow in February was 4,000 CFS below the standard. The existing standard. Without any releases from upstream reservoirs, exports were 4,000 CFS. So the current process chose to violate the permits rather than protect the fish. So how do you model future operations if current operations are choices contrary to permit conditions and not even enforced by the State Water Resources Control Board? Finally, let me just remind you that 15,000 CFS canal assumes that you can use 15,000 CFS of the export pumps at the state and federal project. That's not permitted now. And federal law says you can only -- once you go up, increase in exports, the bureau has to have figured out how it's going to meet all of its water quality obligations on the San Joaquin River, and decrease its use of new Melones. (phonetic) that's entirely absent from this.

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Let me just -- well, that's enough. Thank you very much.

Chair: Next, Dante Nomellini, Junior and Tony Silva, Junior.

Mr. Nomellini: All right. Dante Nomellini, Junior. You get a double shot with another attorney for the Central Delta Water Agency. And I have to say, every time I see you folks, I think, "These are nice people." You know. Chrisman. Jerry Johns. Karla. But this whole thing is whacked. And it's really a bad process. And I'm just going to mention a couple of things. Like John Herrick said, this is grossly premature. I mean, you made the case in your presentation, and you made it in your notice of preparation. But the BDCP is very much a work in progress. It says in the notice of preparation the BDCP will likely consist of certain elements. It may include. That's not appropriate for a notice of

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preparation. It's premature. It was premature when you did it a year ago, and it still is. It talked about a draft being ready at the end of the year. That would be the first time that a notice of preparation could be legally issued. Alternatives, I don't know how else to say it other than it's a joke, like my father said and others. I mean, it's clear to all of us the powers that be, whether it's beyond you folks or what, have made up their mind that the project will be a peripheral canal. And I've asked Jerry Johns before. But I'd like -- it's question and answer. Ask you again. I mean, what's the likelihood that DWR will choose an alternative without an isolated facility? Are we talking a zero chance? Ten percent chance? What would you say?

Mr. Johns: Looking where we are now, we've tried -- in the Cal Fed program, we basically chose

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alternative B in the Cal Fed program, which was a through-Delta conveyance system. And that simply isn't working. I mean, we have all the concerns we have currently with the fish agencies in terms of being able to move water and protect fish. So we've tried that for seven years, and it didn't work out well. And so I think we should go back and think about at least plan A, which was, in the Cal Fed program, some sort of isolated conveyance system to help move water across the Delta in a much more fish friendly fashion. Like we mentioned before, this system was designed in the 1940's and 1950's with both science and engineering capabilities at that time. We know a lot more about that, how to build fish screens. We should take advantage of that knowledge and help improve the system, and improve our water supply reliability at the same time.

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Mr. Nomellini: So would you say there's no chance DWR will --

Mr. Johns: I would say, based on experience, very low.

Mr. Nomellini: Very low. That's not good. Because alternative analysis, you're supposed to have an open mind. And if your preferred project includes an isolated facility, it's not very comforting to know that you're not going to look at other alternatives. But speaking about that, this is something that has bothered me for a long time. You talked about the through-Delta system not working. In 2000, Cal Fed tried to solve these same problems. And it said they were going to put state of the art fish screens on the export pumps. And my understanding is, they were supposed to be in place, operational by 2006. And I've never heard a good answer. So I'd like to ask, why aren't those fish screens in place? I'm guessing you didn't want the

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through-Delta to look like it works so you can go for the peripheral canal. But --

Mr. Johns: Okay. There were some studies that were done about the fish screen designs and putting screens there. One of the problems we have is when we screen fish at the facilities now, we're at the bottom of the funnel. All the fish are coming to us. We have to separate the fish from the water, and the fish screens help us do that. The issue then is, what do you do with the fish once you've concentrated them? And classically, when you have a conveyance system, you get the fish past your screen, and the fish stay in the river, and they keep going down. And the system we have designed, or people designed before us, we collect all those fish species, all those fish at -- in our Tracy pumping plants, either the state facilities or the federal facilities, and we put them in a

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truck. You know. Concentrate them down and put them in a big -- basically put them in a big barrel. A big tank. And then we pull the plug on that tank, much like you do the strainer in your sink. They concentrate down. Come into a little bucket. Pick the bucket up. Put the bucket in a truck. Pick the truck up and put it in the Delta and dump them back in the Delta again. Now, some fish like this ride. Some fish aren't too crazy about the ride up. So no matter what you do, you got a lot of what we call handling of these fish that takes place, and there's mortality involved in that. So you make a more effective fish screen, you still got to handle them and move them someplace. And the studies indicate that you could spend a billion, billion and a half dollars building a better fish screen, you still have all the problems with the

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predation that takes place in Clifton Court fore bay because of fish eating other fish in the fore bay, and actually, the birds eating the fish. And you still have the problem of moving these fish back up into the Delta in a safe manner and putting them back in. This is not a very good place to put your pumps, in the south Delta. But that's what we have today. And there are better ways we can do this.

Mr. Nomellini: All right. Well, I appreciate that explanation. I know Chris Newdag, engineer, said he spent a lot of time working on the screens. And I believe they were designed to keep a continuous flow past the screens and be way beyond what the current fish screen, or the trash racks, whatever you want to call it, is. But I hear you saying that they didn't work. And it's interesting that you're talking about screening other intakes

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in the Delta. But one of the biggest ones, you're not -- is it part of the current plan to put screens -- new screens on the export pumps? I didn't see it.

Chair: Let's answer that, and then Dante, looks like we're going to have another opportunity to come through once we get through the first round.

Audience: I'll give up my questions. Go ahead.

Chair: We have time.

Mr. Johns: We'll need to look at that as we move forward. But what the fish agencies have suggested to us would be even more effective than better screens would be better ways to decrease mortality on the fish on the way to the screens. Clifton Court fore bay is a place where there's a fair amount of mortality in there, mostly due to because of fish eating other fish. And they want us to concentrate on helping that be more effective as a way to

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help protect fish. But the screens we have currently are pretty good for salmon. Not as effective for smelt. And there may be some things we can do there. And that's something we need to be looking at as we move forward.

Mr. Nomellini: I'll get back to you after I research. I believe the screens that were proposed to be in place by 2006 were very high-tech. Able to handle smelt. Could have alleviated a lot of the problems. Okay. I'll leave with just one more thing. It's a question and answer. The Delta Pool Delta Protection Act of 1959 says that water shall be taken out of a common pool and given to exporters. That common pool concept is critical. It makes common sense, and it's something that we got to fight to hang on to. Because that means everybody who pulls water out of the Delta depends on the quality of that water in the Delta. So when you comes time to think

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about how are we going to give assurance that the Delta is going to stay healthy, the best assurance is to make sure everybody who feeds off it has a stake in that health. And my question to you is, how is the Delta going to be protected in an emergency situation, such as just as what happened where the governor just says, "Nope. We're going to ignore all laws. You don't have to pay attention to anything." How are we going to be protected if you folks get a peripheral canal and there's an emergency? Are you telling me that they're going to let sufficient water flow through the Delta? Or are they going to overrule whatever water quality standards are in place? How are they -- I'm not phrasing this well. But let's say -- let's say there are standards in the Delta that preserve a certain level of water quality. You build your peripheral canal.

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We have an emergency. What assurance do we have that you're not going to ignore those standards and bypass the water around us? Then I'll stop.

Mr. Johns: Okay. That's a very good question. And I think it's very important for us to be able to answer that. And a couple of things I want to correct is that previous plans for a peripheral canal didn't consider continuing to pump water out of the south Delta. When we look at the studies that we've designed, we're talking like this is dual conveyance. So it has an isolated component and a continuing diversion of the south Delta. And the modeling that we've done based on the proposals that we've looked at so far is about two-thirds of the water would be conveyed through an isolated conveyance system. But still about a third of the water would be pumped out of the Delta.

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And what we found is -- so we're not abandoning the Delta. We're still using the Delta as a conveyance system. So the common pool idea is still in place, in my mind. Now, we're taking less. But what we found is that by taking a little bit of water out of the Delta in the summertime, we can improve water quality in the southern Delta at a time that the fish aren't there. So we can do that in a way that's protective of fish, but still helps maintain water quality. Now, on your question of emergencies. Jones Track levee failure. In 2004, the Delta broke. Those standards weren't met. We had water quality -- we had saltwater moving into the Delta. The Anders Island levee flood of 19 -- 1972. Same thing. These standards will not be met if you have a levee failure of that magnitude. That's just the way it -- saltwater comes in in a couple of hours, and

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it's going to be there. Now, the question is, how do you operate during the time you're trying to get the saltwater out? And what we've found historically, we can't flush that saltwater out by putting more water in the Sacramento River. It helps if you have a lot of water coming down the San Joaquin. And in 2000 -- in the Anders Island levee flood we had, saltwater got trapped in the south Delta. The only way we got that water out was to pump it out. And we put a lot of that water in the San Joaquin Valley. So in a true emergency like a levee failure, a massive levee failure, we're going to have problems in the Delta. We're still going to be relying on the Delta as a water supply. At least partial water supply. And so we have an interest in helping maintain those levees and maintain that water quality. So we're not abandoning the Delta. The other

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question would be in terms of who makes the standards long-term. And I think that's a big question we got to work through. Like Mike mentioned, governance is a big deal here. We're working on a governor's program currently for the BDCP aspects which deals with the water quality/fish concerns. And I think we have some ideas in that that will help satisfy some of your concerns. But I invite folks to look and see what we're doing in the BDCP process. We're going to have a document out pretty quick here that gives some outlines of what that governing structure might look like that includes the fish agencies and the Water Board and other folks.

Mr. Nomellini: Just a tiny ten seconds. Just let me clarify. In a drought emergency. Not levee failures. A drought like we just had where the governor said, "Forget about water

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quality." In that situation, what assurance do we have that you're going to honor the water standards in the Delta? With the common pool, you have to keep the Delta fresh. Otherwise, you get bad water quality. But with the canal, you can let the Delta go to hell, and you can take your water from up north. So in an emergency drought situation, what can you say to us to say that that water won't be bypassed around us? That we'll get the water?

Mr. Johns: Well, we are a system of laws. And --

Mr. Nomellini: All right. That's it.

Mr. Johns: I'll leave it at that.

Chair: Tony, are you ready? Tony Silva, Junior, and then Roger Kelly.

Mr. Silva: My name is Tony Silva, Junior. And if I seem a little nervous, I am. I just got a couple of questions here. Don't need to be answered. Just listen. Who's going to pay for this

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whole project? I asked a couple of people. Didn't seem to know. What's it going to cost? I mean, it seems like there's going to be a cost there. Anybody pick up a paper? Lot of unemployment out there. Everybody cutting corners. My wife. Furlow. Everything. It's just a mess. And also, where's the money coming for this portion of the process tonight? I mean, I'm sure there is going to be a cost. I have a little letter here I was going to write to the Sacramento Bee and I never sent it. So I just want to read it to you real quick. And maybe we can get something out of it. It's called the Delta Crisis. There continues to be a lot of talk about pumping our Northern California water to Southern California. Building a 43-mile canal to divert the Sierra runoff bypassing the Delta is an unrealistic solution. Over 25 years ago, this was

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voted down by the voters. I think 1982 or whatever it was. It's time the governor, our governor there, and Robert Twist, who was -- he was an advisor of some sort from U.C. Berkeley that advises him, come to some type of conclusion. In 1961, Freeport, Texas opened up a desalination plant. We never talked about desalination. It seems to be a bad word around here. You can laugh all you want. It's our water. Anyway, at the plant dedication, they had a guest speaker. Well, that plant put out a million gallons a day. But the guest speaker at that time was President John F. Kennedy. And his statement to the the dedication was, "No water resource program is of greater long-range importance that are effects to convert water from the greatest and cheapest natural resource, our oceans, and to water fit for the homes -- fit for our homes and industry.

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Such a breakthrough would be a bitter struggle between neighbors, states and nation.

Now, I was six years old when we lost President Kennedy. And I know there's more to him than Camelot and a good-looking wife. He was a man with visions. And I'm looking at everybody tonight. And I hope tonight before you go to bed you look into the mirror, and you can honestly say, "I have a vision," and you believe in that vision. Because I'm not getting any answers here that I like.

Over 7 billion gallons of water daily are desalinated worldwide. Southern California, you do the math. Why do we have to ship large amounts of our fresh water to Southern California when they could pull it out of the oceans? Our large rivers, San Joaquin and the Sacramento, which you plan on diverting, have -- have an intrusion of saltwater that is rarely mentioned. This is due to the fact

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that you're stealing nature's fresh water and shipping it to Southern California. Nature uses fresh water to hold back the saltwater. Governor, I don't -- this is supposedly for the Governor. Governor, I don't expect you to listen to my words. But you should listen to your wife's Uncle John's words of wisdom. Thank you.

Chair: Roger Kelly, and then Richard Slezak.

Mr. Kelly: Thank you. I agree with -- the Nomellini's, I think, have said it most eloquently. My name is Roger Kelly. I'm a life-long resident of Stockton, and a member of the Northern California Sea Ray Boat Club. I have a few questions. I really was hoping they'd answer the cost. Because I would like to know what the cost and the benefit is, to see if this is a sustainable project to keep watering the desert. And then next I'd like to know if there's been a study where

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you want to make these conveyance dams that, you know, how much recreational boat traffic goes through those areas and how that's going to affect the boating. And some of these non-native species like they talked about wanting to eliminate, like the striper. That's a viable income for us. It's one of the only fish we can eat out of the Delta after you've destroyed it the way you have, you know, because it doesn't live here and doesn't get all the contaminants. And as far as the water that's going to come up north, how do you keep the fish out of there? Because once you get them in your tube, they're pretty much stuck, it looks like. And what happens to them when they come out the end of the tube if they make it? And maybe you can answer just one of those.

Ms. Nemeth: Sure. Sure. In terms of the cost for -- I think folks have probably seen in the papers

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recently, but also in a study that DWR did last summer, some of the costs for a canal, depending on alignment, range between $8 billion and $14 billion roughly. The other pieces of the plan, we have not cost it out. We haven't identified them completely yet. But that will be part of the document that we'll have a first cut at this summer. So all of that will be included in terms of the cost of the plan.

Mr. Kelly: So we can pretty much call it 30 to 50, the way the state budgets things.

Mr. Johns: In terms of the who pays part, the conveyance aspects of this will be paid by the water users who get the water out of it. And they have said that they'll be willing to do that. In terms of who pays for this process, the current water -- the current process is being paid for by -- like the consultants, that are not cheap by the way, are being paid for by

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the water interests. The fish agencies' time, because we're helping reimburse them for their time they're spending on this. The fish agencies' time initially for the first two years were paid by the water folks. And now it's being paid for by part of the bond that was passed. There was a provision in the bond to help pay for conservation strategy. So their time is being contributed to that. But the rest of the costs are being paid for by the water folks. You also asked about what do the fish do -- if they get in the pipe, how do you keep them out. Well, the kind of fish screens, and Chuck can talk about this in a little more detail if you want, and maybe off line would be good, but these are what they call positive barrier fish screens. They're fish screens with little teeny holes in them. And fish have a hard time getting into the holes. The

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concern would be fish that approach the screen, are they going to approach it to the point where they get stuck against the side, or they stay against the screen too much. So there are criteria, what they call approach velocities you have to maintain and sweeping velocities you have to maintain past the screens. And we've included that in our proposals for what the standards would look like. But basically, the fish wouldn't get in the screens, because the holes would be too small. They couldn't possibly get inside. Now, maybe a little teeny larvae would. And the way to handle that would be, particularly for Delta smelt, maybe you wouldn't divert for a couple of days when the larvae went down. But for salmon, by the time the salmon get down to this location, they're big enough that they can be effectively screened by these screens pretty

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well. Or actually, very well.

Particularly -- I mean, the GCID screen, Glenn/Colusa Irrigation District has a screen much like this and it works fine up there.

Mr. Kelly: So far you've done pretty good. How about the traffic where you're going to put up these little dams?

Mr. Johns: Oh, that is a huge concern for a lot of us. We have these temporary barriers in the south Delta. And the south Delta doesn't have much boat traffic. But we help people get around the barriers down there. That's a very valid concern. And we're definitely interested in how to address that.

Audience: You couldn't take either one of our boats over that barrier.

Mr. Johns: Pardon me?

Audience: You couldn't take either of our boats over that barrier.

Mr. Johns: Yeah. That's a good point. And that kind of

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issue we've got to address head-on and make sure we address that effectively. And that may be one of the undoing for some of these barrier programs we're looking at.

Mr. Kelly: So you have no study, then, showing how much traffic goes through there?

Mr. Johns: Yeah, we do.

Mr. Kelly: Feasibility? You're just going to throw them up there?

Mr. Johns: No. No. No. We wouldn't do that. We would have to -- we've done -- for example, we've been thinking about a gate on Three-Mile Slough to help with solidity control. And the boat traffic there is huge.

Mr. Kelly: Huge.

Mr. Johns: Just huge. And that's got to be factored in to how we do that. And we've got to figure that out, or we don't do it.

Mr. Kelly: Thank you.

Chair: Okay. Richard Slezak, and then Bill Jennings.

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Mr. Slezak: I'll try to make this quick. Bill is quite an authority on these ongoing water battles, And the Nomellini's are top-flight. One of the previous speakers mentioned about desalinization. Well, it's fine for a ship. But for a city, you're going to end up using lots of oil and lots of other resources to desalinize. So it's -- my best hope, as far as I've seen, is up here at the National Ignition facility. They may just take the first step towards nuclear -- controlled nuclear fusion. Putting the genie in the bottle. And if they can do that -- you know. Take your time. Because if they can do that -- I'd love to see fusion reactors at Pearblossom, 150-mile straw out into the Pacific. And that California aqueduct would be filled with desalinized water run by nuclear fusion. And that's my hope. That's my dream. Because this system

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that you have here, it's -- well, I'm kind of neutral on it. It's a damned if you do and damned if you don't. Because the current -- what we're doing currently, as you're pointing out, we're killing a lot of fish. Thank you.

Chair: Bill, and then Mike Machado.

Mr. Jennings: Good afternoon. Good evening, I guess by now. A few things preface. Jerry, you know as well as I do that we're relying on '50's technology fish screens at the pumps because state water contractors refused to pay for the new ones and it was dropped. And you know as well as I do that after the Jones Track failure, exports resumed in a couple of days. And you know that while the state water project contractors have offered to pay for conveyance, they've been silent on the mitigation requirements which are likely to be -- approach the cost of conveyance.

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Bill Jennings, California Sport Fishing Protection Alliance. We submitted oral and written technical comments during the first round of scoping last May. We incorporated those comments, as well as the comments submitted by NRDC Defenders, EDF, and the Bay Institute. We'll be submitting additional comprehensive comments in the second-round of scoping. And these remarks are more general in nature. As we observed last year, BDCP is essentially a massive water project masquerading as a habitat conservation plan in order to circumvent the Endangered Species Act. It is the most ambitious and far-reaching HCP ever envisioned in the history of this nation. Its proposed time schedule is absurdly truncated. No significantly scaled HCP has ever been completed within a time frame, let alone one coupled with a massive hydraulic modification

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of an estuary. At its heart, BDCP is simply an illegal scheme to allow those in the south valley who own junior water rights to surplus water, water they understood would not be available in certain years, to take precedence over the senior water rights and the public trust needs of Northern California. The purpose of CEPA and CEQA and NEPA is to provide decision-makers with sufficient information to make intelligent, informed decisions. The proponents of BDCP have consistently refused to answer fundamental questions that must be addressed in this EIR/EIS. How much water does the estuary require to maintain ecosystem integrity? How much surplus water is available for exports? What are the economic and environmental consequences of various reduced or no export scenarios? How can a diversion point for junior water rights be

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legally changed when it will harm senior water rights users? These must be answered. And unfortunately, BDCP remains a shell game. We still don't have a commitment to comply with the Natural Communities Conservation Planning Act. Evaluate the whole of the project, including upstream reservoir operation and in-stream water quality and flow. Establish a meaningful governance structure for the Delta. We still don't have an acceptable project description with specific details. Sizing, location, capacity, operational protocols, mitigation measures, the assurances and safeguards which are critical, considering the historical failure to enforce existing standards, and the fact that water quality and flow standards and environmental review requirements can be wiped out at the stroke of a pen, like the governor recently did in

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the emergency drought proclamation. And who would pay for -- well, we still don't have an acceptable range of alternatives. A PPIC report as refined by Dr. Michael of UOP points out that elimination of all exports has less economic impact to California than from continuing exports. Two to 4 hundredths of 1 percent of the California economy. Three to six cents per day per capita. No export and reduced export scenarios must be evaluated as alternatives. We still don't have an analysis and time schedule of how alternative water supplies could replace Delta exports. California water plan reports by NREC, the Pacific institute of the Los Angeles County Economic Development Corps and others document the existence of viable alternatives that far exceed the present level of Delta exports. We still don't have quantifiable biological targets, objectives,

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and consequences. Indeed, 50-year assurances and no surprises are fundamentally incompatible with such objectives. PPIC report points out that salmon and Delta smelt have only, at best, a 30-percent of survival with the old conveyance, a 50 to 40-percent chance of survival respectively with a peripheral canal. And that was based upon a 40-percent reduction in exports. That was based on our peripheral canal sized to -- on the average discharge or export between 1981 and 2000. Since 2000 to 2007, they increased substantially. Under no export scenario, survival is much, much greater. While lead agencies may pass overriding considerations that ignore extinction, responsible agencies such as the State Water Board cannot rely on such findings. New habitat cannot replace identified existing critical habitat. The

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recent U.S. Fish and Wildlife Service of Delta biop for Delta smelt identifies outflow as critical habitat. The proposed and speculative habitat cannot replace the certainty of existing habitat. Adaptive management, by definition, does not allow for export assurances, given the history of mitigation. Failures in this estuary, no project can provide for export reliability. Water operations management team decisions must be driven by biological constraints. We still don't have an assessment of likely water quality impacts. Salt is an extremely conservative constituent. It's certainly an inappropriate surrogate for evaluating hydrology changes on the fate and transport of impairing pollutants. And I'm almost finished. Certainly diversion of low salinity Sacramento water in the Delta would increase salinity in the Delta, reducing

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yields of farmlands. I know that they suggested that outflow remain the same. But you won't require the carriage flows and whatnot. Other than the horror story anecdotes, we still don't have a realistic evaluation of the effects of water supply on water supply reliability from levee failure due to earthquakes. I mean, all Delta levees have failed, and they will fail again. Levees can be raised and strengthened. Water supply was only disrupted several days following the Jones Track failure. Foundations of levees protecting Delta islands are largely on compacted soils from 150 years of compaction. And certain -- California certainly has sufficient storage to enable them to survive until salinity stabilizes and repairs are made following a breach of multiple islands. The EIR/EIS fails to -- that must address,

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comprehensively address these and many other questions that we'll be submitting comments on. But this is a pig in a poke. You know, 15 years ago, we were in that room over there in the -- scoping for Cal Fed. And throughout the Cal Fed process, we saw exports increase and increase, and we saw Delta fisheries collapse. And now largely the same cast of characters is here again to try to finish the job. Thank you.

Chair: Mike, and then George Hartmann.

Mr. Machado: Well, I wanted to follow up with Bill. And I'm Mike Machado. I'm a private citizen. Fifteen years ago, we started hearing the same comments with regard to Cal Fed. And I saw through the development and the record of decision. And then I was part of the oversight of the Cal Fed process. Cal Fed attempted to do many of the same things. And Jerry, you mentioned that the isolated

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facility or conveyance issue was one of the alternatives and was left off the table. We spent tens of millions of dollars as part of the Cal Fed process. I worked on several bonds in that process. But what we found in the implementation of Cal Fed, that there was a lack of accountability, there was a lack of matrix to be able to measure the results, and there was a lack of concurrence between the various agencies that sat -- or that had interest in the Delta, particularly between federal and state agencies. Part of the initial funding in Proposition 13 was the funding of tidal barriers on Old River, Middle River, and Grantline. That never happened. And the reason it didn't happen was because state officials and federal agencies couldn't agree on the operation. And what we came down to that led to the failure of Cal Fed was the lack of governance.

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There was no accountability. There was no way to bring in concurrence between state officials and federal officials for a common objective. And that hurdle still hasn't been addressed. Until it does, how can we proceed forward and do what we did with Cal Fed and bumble again? And what -- questions have came to my mind at the time that I was in the legislature and you appeared before me and we talked about the accountability. We talked about the compliance with existing law and the inability of the state to do that. And it was that non-compliance with take that led in large part to development of this process. The question I have that goes back to the basics of this. And when you're talking about the considerations of alternatives in this process, in the alternatives being modeled, is one of the alternatives looking at the operation or the health of the Delta if the

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Delta is managed under existing law? Existing law in terms of implementation of water quality, existing law relating to take exports, existing law relating to species? Because it would seem to me that modeling under those circumstances would provide a baseline with which you can then evaluate other alternatives. But I have heard nothing mentioned in terms of the alternatives that we're taking a look at seeing how the Delta would operate if we operated according to the laws that are existing on the books that we have failed to operate by. So without that, how can you effectively look at the alternatives and draw the conclusion that that's better than what's there, particularly if we haven't engaged in the statutorial changes that allow the latitude that agencies have been freed to take in the interest of the public good, which sometimes is

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questioned, their interpretation of public trust.

Ms. Nemeth: I think that's a good question. Let's talk about the modeling approach taken.

Mr. Johns: Actually, you make a very good point. And the way the California Environmental Quality Act --

Mr. Machado: The point on Cal Fed, or the point on the modeling?

Mr. Johns: The point on the concern about looking at existing conditions. That's exactly the baseline we have to use in our CEQA document.

Mr. Machado: Have you done it?

Mr. Johns: Well, we haven't done it yet, because we haven't finished the CEQA document. But that -- in terms of the alternatives --

Mr. Machado: Is that one of the modelings that's been moved over from the brown and red and orange dots over to the bubble that was on the right-hand side?

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Mr. Johns: Well, it will be one of the -- it will be -- we have to have that as a base alternative. Because the way CEQA works --

Mr. Machado: Jerry, you've told me that before. You've been up in front of me in committee, and you said, "We have to. We have to. We're going to." When will we do it, and when will there be a commitment that that exactly is going to happen? And when will you put it out of hypothesis that that, in doing so, will provide the baseline with which we can compare the other alternatives?

Mr. Johns: It will be in the draft EIR at the end of this year.

Mr. Machado: But it's not part of the scoping that was presented today by Karla as what they're looking at in terms of moving the alternatives from the left to the right side.

Mr. Johns: Well, those were conservation measures. We're trying to filter through that part of

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it. But --

Mr. Machado: How can you talk about conservation measures and apply them if we don't know what the baseline is to which we want to apply them to?

Mr. Johns: Well, we know what the baseline is. We have that.

Mr. Machado: You just said you're in the process of trying to do that.

Mr. Johns: Well, we know what the baseline is. But in terms of the detailed studies --

Mr. Machado: How do you know what the baseline is? Because you've never followed and operated the Delta according to existing law.

Ms. Nemeth: Let's -- I think the question -- I think the question embedded here is a good one. And that is, in the BDCP process, in the conservation planning process, what has been our approach to modeling. Have we taken into consideration --

Mr. Machado: The operative word that you just used was if.

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Is it?

Ms. Nemeth: That's the question I want to answer.

Mr. Cylinder: Paul Cylinder. I'm with the consultant team, SAIC, as a lead. The process that Karla was showing up there, we've been looking at all kinds of conservation measures, as she mentioned, including operations of facilities both with existing facilities and with a new facility. A peripheral canal facility. Dual operations. Different operations using the north Delta and the south Delta intakes. And we've compared them in our modeling runs with operations under existing standards. So that's been our basis of comparison as we've looked for what opportunities can we use with the existing exports in the south Delta and with dual exporting from north and south in order to achieve goals for fish, goals for water quality in the Delta, for agriculture,

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and goals for water supply export.

So that's the approach that we've been taking in moving, as Karla was showing, the dots on the left through the filter to the dots on the right.

Mr. Machado: I would go back one step further. You've done it under existing. But we haven't applied water quality standard law to the extent that they should be applied. We haven't governed exports under existing law with respect to surplus waters. If we use -- if we had employed those standards, and if those were the operating conditions, what would be the result, versus taking what has been the operations of the -- the actual operations of the past? I mean, that's a hypothesis of what it would be like if we had applied what we were statutorily obligated to do, in the same way that you're saying, "I'm going to apply these methods to try to

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address the problem as it exists today."
What you're saying is you haven't done that. And so you have assumed an arbitrary baseline based on current operations, not on what would it be if we had --

Mr. Johns: It's not current operations. Whoa. It's not current operations. It's based on our current water right permits we have from the Water Board and the permits we have from the fish agencies on how to operate. That's what --

Mr. Machado: But are you meeting water quality standards according to the statute?

Mr. Johns: Yes. Well, we are. We're meeting them today. We've met them -- almost all the time we meet those water quality standards. Only in very rare instances --

Mr. Machado: Are you exporting from surplus waters?

Mr. Johns: Yes. By defined permit terms in our water right permit, and by the permit terms that

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are issued by our take permits by the fish agencies. We're complying with those today.

Mr. Machado: I don't think that you'd have full concurrence on that. And it doesn't seem to me that you've taken a look at what the full -- what the extent of the application of the law would have been on the operations and what those results would be. And that is a baseline. And what I really am afraid of is that this becomes another form of Cal Fed. The only difference is it's become narrower in its application, it's become more focused in its funding, and it's become more directed by the interests who have a stake outside of the Delta rather than those involving the people in the Delta.

Ms. Nemeth: Fair point. Thank you. Thank you.

Chair: George, and then Katie Patterson.

Mr. Hartmann: Is this on? Oh. Good. Hi, Jerry. I'm back.

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Mr. Johns: So am I.

Mr. Hartmann: I promise to be nice tonight. In fact, I'm going to do my Denny Crane impersonation with you. For those of you who don't watch Boston Legal, it's a great show. I just had a few simple questions for you. At the last meeting, you said that all the costs for this whole process and some future peripheral canal were going to be paid for by water contractors. State water project. Is that right?

Mr. Johns: Yes.

Mr. Hartmann: The answer is yes?

Mr. Johns: (Nods head.)

Ms. Nemeth: Yes.

Mr. Hartmann: Okay. Is there a reimbursement agreement in place now between any of those responsible entities and with DWR/BDCP?

Mr. Johns: Yes.

Mr. Hartmann: And are funds flowing from those entities to

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you for this process?

Mr. Johns: Yeah. Yes.

Mr. Hartmann: And how can we get that information? Is it on the website?

Mr. Johns: Rich?

Mr. Sanchez: Yeah. I would recommend you put in a request -- I'm Rich Sanchez with DWR. I would recommend you put in a request. You can address it to me and we'll follow up with that.

Mr. Hartmann: Okay. Thank you. So is it true, then, that so far, the taxpayers have not incurred any cost with regard to this project? The taxpayers of the State of California?

Mr. Johns: Well, the water users that are paying for this are taxpayers also. So --

Mr. Hartmann: That's a good dodge. But I mean the other taxpayers.

Mr. Johns: The other taxpayers.

Mr. Hartmann: Me taxpayer.

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Mr. Johns: Like I mentioned before, the only part so far that has been paid for by bond funds which would be paid for by the general taxpayers has been the last I think it's two years of the fish agencies' activities that they've been involved in this effort. Everything else has been paid for by the water users. Right?

Mr. Hartmann: Okay. And I can get all that information?

Mr. Johns: Right. We can provide that.

Mr. Hartmann: Okay. That's great. Next question. Do you have an authorized project that you're doing this for?

Mr. Johns: Authorized from a --

Mr. Hartmann: Legislatively authorized project for which you're doing all this?

Mr. Johns: Well, Burns Porter authorized the Department of Water Resources to build and complete the state water project. So we believe that we have authorization under current law to move forward with the kind of planning studies

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that we're doing currently.

Mr. Hartmann: To build a new project?

Mr. Johns: Yeah. To complete the conveyance part of the system. That's correct.

Mr. Hartmann: Okay. So I understand your position. So this -- whatever it is you're moving toward is part of some prior authorization?

Mr. Johns: Yeah. Based on Burns Porter. Right, Dave? Yeah. Right.

Mr. Hartmann: Okay. Last question. BDCP/DWR recently filed about 60 lawsuits against landowners on the Delta.

Mr. Johns: Well --

Mr. Hartmann: At around -- along these alignments of these potential projects.

Mr. Johns: Well, I wouldn't call them lawsuits. I would call them more like trying to get temporary entry permits.

Mr. Hartmann: Well, they were filed in court, were they not?

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Mr. Johns: Yes.

Mr. Hartmann: Okay.

Mr. Johns: Because we couldn't get the landowners to agree cooperatively, so we've taken the next step in terms of trying to get answers.

Mr. Hartmann: Okay.

Mr. Johns: And we're doing studies here.

Mr. Hartmann: That's fine. It's not a lawsuit. We go to court, but it's not a lawsuit. That's okay. And in the fact sheet that you put out for this meeting, you said, "We're out trying to get entry permits. But we're only going to do it voluntarily," et cetera, et cetera. There was nothing in there about the state filing lawsuits to gain entry. Are you familiar with that?

Mr. Johns: No. Refresh me on this part.

Mr. Hartmann: Oh. I don't know. I got it in the e-mail from BDCP. It just sounded like a very friendly process. So now we have 60

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lawsuits -- non-lawsuits, sorry, that you filed to gain entry to lands. And my question, this is just the buildup to the question, is, is anything you're doing now with the scoping, and the future EIR, and CEQA compliance and NEPA compliance, is any of that in any way related to these non-lawsuits for temporary entry?

Mr. Johns: Well, yeah. Basically the surveys that we're trying to complete are directly related to our environmental document. That's what we mentioned last year or last fall when we came down and talked to you all. The idea of the entry permits was to gather the kind of data we need to support the environmental document.

Mr. Hartmann: And is any of the data gathering you're going to do in any way invasive? Are you going to dig any holes or bore any holes or dig any pits?

Mr. Johns: Some of it includes that. And we'd be more

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than happy to sit down here and show you some videos of examples on the kinds of stuff that we're thinking that we need to get done in order to collect the kind of data you got to do to complete the kind of project --

Mr. Hartmann: Already seen them, Jerry. So --

Mr. Johns: Okay. You said you were going to be nice.

Mr. Hartmann: I am being nice. I'm smiling. George Hartmann. Denny Crane. So to the next point. In the aggregate, for all the miles that you're going to study, have you done any environmental review of the impact of those studies?

Mr. Johns: Well, classically under CEQA, you don't have to get -- there's an exemption process for doing studies.

Mr. Hartmann: Yes. For surveying. But for digging 60 or 600 pits?

Mr. Johns: Well, I'm not sure we're digging 600 pits.

Mr. Hartmann: Well, I don't know how many you're digging.

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But you're going to bore holes in levees.

Mr. Johns: Well, I don't think we're boring holes in levees necessarily. We're looking at the soil structure of the lands in this area, which is usually digging holes in the ground that we then cover up again.

Mr. Hartmann: And so your position is that's categorically exempt?

Mr. Johns: I think that's what we've filed for in terms of how we've complied with CEQA.

Mr. Hartmann: No, you haven't. But that's okay. I just wanted clarity. And I thank you. I just want it on the record. Thanks, Jerry.

Chair: Katie Patterson, and Wesley Vierra.

Ms. Patterson: Good evening. Katie Patterson with San Joaquin Farm Bureau. Good to see some of you again. It kind of feels like we're at a roast here. And please don't take it personally. But it is personal for all of us here. There are a number of faces here that

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I want you to look good and hard at. Because these are the people that are growing the food that you eat. These are the people that are stewards to your recreation sources out here. And these are the people that live and thrive in the Delta. And what you're telling them here tonight is that the Delta is not thriving the way it is because it's broken. Well, it hasn't been taken care of the way it needs to be. You were supposed to be giving us some promises here. To be stewards of our land here and our water system. And those promises have been broken. And there's been a series of that. You know. We've had plenty of people here talk about it this evening. And that has been the theme. And how do you as an agency, you know, sit up there and believe that, "We're going to come in with a brand new system here. We're going to work it," you know, "as we

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tell you it's going to work" when you guys haven't done that in the past? It makes it really difficult to swallow. It makes it very difficult to believe every single one of you in each phase of this process. You know. Temporary entry permits was brought up. And there are 40 to 60 of them in court right now because that is part of the process. Because landowners were required to be a part of this process whether they liked it or not. And whether the ones that liked it or not, you know which ones they are. They're in court right now. And they are required to be a part of this because you guys are using eminent domain proceedings essentially. You know. The Civil Code that you guys are functioning under. So that tells us right now that you've already had that predetermined outcome. You know where you're going with this. Now, some of the

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things that I heard tonight in terms of talking about the two-thirds of the water from the Sacramento River going through the canal, or the proposed canal, and leaving one-third of it in the Delta, that tells me that there's not going to be enough water in there for both habitat and for agriculture for the end use Delta users. And that's a very blatant point that was just glossed over. And that needs to be addressed.

Mr. Johns: Maybe if I could clarify that. Really what I was talking about was the water that we exported, two-thirds would be exported directly from the Sacramento River if -- from our studies we've done, and a third would be from the Delta. So I wasn't talking about the water in the Delta. I was talking about the water that would be in the canals.

Ms. Patterson: Okay. But we don't know how much water we need in the Delta yet to sustain. So we

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don't know what this two-thirds number is. We don't know what this one-third number is. We don't know what needs to go out through the estuary. But I'm hoping you'll answer that.

Ms. Nemeth: And we do need to answer that question. But actually, I want to give it to Chuck Hanson. He's a fisheries biologist who's been working on this issue continuously for the last couple of years. And he'll have a perspective to share on what our thinking is at this point.

Mr. Hanson: And your point is absolutely valid. And it's been one of the key elements of some of the analyses that have been undertaken to date. Not to lead to a final conclusion, but to help form the foundation to inform our decisions about what would be the effects of different operational strategies, different amounts of diversion from, say, the Sacramento River

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versus the south Delta on the hydrologic conditions occurring within the various channels, as well as the salinity gradients. Because it's that combination of flow and salinity that really affects the quality of this estuary, not only for the fisheries' resources, but for the agriculture and the other land uses.

Ms. Patterson: And that's something that hasn't been operated as it should have been. And I think our Mike Machado here detailed that and delineated that well to the point that we have not seen a system that has been operated the way the law requires. And that's a very, very good point that needs to be addressed throughout this process. Additionally, one of your little posters back here kind of glossed over a question, Williamson Act lands. We had a nice conversation with the Department of Conservation. There are quite

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a few lands that are going to be affected by that program there. And what kind of mitigation is going to take place for that? What type of mitigation are you going to do for your habitat conservation that's going to go out there? For agriculture? One of the few places in the world, you know, that we have unique soils, such as the Delta, and one of the few places that we can actually build is in the Delta. That's a primary place for agriculture to take place. And not all agriculture is depleting, you know, the soils, as it's stated, out there grossly. We have rice production out there. You know. We have blueberries. We have asparagus. We have things that are vital across this nation that come right out of that pocket and need to be considered. And there are other programs going on, whether it be USDA's environmental quality assurance programs and

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things like that, that you're going to be affecting as you go through there. You're affecting more families than you know by taking a program and saying, "We may want to acquire this piece of land." That's part of their management plan. That's part of their longevity and sustainability of their business. And that needs to be considered as well. Thank you

Ms. Nemeth: Thank you. Thank you very much.

Chair: Wesley Vierra, then Richard Robertson and Tim Neuharth.

Mr. Vierra: My name is Wesley Vierra. I was just wondering. Could you explain to me what you said was a positive flow screen for the fish screens or your tubes for your canal?

Mr. Johns: I'll take a shot and have Chuck correct me here if I screw this up. But basically, they're fixed plates. Not so much with holes. But there are very, very small gaps in these

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plates. And they're made out of, you know, good metals and that kind of stuff. But they're what they call a positive barrier fish screen as opposed --

Mr. Vierra: So they like stop the fish from going into the tubes, right?

Mr. Johns: It prevents them from going into the canals. Right.

Mr. Vierra: Okay. Didn't you say before about the south pumps, the fish nets, they weren't effective. Right? You said they didn't work, or that they had to be maintained. So who's going to maintain these fish nets?

Mr. Johns: Well, I didn't actually say that. But --

Mr. Vierra: You said they were ineffective.

Mr. Johns: Well, the difference in design is in the south Delta -- this gets a little geeky. So stop me here if I go too far. But in the south Delta, they're not really screens. What they are are louvers.

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Mr. Vierra: Yeah. But they said they -- didn't you just say over here that they're designing new screens to help -- preventing the smelt and everything? And then they were denied that. And so now you're saying that you can put these new high-tech screens in for your canal, but you couldn't do it for the Delta.

Mr. Johns: Well, I did say that it's easier if you can get the fish past the screen and not have to handle them. That's -- the big concern we have in the south Delta is we have to physically collect the fish, put them in a truck, and truck them back into the Delta.

Mr. Vierra: And what are you going to do with the canal?

Mr. Johns: With the canal, all they do is -- once they get past the screens, they're good to go. We never touch them. They stay in the river.

Mr. Vierra: They stay in the river. Because you said that it, like, blocks them. Right? And then you had problems with fish eating fish.

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Mr. Johns: Well, we have that everywhere, because fish do that.

Mr. Vierra: Yeah. I mean, I'm just trying to figure it out here. Because you said for the south Delta, it's not working. Even with the new screens, you'd have to, you know, handle these fish. But I mean --

Mr. Johns: No. We don't have to handle them with the new screens. The new screens we --

Mr. Vierra: Then why not just use them for the south Delta if you don't have to handle them? I mean, it's simple, I mean, if you think about it. I mean, it's screens or a canal. Which one's more cost effective?

Ms. Nemeth: I think we need to make some clarifying comments. And I think Paul's probably the best equipped to do that in terms of the approach and some of the differences and how we're looking at that.

Mr. Cylinder: Jerry could be doing it. But I think you're

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confusing the answer here. The difference between the south Delta and the north Delta locations for intakes to export the water out of the system, in the south Delta, it's a dead-end slough. The water can only go one way into the pumps. And the fish get pulled to the pumps. And they're then salvaged there, whether -- they're filtered out, as Jerry was saying, put into a basket, the basket is then dumped in the truck, and they're trucked to the Delta. In the north Delta, where we've been investigating locations for intakes, it would be along the Sacramento River where there's flow in the river. And when you have -- so it's not a dead end. The screens would be on the banks of the river or in the river with water flowing by. And that's the big difference.

Mr. Vierra: Would there be like -- I assume there's pumps, right, that would pump it into the

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canal?

Mr. Cylinder: Right. But --

Mr. Vierra: So wouldn't the pumps suck in the fish just like the pumps in the south Delta would?

Mr. Cylinder: No. They --

Mr. Vierra: I mean, you're saying it's like a dead end. But they can swim against the current. Or else -- are you saying they're like powerless to swim against the current?

Mr. Cylinder: Yes.

Mr. Vierra: Well, then wouldn't they be powerless to swim against the current of the pumps for your canal?

Mr. Cylinder: No. Because --

Mr. Vierra: Why not?

Mr. Cylinder: Let me finish. The river is flowing -- when a river is flowing past the screens, the screens are perpendicular to the river. The fish are flowing past the screens. So you're pumping the water perpendicular from the

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river. The river is flowing past. Okay? Just the right angle. The fish, so long as the velocity of the river flowing past that screen, and the term that's used is sweeping velocity, they're literally scraping things off the screen. So long as the velocity of the river flowing past that screen is fast enough, even small fish that just behave like, you know, a particle floating in the water can get past that screen without having to swim, because the velocity of the water is enough to carry them past the screen before the pull of the pumps can drag them to the screen. That's the difference between having a screen on a river, the Sacramento River, and the north Delta, which is where we're talking about looking for opportunities to put the screens to intake for the canal, versus where the intakes are now on the south Delta, which is a dead-end slough.

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There's no river sweeping past that. It's just -- it's reversing the flows of all the little rivers of the San Joaquin and pulling that water down to the pumps and pulling fish with it. That's the difference. That's why the north Delta is a better location in order to develop a conservation plan for fish is because you can avoid a lot of that loss of fish by your pumping.

Mr. Vierra: I can see what you're saying about the conservation of fish. But, I mean, we've had all this talk about, you know, saving the environment with all this, blah blah blah. But, I mean, point out the elephant in the room. You guys are building a canal to go down to So. Cal., Southern California, to supply them with water. And it just seems that you guys are using this as kind of an excuse. Kind of a by the way. Kind of like a, "Oh. We're saving the environment, so

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we can go build this canal. And all you guys here, you guys can go against it, but it just makes you look even worse." Now, I know you guys are trying to make, like, kind of like an estuary in its own way. But wouldn't you guys be concerned about the saltwater intrusion when you guys are pumping out of the Delta? I mean, you guys are saying it's like perfect leverage and everything. The perfect level. But when you're pumping out of the Delta, it's going to suck seawater into the Delta. Wouldn't that hurt the fish? Wouldn't that hurt our community? Our farmlands? I mean, you guys are saying something about how you're going to take a third out of the Delta. We're already being rationed right now for our water. We're looking at zero percent of our annual water coming in for us for our water rights. And you guys are coming in here and saying,

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"We're going to take a third of it now." And then what's next? Next thing you know, there's another population boom in L.A. And it's, "Now we got to take two-thirds of it." I mean, where's the end of this? You guys are just trying to plug holes with your Finger. You guys are like, "Oh. Desalinization plants are too expensive. Nuclear reactors are too -- are just too. dangerous." I mean, they can go off. Everyone likes to point at Chernobyl. But everyone likes to do this one. "You know what? How about we screw two, three, four, five communities to go and go pump water down to L.A.?" And is this really cost-effective? You guys are making a huge canal. I mean, there's got to be workers. I mean, there's going to be intrusions. You guys are going across the main channel, as I can see that. What are you guys going to do? Put locks in

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to stop the flow or what? You guys are flooding over by where I live. And how are you guys going to control the mosquitoes? There's going to be tons of them. Everyone's worried about West Nile and all this. And I just don't see this as being a very valuable resource. And I'm young, and I'm a voter. And you guys are telling me, "We may do this. We might do this. This might happen if. If That. We don't even know the cost of it yet. But don't worry. The people that are stealing your water are paying for it, so don't worry about it." I mean, that's like me saying -- I mean, I can understand why they want to pay for it. I would pay for someone to steal your car. Your hands don't get dirty. So, I mean, you guys, you're all sitting here and you guys hold the velvet glove. But no one really -- these people here aren't stupid. They know what you're

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doing. You guys are sitting there -- I mean, I'm looking at all these maps, and I'm asking questions. And I get this one. "So you guys are planning to flood that. What are you guys going to do?" "Well, we're looking into vector control." "Oh. That's cool. So what are you guys going to do?" "Well, we're looking into it." All right. My question never got answered. And they go, "Oh. Write me a letter and I might e-mail it." And I write them a letter, and they say, "LOL. Screw you." Or I never get one back.

I mean, you guys are always like, "Oh. Write in a letter." That's funny. Because then you just tell me. Why not just tell the public? I mean, these people -- I mean, we're busy just as much as you guys are. I mean, you guys are out trying to save the world and California. We're just trying to save ourselves here. I mean, let's face it.

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People down there in So. Cal., they got more money than us. I know a lot of people don't want to think about it. They got more money. They got more voters. So you guys aren't really worried about it. Because we're going to get screwed anyway. You guys will just be like -- well, this is a formality for you guys, isn't it? I mean, you guys have to do this. You guys have to do a scope program and all this. And you guys have to, I don't know, basically tell us you're taking our water. And, "What do you guys want to do about it?" "What about you don't build a canal?" "Well, we're looking at alternatives. How about we move the canal?" I mean, that's all I'm hearing is canal, canal, canal. I hear desalinization, and it's like I just crucified someone. I mean, I say nuclear power -- I say, "Hey. Why don't we use the ocean?" And then a lot of people,

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"Well, if we do a desalinization plant --" This came from one of your helpers. "If we do a desalinization plant, it is more effective capitally. But energy cost-wise, it's just not efficient enough, and it doesn't have enough --"

Audience: (Unintelligible)

Mr. Vierra: Thank you for whoever said that. I feel the same way. Seriously. You guys have an ocean right next to you. You guys can't build desalinization plants? You guys can't -- you can't invest your money -- because we're in a deficit. You can't invest your money into something else rather than come up here and bother us for our day jobs and everything? And have us come out here so you guys can just tell us that, "We're either going to build a canal here or we're going to build a canal there. And you can vote on whether you want it on the east end or you want it on the

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west end. But we're pretty much just going to take it from the Delta." And then you guys are saying Sacramento River. So you're just -- I mean, what are you going to do when you're taking all that water? I mean, it's got to affect the environment. I mean, even if you do all those floods --

Chair: Wesley, I'm going to ask you to wrap it up now. And I'm also going to ask you -- we have five or six -- five -- three or four more. We're about twenty minutes overdue. Will you stay until 9:00 and answer these questions? Okay. So I'm going to ask Richard Robertson, and then Tim Neuharth.

Ms. Nemeth: You know, I do want to respond to some of the issues raised, because I think there are some misconceptions. And I get that there is a ton of skepticism in this room. I mean, that's to put it mildly. I do understand that. But there are a couple of things that

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I think we all need to remember. That this isn't about water simply for Southern California. There's a lot of folks up and down the state -- there's a lot of folks up and down the state that rely on water that's currently conveyed through the Delta. And it's important that we recognize all of that.

Audience: We were here first.

Ms. Nemeth: Fair enough. Fair enough. I just want to explain that it is water for folks throughout the state, Bay Area included. So it's not simply a north/south issue. But I appreciate the sentiment and the skepticism absolutely. The second piece of it is, absolutely flow issues are important. And when we're considering a canal as part of this plan, as part of this conservation plan, we are looking at a couple of aspects of it that are essential to helping species recover. And that is simply reducing fish that get trapped

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currently in the pumps. Folks mentioned fish screens. And there are ways to do that with fish screens. The other piece of that is flows and how flows move through the Delta in terms of bypassing any new diversion to keep -- to deal with that issue of fish getting trapped in the screens. But it's also about how water moves through the Delta in terms of several aspects of its quality, in terms of its turbidity, in terms of its solidity, the direction that it's moving, its temperature, its volume. All of those things are key parts to the puzzle, and they are things that we are examining as part of this plan. And again, I appreciate the kinds of comments and the skepticism. But I do want to make sure that folks understand that all of this is a part of the analysis moving forward.

Mr. Robertson: Hi everybody. I'm from ground zero.

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I don't talk real well until I get going. Okay? Okay. We know this pipeline is going to go in. They're talking about how much saltwater is in the Delta. I brought this up last time. I was at the Brentwood meeting. It was interesting. Anyway. Sherman Island. October. Week before duck season. Jellyfish in Sherman Island. How about that? That's a saltwater species. Okay. Walnut Grove. December. No water coming into the Delta. Everybody who lives on the water knows that. Flounders. Two days, three days of three and four-pound flounders at Walnut Grove. Another saltwater species. These are all environmental little guys that aren't supposed to be here. That's how bad the water is in the Delta right now. No flow coming into the Delta. Zero. Behind our docks, I have a harbor. We saw three feet of water of no water. We still see two feet of

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no water. Some water come into the Delta. We got a little bit of rain. This water quality is crap. The east bay, East Contra Water District is moving their pumps to beyond Disco Bay. The water coming into Rock Slough is bad. They know it. And they supply a lot of water to -- East Contra County, Diablo Water, East Contra Costa Water District, these all are impacted by this bad flow of water. And they're going to be taking the water out of the Sacramento River before it even gets to the Delta. Impact on islands. Water is going to -- the pipeline is going to be underground that we're never going to see how much water is going down. It's going to go by the Deepwater Channel, come across Twitchell, come across Three-Mile Slough, come across Bradford, come across Bethel Island, come across Jersey Island, and go all the way to

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the Byron pump without us ever seeing that water that's in that pipe. The one that's going to go on Highway 5 that you guys are going to see, we're going to see the water in that. We're going to get an idea. But we're not going to see that other water. We don't even know how much water is going to go down. They're not going to tell us. I asked them how much fish were in the Delta in the '50's. There were six to seven million stripers in the Delta at one time. Salmon. It's probably exaggerated. But a lot of them. You could walk across the river. You hear the stories. You run the salmon up the San Joaquin River. How many fish? They say maybe 100,000. There's not even 1,000 salmon going up the San Joaquin River right now because of the pumps. They decimate -- the water diversions, the pumps, everything goes through them. Everything

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gets ground up. And they -- "Oh. Wow. We got too many fish." They could put screens on the intakes or that flow that comes into the Byron fore bay. That's possible. They don't want to do it. So this is what's happening. I'm not going to address all of the stuff I talked about last night, because you guys are somebody different. But I'm ground zero. I see what's going on. These people have never been in the ditches. They've never been on that estuary in the places they need to look. They look across the thing and see your beautiful pictures. "Oh. We're going to do this and we're going to do that." But they need to get out and to see what's there. How many of you guys have spent like an early morning out there in the Delta and walked across that and seen what's there? The ducks, the geese, and everything that's going on. You don't do it. You've

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never been there. The fishery guy, he's a joke. These other people are jokes. Everything's going to Southern California. Look at the guy picking his fingers right there. He doesn't want to hear what we're saying. They've already got this plan worked out. But when they start taking that water out of the Sacramento River before it even gets to us, before it gets to you -- you guys don't see that water. We do. But all the way up and down. And they want to build more on the Shasta dam. Los Vaqueros reservoir is next. Eighty percent of Los Vaqueros was paid for by L.A. Power and Water. And that's -- they're going to be expanding that within the next few years. So this is what's happening. It's a water grab. Everybody knows it. And we can't do anything about it. Because they took that peripheral canal apart. That agreement we had with them, they took it

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apart. And they probably found one word. How bad can that be? What's the difference between may and shall? Huge difference. And that's what it takes to throw an entire agreement out or a vote. They took it apart. Took them 30 years. This year they found that out. And that's why this is happening, because they found it out. It was a closed-door, back-room deal. They took it apart and they found out how to get around it. And this is what we're going through now. And we can't stop it. I'd like to say we can. They're going to put it up for vote for the funding. And we may or may not vote it in. But they're going to pay for it anyway. So I don't know what we can do about it. All we can do is try. And that's what this is about. For us to try. Because they're going to kill us.

Chair: Okay. Tim Neuharth and then Chris Neudeck.

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Mr. Neuharth: Could you put up your power point slide that said identify conservation --

Ms. Nemeth: This will take a few seconds or minutes.

Mr. Neuharth: -- identifying conservation measures on your power point? My name is Tim Neuharth. I'm a Delta resident. Delta farmer. Been there a long time. Represent a family that's been there since 1848 and watched the river go -- or watched the water go down the river a lot of times, and watched as I've irrigated over the years from a little kid to the present age, and watching how water flows through my ditches and through the canals and into my furrows and so forth. And although that may be a smaller scale hydrologically, it's the same principle. First of all, I want to thank this crowd. I heard a lot of good things tonight from a lot of different people. A lot of good stuff. A lot of good questions. A lot of good observations. And you really

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need to give yourselves a round of applause for being vigilant and being inquisitive. And I thank you for that. Well, while they're getting there, one of the issues that was brought up, or one of the things that were said was public trust. And I think all of these meetings that I've gone to, there's a huge, huge question about public trust. We're being asked to believe that all of this is going to work without a lot of positive facts or figures or whatever. For instance, we have fish screens that supposedly are state of the art, but they don't work. So we're going to use fish screens up on the north end of the Delta to pull two-thirds of the water out of the Sacramento River, if I have that quote right. Two-thirds. That's -- I think that's what you said, Jerry.

Mr. Johns: Let's make this clear. We're talking about the water in the canal. When you look at

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how much water -- at the water that's exported, not water that's in the river, but the water that's exported, about two-thirds would be from the Sacramento River, and about one-third would be from the south Delta. So just water that's exported, that's the percentage. What's in the river is way -- is a whole different question.

Mr. Neuharth: Okay. Okay. So we're going to use fish screens up there to screen out fish as well. But the fish screens that we have down here don't work even at this point. So we've had all these years to figure out that technology, and we haven't evidently got there. Because if they did work, we wouldn't have this problem, evidently. Which brings up an interesting point. The easy fix for all this thing is to take the pumps and the screens that go with them out, and we wouldn't have a problem with the smelt to

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begin with. That's a pretty cheap fix, if you ask me, rather than building this big canal and doing all this other stuff, blah, blah, blah. So back to the public trust. We've been asked to trust. Well, from the beginning, we've been getting a snow job. One was if we -- when we have this catastrophic earthquake, all the levees, or 50 levees or whatever it is in the Delta, are going to fail. As one gentleman pointed out earlier, there's never been a levee failure due to an earthquake in the Delta ever, historically. You can put your computer models out there all you want to. But if you're just looking at the facts of history, that doesn't pan out. If it did, I think repairing the levees and the water quality issues is going to be the last thing on anybody's list. If we have an earthquake of such a magnitude that the levees are going to

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collapse in the Delta, you're going to have city problems and you're going to have freeway problems. You're going to have problems beyond anything that even remotely applies to the Delta. That will be the last thing on the list they're looking at. Number two, we were told that, you know, we have to fix all these levees, and we have to do all this work because look what happened in Louisiana and Katrina. Well, guess what? We don't have hurricanes in California. We don't have 20-foot storm surges in California, and neither do we have a U.S. Corps of Engineers built -- engineered and built wall that failed. We have levees. We don't have a wall that failed. And it wasn't a levee that failed in Louisiana either. So all along this process -- and by the way, I raised this point earlier a long time ago at some meetings in the Delta. And one of the

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gentlemen that sat at the tables up here admitted to me that, "You're right. Katrina doesn't really have anything to do with California. However, it does keep it in the public's eye." In other words, it's an emotional issue. So, you know, it's the fear thing. And then -- so now we're being asked to trust that -- now we're getting there. To trust that all of this stuff that we're talking about is going to work. And I don't see it. We're focusing on the smelt, and we're focusing on the splittails, and we're focusing on the salmon. Well, what about the other things that go along the Delta? What about the striped bass, which may be an invasive species, but I don't think you're going to get rid of them. Are you planning to eradicate them totally? I think they're here to stay. When do they become native? In essence, they are native. They're here.

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They're not going to be taken away. So what about the catfish? What about the hawks? What about the owls? What about the otters? What about -- I mean, go on and on and on with other species that are in the Delta. So what I'm seeing here is a robbing Peter to pay Paul. We're going to take water out of the north end of the Delta. We're going to ship it south to make up for deficiencies in the San Joaquin River and mess with the flows that traditionally come. And if we're taking that much water out of the north, what happens with the rest of the north Delta? What happens to the flow from there? Where is this water coming from to make this system work? Do we have additional storage up north? Have we raised Shasta dam? Have we built a new dam? No. All of this stuff has been predicated on studies and ideas that were supposed to be put in place in the 19 -- in

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the 1940's and '50's. That hasn't happened. But yet we're going to dig this ditch knowing not where the water is coming from, nor are we knowing exactly where it's going. I've been told recently that we're only going to do this when we have excessive flows. Well, we're going to build all this. There's billions there, and billions there, and billions there. And we're going to build all this, and only pump this water when we have excessive flows. Well, last year, that means that we wouldn't have pumped any of this water. Because we didn't have any excessive flows last year. This year, we've had about a month. So, you know. Billions and billions and billions not only on something that's only going to work part time, is what I've been told. I haven't seen that in writing. But it's been verbalized with people here at these different stations.

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And plus, no hard data that all of this is really going to work. But we're going to do it in the hopes that it's going to work. We heard from a guy in Sacramento who's from the Hoopa tribe. You know. He was very adamant that the restoration that was supposed to happen on his river, the Trinity, and the funds that were supposed to be provided to make that happen by the users of that water have never materialized. Nobody's ever held them accountable for what's going on up there. And so what I'm saying is there's a whole lot of open questions here. And I just ask that we, as taxpayers and residents and water users and recreationists and so forth, continue to be vigilant, continue to be questioning, continue to be pointed in our remarks. And, you know, they've got to prove it. This isn't our idea taking this water out. You know. It's what they want to do.

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And they want to ship it south. So they've got to prove their points and they've got to make this thing work. So I just encourage you to continue to be vigilant and questioning. And, you know, let them prove their points. Thank you.

Chair: Okay. We have Chris Neudeck, then Mary McTaggert. And just before you begin, Chris, I want to invite you, after we break up here in just a few minutes, to stay and talk to the people in the back of the room, particularly those that have spoken here. You had many things that were great questions that would be best utilized if you make sure that they get down in writing for the technical staff there. So Chris?

Mr. Neudeck: All right. Thank you. Just real briefly, I want to clarify something that Dan -- Dante, Junior brought up earlier in the discussion. And it was regarding the fish

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screen project that the department undertook around the year 2000 to move the screens out of the dead-end portion of the Clifton Court fore bay. Up on Byron Tract, we went through a very similar process. The department came out, threatened eminent domain on our client. I happen to be a civil engineer that works with the reclamation districts down there. And we were well into schematic design for a fish screen on a live river. On Old River. Now, Paul Marshall in the back of the room give me some general explanations as to why that screen didn't work. But the Reclamation District and the local landowners were told the reason that project failed was the contractors were not going to pay for it, because it was a very expensive screen, unless they got certain assurances out of the project. So after almost two years worth of study and

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schematic design and environmental consideration where the screens were on a live channel, we thought it failed just because of cost and not getting a commitment out of the contractors. Does anyone have an explanation why that project isn't being considered or doesn't work? Because it's a screen on a live channel similar to what's being designed on the Sacramento River. Now, Paul indicated to me that the sweeping flows by it weren't enough. But is that the reason why that one is not being considered? Because it's not in the dead end any longer. And it was something that the department proposed and put an awful lot of money and effort into it. Because I was involved in it for several years.

Mr. Johns: You probably ought to talk to Paul. He's probably our best source on this. I don't know if you want to do it now or if you want

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to talk to him afterwards.

Mr. Neudeck: Well, I think it's worth clarification. You've heard a lot of discussion around -- tonight about the screens. We're moving this all because of the screens. Well, here was an alternative screen in the south Delta on a live channel that had flows. Old River is a river that runs up technically north, but it runs typically south.

Mr. Johns: Yeah. And part of the problem with that part of the Delta, of course, is it's tidally driven. So you get fish that move this way past the screen, then they move back. And they move this way and that way.

Audience: Why don't you have the expert answer the question so we get a straight answer?

Mr. Johns: Okay. Paul, you want to -- as Paul's coming up, one thing I might want to indicate. It's not just the screens that are the issue. We have these -- in Old and Middle River, those

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two rivers in the middle part of the Delta, that's really what's controlling our operations currently. So even if we had better screens, the fish agencies are still concerned about the fish that are coming into those rivers. And that's -- even if you had better screens, they would still be concerned about the fact that, well, you might bring more fish into the interior Delta, and they would then stay there until the Delta got hot and they would die. So even if you screened it better, they would still be concerned about Old and Middle River flows, even with better screens. I'll let Paul answer the other question.

Mr. Marshall: Yeah. Either way, whenever we're dealing with the screens down in the south Delta, we're looking at a terminal screen. It's like a fish sampler. It's actually pulling in the fish from all around. Our modeling

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shows that if we -- when we have the exports going, during the springtime especially, we have a zone of influence that goes out to San Joaquin River and goes up well past Victoria Canal up on Old River. And all of those particles in that area start heading towards the screens, whether they're the State water project or the Central Valley project. Either way. So the facility that you're talking about where we're actually putting screens on Clifton Court fore bay on Old River basically --

Mr. Neudeck: No. They were on Byron Tract. They were outside the fore bay up on Byron Tract levee. We were redirecting Italian Slough. I mean, there was a lot of effort put into that design. This was not just a hocus pocus throw the --

Mr. Marshal: Okay. But we're still bringing water past on Old River. And that water was actually

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heading for the CVP pumps. Okay? So that was actually creating that sweeping velocity that Paul was talking about earlier. Some other pumps were creating that sweeping velocity. So you're making it good for some fish but worse for others. You know?

Mr. Neudeck: Because of the Central Valley projects?

Mr. Marshal: So no matter what, you're still -- you still have a terminal screen.

Mr. Neudeck: But wouldn't that be the fed's problem and not the state's problem? I mean, in regards to --

Mr. Marshal: You know, it's the fishes' problem. And that's the whole issue.

Mr. Neudeck: But that sweeping velocity -- you and I started talking about this. That sweeping velocity was adequate to sweep them off the fore bay or the state water project screens. And it's -- because the Central Valley project is sucking them, wouldn't it be the Central

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Valley project's screening facility that needs to take care of them --

Mr. Marshal: Yeah. But here again --

Mr. Neudeck: -- and not relocate the screens all the way to the north?

Mr. Marshal: Here again, they have a terminal screen at that point. So they have a terminal end.

Mr. Neudeck: But we're moving -- we're building a peripheral canal because the Central Valley project doesn't have screens.

Mr. Marshal: No. No. In fact --

Mr. Neudeck: I mean, but that's -- you're just telling me that that's why the 800 or the 800 screens didn't work, because we'd be sweeping them down into a terminal facility. I'm telling you, the reason they told us is because the contractors didn't want to pay for it. None of the information you've shared with me in the last ten minutes was ever expressed to

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the landowners at the time. So this is all news to us. But from what I'm hearing is you're saying, "Well, the sweeping velocity is there. But we're sweeping them down into another set of screens."

Mr. Marshal: Actually, the sweeping velocity still isn't enough. In that kind of an area up on the Sacramento River, the sweeping velocity is pretty good --

Mr. Neudeck: More water in the river.

Mr. Marshal: -- especially for salmon. And if you look at the location of the proposed intakes, that's pretty well outside of a lot of the influence of the Delta smelt. And so we actually wouldn't be affecting smelt hardly at all, especially if we're only pumping more on the ebb tide. So we can actually avoid a lot of our impact, by pumping on the Sacramento River, on the Delta smelt entirely. That coupled with the flood plain and tidal

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habitat that's up there in the Cache Slough area would grossly benefit the Delta smelt, the Sacramento splittail, the Sacramento River salmon, the steelhead. It really helps out a lot of these fish. So we're avoiding the conflict between habitat and conveyance by taking our water up there. Plus we're providing habitat that adds food to the system that they desperately need.

Mr. Neudeck: So what velocity sweeping flow do you need by the screens? I'm still a little unclear.

Mr. Marshal: That is actually --

Chair: Chris, after this one, I'm going to ask if Paul will stay and continue.

Mr. Neudeck: Okay.

Mr. Marshal: That's actually something that the biologists have been working on. They're looking at anywhere from 5 to 11,000 CFS of flow going past these screens on the Sacramento River before we can actually start

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taking any of the water. So that's the sweeping velocity.

Mr. Neudeck: Okay. Thank you.

Chair: Okay. Paul, you're here afterwards if people want to follow up on that. Last speaker, Mary McTaggert.

Ms. McTaggert: My name is Mary McTaggert. I live in the north Delta near Clarksburg. My first question is about this diagram here that's the second page of your handout. The proposed action is the BDCP. Then it lists some other alternative projects. What are those? Have they already been discarded, or are they going to be evaluated, or --

Ms. Nemeth: Those are the ones that are -- that we're scoping on tonight. Again, the point is to get comments on the range of alternatives that need to be looked at. How we look at those alternatives. How we measure those impacts. All of that. They're not decided.

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Ms. McTaggert: Okay. But are these real alternatives that have been put out there, or are they ones that you might make up from hearing from us? The ones that --

Ms. Nemeth: We've got some. We've got some out there that are on some of the boards. But also, we're taking input on a reasonable range of alternatives. So the expectation is that we'll get some alternatives here tonight that will go into the EIR/EIS process.

Ms. McTaggert: Was one of the alternatives the one that was proposed by Tom Zuckerman early in the Delta process? Was that considered an alternative?

Ms. Nemeth: Which alternative is that?

Ms. McTaggert: Was proposed by Tom Zuckerman from down here in this area early in the Delta vision process. A whole alternative to this idea was called -- he focused on self-sufficiency. Regional self-sufficiency and conservation.

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Was that being -- has that been considered in your process?

Ms. Nemeth: I think we want input on all those kinds of alternatives.

Ms. McTaggert: No. The question is, has it been considered?

Ms. Nemeth: It is being considered. Absolutely.

Ms. McTaggert: Is it?

Ms. Nemeth: It is. Absolutely.

Ms. McTaggert: Okay.

Ms. Nemeth: That's why we're here tonight.

Ms. McTaggert: I'll look to see it somewhere, then, in print. Maybe you can give me that.

Ms. Nemeth: Yeah.

Ms. McTaggert: Secondly, I'm kind of worried about the science here. I'm looking at the adaptive management section of chapter 3, conservation strategy. And here it says that conservation measures can be discarded if they're found not to work. My question is -- now, they can

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be revised. They can be added to. Okay? And it says that. It says, "Then the marsh --" For example, it says, "Then the tidal marsh restoration may be reduced or discontinued and its funding diverted to additional contaminant reduction actions," et cetera, et cetera. So what happens to that land that is -- that is not going to be used for a conservation measure anymore?

Ms. Nemeth: Great question.

Mr. Cylinder: The habitat -- the physical habitat restorations -- the restoration of marshes -- as you all are, I'm sure, aware that the Delta was almost entirely marsh in historic times. And so we're looking to restore areas back to marsh habitat contributing to food supply for the fish. Marine habitat for the fish is the purpose of it. But it's certainly not 100-percent understood science in terms of how these marshes will be -- come

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back as we flood areas. So the conservation measure will be written in such a way as you start small and you work up. And with the restorations that you do do --

Ms. McTaggert: How small is small? Excuse me. Someone said 5,000 acres earlier in another meeting.

Mr. Cylinder: Yes. 5,000 acres would be a total within one of those large shaded areas. Somewhere within -- those areas are huge. They're much more than 5,000 acres. So somewhere within that, we would identify 5,000 acres. But any given restoration project might only be several hundred acres in size. And certainly initially, in order to -- to study the outcomes of restoration. So when we talk about discontinuing habitat restoration, it doesn't mean that we abandon a site. If we've restored a site, we would adaptively manage that site to get the most out of that site. But it might turn out that we're not

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getting as much benefit to fish as we anticipate. We might get more benefit to fish than we anticipate. At this point, it's not an exact science. We have the best science, and we've been using the best science available. But if we don't seem to be getting enough results for the fish, and it's the purpose of the plan, the purpose of restoring habitat, then we might discontinue doing more restorations. Not give up on that one. We'd get the most out of that one that we could. But we would discontinue doing additional and divert the money then to other conservation measures that are proven to be more effective over time as we implement.

Ms. McTaggert: So my question is, when does this process stop? We live here. We're trying to make livings here. We're trying to make a, quote, viable or vigorous agricultural economy here. And if you're just -- if there's no end to

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this adaptive management -- you know. "Well, we'll try this over here. We'll try this over there. Oh. Meanwhile, we've lost some of our funding." And by the way, are the water contractors paying for all of this? Is that part of this too? Or are they off the hook for this once they get their permits?

Mr. Cylinder: The way you described adaptive management is not how adaptive management works. The focus is, first of all, setting the objectives for the plan. The plan has to identify what the eventual goals are in terms of -- and objectives in terms of amounts of habitat restored, how the system would be operated, but with contingencies for adaptive management to allow flexibility. But there has to be some limit to where the plan begins and ends. And that limit is set in terms of --

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Ms. McTaggert: Where are the limits?

Mr. Cylinder: Well, that will be described in the document.

Ms. McTaggert: So will it be there?

Mr. Cylinder: And we've been working on those -- describing those limits for different aspects of different conservation measures over this past year as we've been working. Yeah. So, yeah. We'll have a full document.

Ms. McTaggert: Okay. I'll look for them. Secondly, I think on other stressors -- no. I will. I'll look for that.

Mr. Cylinder: Can I answer your question about the funding?

Ms. McTaggert: Well, I -- I don't know. No.

Mr. Cylinder: Did you want me to answer the question about the funding?

Ms. McTaggert: Yes, I do.

Mr. Cylinder: Okay. The way these conservation plans work, because this plan includes mitigating

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the impacts of the water exports as well as going beyond mitigation, contributing to the recovery of these fish species, the funding for implementing a plan, paying for actually doing what -- if this plan comes to be, and permits are issued, and it becomes -- and it starts to become implemented, the funding for that would be shared in terms of the water contractors. Those who are benefiting from this permit by being able to export water. They will be paying for all of the mitigation and some of the contribution to recovery. And any additional contribution to recovery, the state and the federal government would be responsible for some of that also. Because we're working under state and federal laws. Endangered species laws. And the responsibility for recovery of the species goes beyond any given entity or group of -- or individual in terms of offsetting

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their impacts on that resource.

Ms. McTaggert: So how will that --

Chair: Mary, could you make a concluding comment, and then you can carry on the conversation.

Ms. McTaggert: Okay. Well, then my last comment is I wondered if it would be possible to get more than 90 days for the public comment period when the EIR comes out. I know 90 days is probably a long time. But I would think this document is going to be huge. And you keep telling us that's the time when we really need to say what's what. We're not going to even have time to read it, let alone think about it if there's only -- you know. Ninety days isn't very long if it's several thousand pages. That's all. My request is for longer.

Chair: Thank you. And with that, I'd like to thank all of you who participated either by speaking or by listening. And I'd also like to invite you to remain. To the extent that

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you would like to speak to the folks in the back to get your comments in writing, they'll be here until 10:00. Thank you and goodnight.

(The proceedings concluded at 9:20 p.m.)

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CERTIFICATE OF REPORTER

I, JAMIE LYNNE GUILES, a Certified Shorthand Reporter of the State of California, License No. 8086, do hereby certify:

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That I am not of counsel or attorney for any of the parties hereto, or in any way interested in the event of this cause, and that I am not related to any of the parties hereto.

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