

PH3—Stockton, CA, January 26, 2006

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| <p>PUBLIC HEARING ON SOUTH DELTA IMPROVEMENTS PROGRAM DRAFT/ENVIRONMENTAL IMPACT STATEMENT</p> |
| <p>January 26, 2006</p> |
| <p>Held at: Department of General Services 31 East Channel Street Stockton, California</p> |
| <p>Reported by: Thresha Spencer, CSR No. 11788</p> |

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1 complete a speaker card, one of these. Speaker cards are
2 available at the registration table, if you don't have
3 one. If you have not submitted your speaker card to the
4 registration table, please do so immediately so your name
5 can be added to the speaker list. You may also submit
6 written comments this evening by completing a comment card
7 which looks fairly similar. As I said, written comments
8 and verbal comments receive the same weight.

9 If you are already using your written comments
10 to speak from and would like to submit them, please fill
11 out the top portion of the comment card, attach your
12 comments, and submit them to us before you leave. Written
13 comments can also be submitted by fax, email, or by mail.
14 Please see the hearing procedures handout for the fax
15 number, email, or mailing address. There's a piece of
16 paper up there that gives all the instructions on how to
17 submit comments.

18 Both written and verbal comments received at the
19 public hearing will be part of a hearing record. Please
20 understand that the purpose of this hearing is to receive
21 comments in the South Delta Improvement Program EIR/EIS
22 documents that prepare for public review. Please list the
23 comments. Hopefully comments are pertained to a document,
24 however it can be improved, and we use those comments to
25 prepare a final document.

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1 Before we begin to receive public comments,
2 Kathy Kelly will provide a brief overview of the South
3 Delta Improvement Program.

4 MS. KELLY: Hi, I'm Kathy Kelly. I'm the Chief
5 of the Bay Delta office for the State Department of Water
6 Resources. I want to give you a brief description of what
7 the project is and also the decision process for this
8 project so that you can understand that we're doing this
9 in two stages.

10 I imagine most of you are very familiar with the
11 project area. This is the San Joaquin River, moving on
12 down to Stockton. This is our project area. The SWP
13 exports occur right here at Clifton Court up through Banks
14 Pumping Plant, and the CVP exports occur here at Tracy
15 Pumping Plant.

16 There are three objectives for the South Delta
17 Improvements Program. The first one is to reduce the
18 strain of the outmigrating Salmon on the San Joaquin
19 River, reduce their strain into the South Delta.

20 The second one is to provide adequate water
21 levels and adequate water quality to the local farmers in
22 the South Delta that get their water off of channels like
23 Old River, Middle River, Grant Line Canal.

24 The third is to provide increased reliability
25 and increased deliveries to State Water Project

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1 contractors and Central Valley Project contractors, and
2 also provide opportunities to pump water for fish and
3 wildlife purposes at the State Water Project by increasing
4 the export limit, the operational limit for the project.

5 So we've got three purposes. We've divided the
6 project into two components. The first component is a
7 physical structural component that addresses the fish
8 purpose and the local agricultural purpose, and it
9 consists of we have recommended a preferred alternative
10 for this component. It consists of four permanent
11 operable gates in the South Delta channels. It consists
12 of some local dredging to help the water to move through
13 the South Delta and some modification of local diversions,
14 about 24 of the farm diversions so that they are assured
15 that they will have adequate water levels for their
16 intakes.

17 The second component is referred to as the
18 operational component, and that's increasing the operation
19 limit of the State Water Project to 8,500 CFS. We do not
20 recommend a preferred operation.

21 We list three types of -- three ways of
22 operating to that limit. One has a relatively small
23 amount, they're all fairly small, and then we step it up a
24 little bit, and I'll explain that to you too. But, as I
25 said, we don't recommend any of those operations, and that

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1 any decision on that is deferred until we make a decision
2 on the physical component.

3 This is a map showing the physical component.
4 This is an operable gate at the head of Old River. This
5 gate would be closed during the springtime to keep the
6 small outmigrating Salmon from coming into the South Delta
7 where they can be entrained in the exports and the pumps.

8 Then there are three agricultural gates, one on
9 Old River at Tracy, one on Grant Line Canal, and one on
10 Middle River. And these gates are operated with the
11 tides. They're operated twice a day during the
12 agricultural season to help move water through the South
13 Delta inducing circulation this way (indicating) to keep
14 stagnant areas from developing, to keep the salinity from
15 accumulating, and so this helps to improve water quality
16 through this area and improve the water levels. So this
17 is the physical structural component that's addressed in
18 the first stage of this decision process.

19 We're already out there putting barriers in the
20 South Delta. We have -- they look like this. They're
21 rocks, and we put them in Middle River, Old River, and
22 Grant Line Canal on the east end. They have culverts that
23 you can't see that are under water and there's flat gates
24 here, and what these do is when the tide comes in, it
25 pushes the flat gates open, the water is brought in. When

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1 the tide starts to recede, those gates shut. So we have
2 higher water levels on this side than this side, and this
3 helps the farmers further upstream.

4 In order to pass boats, we have this handy
5 trailer-and-truck device here and ramps to bring the boats
6 across, so these are installed in the beginning of the ag
7 season and they're removed at the end of the ag season.
8 And the one barrier on Old River is installed and removed
9 up to twice a year because it is done in the springtime,
10 and if the flows allow, it is installed in the fall.

11 We want to stop -- wait. Go to the next one,
12 and you can see we have heavy equipment in the channel, it
13 disturbs the environment, it creates sediment and
14 turbulence in the water or turbidity, and we want to stop
15 doing this. And so we want to move from this kind of
16 situation to the next one, and let's see if we can stop
17 this.

18 This is what we're proposing as part of the
19 physical structural components. The gates would look like
20 this (indicating). This is the same site as we were
21 looking at before with the areal photo. In this situation
22 we've got a boat lock and we have operable gates, and
23 these gates are in the up position right now. They are
24 preventing the water on this side from moving back across
25 this way (indicating). This is a strange-looking barrier

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1 or a gate from my perspective. You would expect to have a
2 super structure here with the radio gates like you see at
3 maybe at Montezuma Slough or that sort of situation.
4 We're not proposing to do that here. We are going to
5 bottom hinge gates. They lie on the bottom of the
6 channel. When the tide is coming in, they're flat on the
7 channel and it is open. As the tide starts to recede,
8 they raise up, and they capture the flow. So upstream
9 you've got higher water levels than downstream, and what
10 we do is we induce that circulation through South Delta to
11 avoid the buildup of salinity. That's our proposal.

12 Now, this is the second part of the project.
13 This is the operational part. As I said, we do not
14 recommend an operation, but we are seeking input on this
15 and we're getting it.

16 What we do in the document is we analyzed three
17 possible ways of operating to the higher limit. What this
18 shows is that currently on average the exports out of the
19 Delta are about 5.9 million acre feet. The operations
20 that we are evaluating are shown in red for an average
21 annual increase, and that increase without water transfers
22 ranges from 1 to 3 percent. 1 percent for this kind of
23 operation, 3 percent with this kind of an operation. If
24 you include an assumption on water transfers, then it
25 jumps up to about 3 percent for this one, 5 percent for

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1 this one.

2 So we have analyzed the small increase in the
3 export, but as I said, we've analyzed these in the
4 document, we do not recommend one, and we're not making a
5 decision on this until after we make a decision on the
6 physical structural component.

7 We have a fairly-involved process for making
8 this decision. This is the stage one decision. We're
9 right here. All the comments would be received on the
10 draft EIR/EIS. We would respond to them. We would come
11 out with a final EIR/EIS. That would be for review for
12 30 days, and then we would issue a record of decision.
13 That record of decision would only make a decision on the
14 physical structural component, so just the four gates and
15 the dredging.

16 The reason we're doing this is because, as you
17 know, we have declining populations of fish in the Delta.
18 We've got an extensive and intensive program out there to
19 gather data and understand and analyze and try to
20 understand what is happening to the fish there. To
21 propose an operational increase at this time without
22 incorporating that data is just unsupportable, so what we
23 want to do in the stage two process is to address that.
24 What we also want to do is start constructing those gates,
25 and they will take until early 2009 to get in place and be

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1 operational. We need those gates whether we increase this
2 export limit or not. We need those gates right now in
3 order to meet the water quality standards that we're
4 required to meet in the South Delta, so that decision
5 stands alone.

6 This is the decision process for increasing the
7 operational limit. It could be quite extensive. It could
8 go until 2009. It would involve bringing in information
9 for the fish decline, it would involve public meetings,
10 public workshops, and eventually we would come out with
11 another document that would be publically reviewed and
12 we'd go through another process just like this to address
13 that, the second component of the project.

14 So just to kind of drive it home, we are here in
15 the public review period. We will respond to comments,
16 and we would hope to issue a final EIR/EIS and a record of
17 decision sometime in the summer, August or September, just
18 on the permanent operable gates. And at that point we
19 would start working on the final design and the
20 construction of those gates, and then we would also start
21 the second stage of the decision process and get into the
22 wisdom and if and how we would increase the operational
23 limit. Thank you very much.

24 MR. MICHNY: We'll start with the formal part of
25 the hearing now. We'll proceed in the following manner.

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1 I will call speakers in the microphones in the order that
2 the speaker cards were returned to the registration table.
3 If I call your name and you are not present, your card
4 will be moved to the end of the speaker list. To help
5 move these proceedings along, we've reserved seats in the
6 first row. What we'd like to do is have seats available
7 in the front row for five speakers, so what I do when I
8 call your name, if you could move up to the front row,
9 take one of the five seats. Please have a seat, be
10 prepared to approach the microphone when called. When I
11 call the third or fourth person to speak, I'll call the
12 next five so they can start down so we can get through
13 this faster.

14 We have approximately 24 speakers. In order to
15 get out of here in the scheduled time, about 9:00 o'clock,
16 that's about four minutes a piece, so I'm going to
17 allocate four minutes per speaker. If you have extensive
18 comments, we ask that you summarize your comments and
19 submit your detailed comments in writing.

20 I want to reemphasize what I said before,
21 whether the comments are provided here orally, whether
22 they're provided written, whether you send them by email,
23 whether you send a letter, they receive the same exact
24 weight when they're looked at in reviewing the document.

25 When I call you to the microphone, clearly state

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1 your name and affiliation, you spell both your first and
2 last name for the court reporter. Will you please
3 remember a court reporter will be reporting your comments
4 and your comments will then be part of the official record
5 for these proceedings. It is important that you speak
6 clearly so your comments can be captured accurately.
7 Please note that the court reporter may interrupt as is
8 needed in order to clarify your comment and capture it
9 accurately.

10 I'll be the timekeeper and will indicate when
11 your time is up. I'll try to give you a one-minute
12 warning. It is crucial that you follow the time limit so
13 everybody has adequate time to speak and we get out of
14 here in a reasonable time.

15 Please remember the amount of time per speaker
16 we're setting at four minutes. Again, if you wish to
17 provide --

18 AUDIENCE MEMBER: In responding to a 2,788-page
19 EIR, why do you arbitrarily decide upon a two-hour comment
20 period?

21 MR. MICHNY: What usually happens, experience in
22 the past, is people provide extensive comments in writing,
23 and at the hearing they provide a summary of what their
24 comments are. So I say it again, whether they're written,
25 whether they're email, et cetera, et cetera, they will all

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1 be reviewed. So most people in experience over the years
2 with doing this is people don't get up and provide 15
3 pages of comments, they summarize them and say, "Here are
4 my extensive written comments."

5 AUDIENCE MEMBER: I understand, but even the
6 state board allows five minutes for public comments for a
7 public hearing.

8 MR. MICHNY: Well, we're doing four minutes
9 tonight. Normal practice is we take the time divided by
10 the people and that's where we end up. Again, if you wish
11 to provide oral comments and have not submitted the
12 speaker card, please go to the registration table
13 immediately. We're ready to start.

14 The first five speakers will be -- excuse me if
15 I get names wrong, I'll try the best I can, and please
16 correct me if I'm wrong. Greg Zlotnick, Dale Stocking,
17 Doug Lovell, Mike McKenzie, and Ron Forbes.

18 GREG ZLOTNICK: Good evening. I'm Greg
19 Zlotnick, G-r-e-g, Z-l-o-t-n-i-c-k. I am an elected board
20 member of the Santa Clara Valley Water District. The
21 Santa Clara Valley Water District provides wholesale water
22 supply and watershed management to 1.7 million residents
23 of Santa Clara County, including the vital high-tech
24 economy known as Silicone Valley.

25 On average, half of our county's water supplies

PH3-GZ1

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1 are imported from the Delta through the State Water
2 Project and Central Valley Project. We support continued
3 progress on development of the South Delta Improvement
4 Program as a key component of the Delta record decision
5 and the Delta improvements package. The program is
6 proposed to be implemented in two stages, stage one being
7 construction of the operable gates, and stage two being an
8 increase in Banks Pumping Plant operation to 8,500 CFS.

PH3-GZ1

9 The primary benefit of the program is increased
10 operational flexibility for the State Water Project to
11 project Delta fisheries and South Delta agricultural
12 interests. Based on analyses and the draft EIR/EIS, the
13 district anticipates improvement in the State Water
14 Project and Central Valley Project contract supplies with
15 implementation of stage two, and improvements and overall
16 water management for all Californians.

17 The district strongly supports the Cal Fed
18 objective of continuous water quality improvement and is
19 concerned about any project that could degrade its source
20 water quality. We believe the Department of Water
21 Resources needs to adequately monitor and manage the
22 program implementation to avoid water quality impacts. We
23 also support many of the program in two phases to allow
24 time to understand better any changes equipped to support
25 water quality and to allow time for other projects to

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1 develop that could offset water quality impacts.

2 Overall the district supports implementation and
3 operation of the South Delta Improvements Program and
4 coordination with the long-term vision for a sustainable
5 Delta. I appreciate the opportunity to comment on this
6 evening. Further comments from the district will be
7 provided by letter. Thank you very much.

PH3-GZ-1

8 MR. MICHNY: Thank you.

9 DALE STOCKING: Dale Stocking. D-a-l-e,
10 S-t-o-c-k-i-n-g. I'm Mother Lode Chapter Chair of Sierra
11 Club. And the California Department of Water Resources'
12 plan to increase pumping of fresh water from the Delta is
13 part of a misnamed South Delta Improvement Program.

14 Even though studies show that the Delta
15 ecosystem is collapsing and fish species are on the verge
16 of extinction, the plans to pump additional water from the
17 Delta neither improve water quality nor protect the
18 ecosystem. It simply directs fresh water to the existing
19 state pumps so they can be run at their maximum capacity.

20 The points that we would like to make is the
21 draft EIR/EIS should be withdrawn. At a minimum, the
22 DEIRS should consider an alternative plan that
23 significantly reduces Delta pumping from current levels,
24 and actually improves Delta water quality and habitat and
25 protects fish. The analysis of this alternative should

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1 include potential environmental benefits, how water
2 conservation and other proven water management tools can
3 help the state meet the future water needs, and how such a
4 reduction combined with investment and other water supply
5 sources could improve the reliability of urban water
6 supplies.

PH3-DS1

7 The Sierra Club urges that you include in the
8 new preferred alternative at least as much water dedicated
9 to the ecosystem restoration and protection as required by
10 the Cal Fed Bay Delta Plan. The Department of Water
11 Resources should work to restore the Delta protections
12 that have been undermined during the past years.

13 Finally, once improved scientific information is
14 available regarding the causes of the Delta's decline and
15 once this decline has been reversed, then we should issue
16 a full draft environmental impact report on the proposed
17 proposal to increase the state water project's maximum
18 pumping limit.

PH3-DS2

19 (Applause.)

20 DOUG LOVELL: Doug Lovell. D-o-u-g,
21 L-o-v-e-l-l. I am the Chairman of the Bay Delta Committee
22 of the Northern California Council of the Federation of
23 Fly Fishers.

24 Fishermen and fisherwomen are generally pretty
25 laid-back people and we are not predisposed or inclined to

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1 come to hearings like this, but there is something that we
2 feel passionate about, and that is that fish need
3 abundant, fresh, clean water to survive.

4 We believe the South Delta Improvement Program
5 is a luminous threat to continued existence of fisheries
6 in the Delta. There's a lot of people that can't be here
7 this evening but do feel passionate about that, and we try
8 to put a voice on those people and a face on those people
9 this evening. We've tried various things, thinking of a
10 petition campaign and letters to the Governor.

11 About two weeks ago we decided that we would
12 launch a postcard campaign and allow people to weigh in
13 regarding their opposition to the SDIP. We printed up
14 several thousands of these postcards addressed to Paul
15 Marshall in care of us, and I'd like people from the
16 audience that have postcards this evening to bring them
17 forward and drop them in the black basket up there. I
18 will read into the record the content of the postcard.

19 "I oppose the action proposed in the draft
20 EIR/EIS for SDIP. SDIP is another attempt to appropriate
21 additional water form the already compromised Bay Delta
22 Estuary.

23 "The dredging barriers and eventually increased
24 pumping and water exports of SDIP will only worsen the
25 Delta Ecosystem Crash, aka, the planning organism decline.

PH3-DL1

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1 Instead of the measures you proposed, measures that will
2 benefit special interests such as lesson the water
3 district, I request the following:

4 "Withdraw the EIR/EIS. Reduce pumping rates and
5 water exports to those that existed in the early 2000s
6 when Delta Smelt appeared to be on the road to recovery:

7 "Increase ecosystem restoration measures and
8 improve water quality.

9 "Ensure the ecosystem, the Bay Delta Estuary,
10 including the fishery resources is restored and
11 self-sustaining before you consider appropriating more
12 water, more of its life blood, i.e., water.

13 "As California's Water Plan demonstrates, our
14 needs will be met for several decades to come through
15 conservation, reclamation, efficiency, and conjunctive
16 use." Thank you.

17 (Applause.)

18 That's about 4,000 cards.

19 MR. MICHNY: Two things. Thank you for your
20 comments, and I appreciate everybody being orderly in
21 dropping off the cards. I appreciate that. Thank you.

22 Mike McKenzie.

23 MIKE MCKENZIE: Mike, M-i-k-e, McKenzie,
24 M-c-K-e-n-z-i-e. I'm from the government. I'm here to
25 help you. Those words strike fear in the heart of a lot

PH3-DL1

PH3-MM1

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1 of Americans, but anyway, I'd like to start off with a
2 recently-published quote from Kathy Kelly.

3 She said, "I'm disappointed that the focus has
4 been so much on an item that we've committed to defer.
5 This item that we've committed to defer speaks directly to
6 increasing exports from the Delta."

7 It is increasing the slide is what it is doing.
8 One cannot help but believe the whole process is being
9 tied to the recently renegotiated irrigation contracts by
10 the Bureau of Reclamation. According to the bureau's own
11 documents, the federal government has promised Central
12 Valley Agribusiness. It will increase the amount of
13 taxpayer's subsidized irrigation water by 44 percent over
14 the next 25 years.

15 This amount of water is well beyond the state's
16 infrastructure ability to supply or that they can reliably
17 supply, and for what? It seems that the Bureau has
18 decided that one of its missions is to create more wealth
19 for certain irrigation districts by turning them into
20 water brokers.

21 For instance, lessen the water district, the
22 most egregious example, has been promised hundreds of
23 thousands of additional acre feet of water, even though
24 half of their land, almost half, is likely to be retired
25 due to salt buildup and impaired drainage.

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1 It is one thing to ask taxpayers to subsidize
2 farming with cheap water, it is another thing when the
3 taxpayer has to bear the brunt of those subsidies that are
4 turned into huge profits for a select few. These
5 contracts have committed the federal government to deliver
6 a water that doesn't exist, commit taxpayers to millions
7 of dollars in water subsidies and committed California to
8 a future which most of its water is controlled by and
9 managed for profit of Central Valley's Agribusiness.

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10 To pump more water from the Delta for private
11 gain is simply unacceptable. The Delta and its tributary
12 fisheries if restored to healthy and sustainable
13 populations would contribute far more to the state's
14 economy than what is offered by the SDIP and without any
15 taxpayer's subsidies.

16 It is absolutely indefensible to destroy this
17 resource for questionable private gain that will
18 contribute nothing to the local valley towns and area
19 economics.

20 Quite obviously corporate agriculture in the
21 Central Valley, along with the complicit health of
22 government bureaucracies has found a new crop. It is
23 called water.

24 MR. MICHNY: 30-second warning.

25 MIKE MCKENZIE: Okay. About the only thing they

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1 now farm are the tax. The willingness of the trustees is
2 wholly responsible for public trust resources to squander
3 them on special interest private gain is beyond
4 comprehension. The SDIP is just the start of that
5 process. Time is running out for an honest and fully
6 informed debate about how the water needs of all
7 Californians will be met in the 21st Century. Thank you.

PH3-MM1

8 (Applause.)

9 MR. MICHNY: Thank you for your comments. Let
10 me call the next five. Ron Forbes will be next. The next
11 five are Roger Mammon, Roger Difate, excuse me if I got it
12 wrong, Ken Fowler, Mike Espinola, and Paul Barry.

13 Mr. Forbes, go ahead.

14 RON FORBES: My name Ron Forbes, F-o-r-b-e-s. I
15 am on the board of Delta Fly Fishers, and also on the
16 board for FFF. I've grown up in this area. I grew up in
17 Lodi, and for the last 50 plus years I've watched the
18 Delta being degraded.

19 When figures were first taken on the Delta,
20 there were at the turn of the 1900s, there were
21 approximately, as far as Fish & Game could tell, 11
22 million stripers. Now they think they're probably -- Fish
23 & Game is talking about 1.8 million, but there's probably
24 far less than that.

25 The thing that concerns me about this particular

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1 project involves a multitude of issues. Number one, how
2 in any good conscious can people proceed to build a
3 project that they have no scientific proof it is going to
4 work after Fish & Game comes out with a series of reports
5 saying the Delta will collapse if this continues.

PH3-RF1

6 Ms. Kelly, is that your last name? You made the
7 comment that you're having an ongoing study right now and
8 it will be concluded in August. You already have your
9 plans drawn, you already know what you want to do, and yet
10 you don't even have good scientific evidence to support
11 what you want to do is going to be accurate, and it is not
12 going to be to the Delta. I don't understand this,
13 frankly.

14 The other thing that concerns me is shipping
15 water to Southern California. Our fishing group went out
16 on Mokelumne on the first of the year and the water was
17 being released. It was approximately 1,500 cubic feet a
18 second. It boggles my mind that that much more water is
19 going to be going south every second of every minute of
20 every hour of every day to Southern California. And, as
21 Mr. McKenzie said, to water districts that really don't
22 need it. I have not seen, and perhaps this is just my
23 fault, I have not seen or heard of the state -- excuse me
24 -- Southern California doing anything to protect the water
25 supply by conservation. Nothing that I know of is on the

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1 books. When we had our last flood approximately -- when
2 we had our last drought approximately ten years ago, Lodi
3 conserved 39 percent of its water by simply allocating who
4 could water when, things of this nature. We're only
5 50,000 people then. Southern California is millions of
6 people, but there's no conservation. Any increase in
7 water that they need could be taken care of by that.

PH3-RF1

8 The thing that concerns me the most, however, is
9 the poor use of science in this issue. Things that have
10 been shown to be scientifically accurate are totally
11 disregarded. As Ms. Kelly said, they're not going to have
12 their report done until August. How can you possibly do a
13 report of this magnitude in that short a period of time?
14 I have no idea how this can be possibly done. Thank you.

15 (Applause.)

16 MR. MICHNY: Thank you.

17 Roger Mammon.

18 ROGER MAMMON: Hi. My name is Roger Mammon,
19 Mammon. I am here representing two organizations tonight.
20 I'm the President of the Lower Sherman Island Duck Hunters
21 Association. We represent the 150 sportsmen. At a recent
22 meeting we took a vote, and all 150 members are totally
23 opposed to the SDIP. I'm also a board member of the
24 California Striped Bass Association, West Delta Chapter.
25 I'm a relative newcomer to the Delta. I've only lived in

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1 Oakley for the 23 years now where I have hunted and fished
2 the Delta. I too have seen a sharp decline in the aquatic
3 life and the quality of fishing in the Delta since the
4 pumping begun since the last few years it has been
5 increased.

6 I attended a meeting at the Yolo Bypass Wildlife
7 office when Ms. Kelly showed the graph showing fish
8 populations prior to the pumps being turned on. They were
9 hot, and the other graph showed the amount of water being
10 increased throughout the years, and the fish population
11 declined with that graph and the pumping increased. If
12 that isn't some proof that pumping has something to do
13 with the decline of our fisheries, I don't know what is.

14 It is irresponsible to take a tidal estuary and
15 place barriers, whether operable or not, because it
16 reduces the tidal flow. Mother nature designed this Delta
17 to have a constant water movement, and to restrict that
18 movement and take 60 to 80 percent of the water out of the
19 system is just irresponsible. There are other ways the
20 folks in the Central Valley and Southern California can
21 get water. They can take that \$3 million that CALFED just
22 wasted, they could have built dams, they could have build
23 desalination dams. It is an ecosystem that is about to
24 collapse, and drawing more water out of it is just totally
25 irresponsible. Thank you.

PH3-RM1

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1 (Applause.)

2 MR. MICHNY: Thank you. Roger Difate.

3 THE WITNESS: My name is Roger Difate,
4 D-i-f-a-t-e. And I am the Chapter Chairman of the
5 Discovery Bay Action Committee. I'm also a member of the
6 BBAC, Black Bass Action Committee, and a member of the
7 Santa Clara Bass Classics.

8 I'm here today to talk a little bit about
9 improvements that need to be made to this project, but
10 number one, I want to say to everybody in this room how
11 many people in this room have the five volume documents
12 that describe this project? Raise your hand if you've got
13 them.

14 So there's some of us out there who have read
15 these documents and know what's going on. I asked a lot
16 of these questions. Most of these people here have seen
17 my emails and talked to me on the phone. I'm not just up
18 here to just throw darts at these people. I'm a serious
19 individual and my group is totally against this project.
20 We cannot endorse this project, and I'll start from the
21 top. Your business is to sell water and the business of
22 the water groups is to buy water. We're caught in the
23 middle of that.

24 The people in the Delta, I live on the Delta.
25 I'm not just talking about fishing there, I live there.

PH3 RD1

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1 The ecosystem is deteriorating, it is an epidemic issue
2 now. You call that project an improvement project, but
3 the only thing you're focused on is putting dams in an
4 area that already have some kind of barrier there, and
5 you're waving your hand at us and you're saying, "Folks,
6 we're only trying to improve the flow. We're going to put
7 permanent barriers."

PHS-RD1

8 As soon as you put those permanent barriers up,
9 we know what's going to happen. You're going to increase
10 the water storage capacity and you're going to tone those
11 motors up and you're going to pump millions of gallons of
12 water per day to L.A. Why, because they're going to pay
13 you to do it.

14 (Applause.)

15 MR. DIFATE: We understand that's business, but
16 the people in Northern California and you political people
17 and you government people have an obligation to us. We
18 are the people that live here, suffer with it. We're the
19 ones that have to restore our homes when the areas are
20 flooded. We're the ones that have to go back into the
21 estuary and try to restore the fisheries by planting
22 Christmas trees and resolving issues on the Delta. The
23 people in L.A. don't care about us. We have to take it
24 upon our responsibility. The people in this room want to
25 take it on their responsibility. We're not only

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1 concerned, we're committed. We're not going to go away.
2 You can restrict us to 90 days if you want to, but we're
3 not going to go away. Pandora's box is open. We know
4 what this project says. We're going to be focused on this
5 project, and we're going to do what it takes to protect
6 our living, fishing, eating, estuary.

PH3-RD1

7 (Applause.)

8 MR. DIFATE: Let me just close by saying that
9 the people in the Department of Water Resources have been
10 cooperative, they have. And Paul, when we asked for
11 information and ask questions, he's been very cooperative
12 about giving us information, so we don't have an issue
13 with that, but we do have a very serious issue about this
14 project going forward. We're totally against it, and we
15 don't want to see it happen. Thank you.

16 (Applause.)

17 MR. MICHNY: Thank you for your comments.

18 Ken Fowler.

19 KEN FOWLER: Yes. Ken Fowler, F-o-w-l-e-r. I'm
20 a director of the Lower Sherman Island Duck Hunters
21 Association, just 150 people. But the Lower Sherman has
22 been a wildlife area and been hunted for over 80 years
23 since it was originally flooded.

24 Since the water started being pumped, there's
25 been a significant change in the flow of the water, the

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1 tides into the duck hunting areas. There's also been a
2 lack of birds working and dusting in the areas, and we're
3 concerned about that.

4 In addition, all of the stuff that I've heard
5 doesn't seem to help the water quality in East Contra
6 Costa County, so I assume that Arrowhead Water and maybe
7 Costco's bottled water is going to get a lot of help in
8 the future. Thank you.

PH3-KF1

9 (Applause.)

10 MR. MICHNY: Thank you.

11 Mike Espinola.

12 MIKE ESPINOLA: Hi. I'm Mike Espinola,
13 E-s-p-i-n-o-l-a. I represent the Bass Classics of Santa
14 Clara Valley, about 50 members. We're totally against
15 this project also. I've been a club member for over
16 20 years and fished the Delta at least 10, 15 times a year
17 since that time. And I've noticed a big decrease in the
18 striped bass fishery.

19 I want to know exactly what your project is
20 going to do to the black bass fishery and how is it going
21 to help things?

PH3-ME1

22 Also, I'm pretty disgusted, none of our members
23 heard anything about this project. It seems like it was
24 very hushed up and all last minute. I didn't see anything
25 in newspapers, I didn't see any advertisement on TV. I

PH3-ME2

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1 wonder how many thousands of people throughout the state
2 don't know a thing about what you're doing. I feel like
3 you guys haven't gotten the word and need to give people a
4 lot more time. I want to know what these dams are going
5 to be doing to, you know, the tidal influence and the
6 levies. We already have levy problems. How is your dams
7 going to improve that? You're going to be sucking more
8 water and eroding the levies even further.

PH3-ME2

PH3-ME3

9 I also want to know the impact the fragile dump
10 would dump out the ecosystem, what your plans will do to
11 it. Again, like I said, I've seen a big decrease in
12 striped bass fishery. We used to be able to go out and --
13 we tried to black bass fishing, we'd catch ten or fifteen
14 nice ten-pound stripers. I haven't caught a striper in a
15 couple years and I still fish just as much. So there
16 definitely has been a big decline in the fish since you
17 guys started pumping water out of the Delta. I think
18 right now we're already pumping too much water to L.A., to
19 the lawns, and to the central, you know, farmers. We need
20 to keep our water for ourselves and improve the Delta the
21 best we can, so thank you.

22 (Applause.)

23 MR. MICHNY: Thank you. Paul Barry, would you
24 step up? And I'll call the next five speakers, Anthony
25 Macaluso, Mike Riehl, Dave Hurley, Sandy Delano, and Gary

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1 Adams.

2 PAUL BARRY: My name is Paul Barry, B-a-r-r-y.
3 I'm the President of the Bass Classics of Santa Clara, and
4 I have two concerns: Number one as a bass fisherman,
5 obviously, the impact that is going to have on the Delta
6 but also as a private decision living in Northern
7 California reiterating what one of the gentleman said
8 earlier his major concerns about the amount of water that
9 is going to be transferred to different parts of the
10 state. We understand it is a commodity that's necessary
11 for everybody. We're not opposed to sharing, but we also
12 know the reality of the situation as it is going to be
13 getting more than their share and we have to suffer the
14 consequences of it.

15 Also very concerned about the fact why more
16 people are not involved with this project. We found out
17 about it maybe a month and a half ago. We're very
18 concerned. We feel like we need time to evaluate exactly
19 what you're doing. There's a lot of talk about positive
20 things that you guys are doing. We don't necessarily
21 agree with that right now. We would like to ask for an
22 extension on the time frame that you have and to give us
23 some extra time to reevaluate where we are, what we're
24 trying to do, and give us a chance to put together more of
25 a fight than what we are tonight, because we know there

PH3-PB1

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1 are a lot of people out there that are very concerned, and
2 we just need to rally the forces a little bit more and
3 give us some more time to do that. We're going to ask for
4 an extension of your deadlines of February 2nd, if we can.
5 Thank you very much.

PH3-BPB1

6 (Applause.)

7 MR. MICHNY: Mr. Macaluso, please correct me if
8 I'm wrong.

9 THE WITNESS: Anthony Macaluso, M-a-c-a-l-u-s-o.
10 I'm President and CEO of Perfect Shot Wildlife Retractors,
11 I also sit on the board of directors for the Lower Sherman
12 and Waterfowl Association.

13 This plan you have, and all my members feel the
14 same way, is ludicrous. You have basically devastated the
15 San Joaquin River from pumping from Clifton Court.

16 Basically there's no more fish there. What is this going
17 to do to the Sacramento River? What is this going to do
18 to the Suisun Marsh? The Suisun Marsh is world known.
19 You're going to turn that into a salt flat. There will be
20 no more wildlife out there, you know. I enjoy bringing my
21 kids out fishing. My grand kids I'd like to bring
22 fishing. If you do this my grand kids won't even know
23 what a fish is. If L.A. wants some water, I think L.A.
24 should look somewhere else.

PH3-AM1

PH3-AM2

25 (Applause.)

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1 MR. MICHNY: Thank you. Mike Riehl.

2 MIKE RIEHL: Mike Riehl, that's spelled
3 R-i-e-h-l. Mike Riehl. I am the director of the Black
4 Bass Action Committee for the Delta Foothills Region, and
5 I'm also the coordinator for the habitat for the fish
6 habitat where we put in Christmas trees into the various
7 lakes, so I'm very, very familiar with the idea of
8 preserving what we have.

9 Now, I had a member of our club, the Tri-Valley
10 Bass Masters, which came to me and brought this to my
11 attention in November and found that virtually nobody knew
12 anything about the South Delta Improvement Project. When
13 I talked with some of the folks, they said "what's that?"

PHS-MR1

14 Now, they proposed a series of dams, as was
15 indicated, but we have seen the fishing heavily impacted
16 with loss of bait fish, salt water intrusion, and heavy
17 siltation. With the current situation, pumps sending
18 water down to the south pulls so much water that when
19 we're in our bass boats fishing with our electric trolling
20 motors on full, the current caused by these pumps pull us
21 backwards.

22 Also, huge rafts of water hyacinths are being
23 pulled to the pumps, and the salt water no zone is
24 shifting the fresh water areas. Farmers, residents in the
25 areas and folks that run the marinas all have expressed

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1 concern over the proposal to increase the pumping with the
2 concerns that the levies can't withstand the increased
3 pumping.

4 I talked with Senator Perata's office and
5 Senator Torlakson's office, and they expressed concern
6 over the condition of the levies and the cost to repair
7 them. When I brought this point up about the South Delta
8 Improvement, they didn't know what this was. I sent them
9 the information that had been provided to me with what you
10 had given to us at the hearing on December the 7th.

PH3-MR2

11 Now, I was very surprised to find out there were
12 very few people that showed up here, and I am very, very
13 pleased to see that we, the people, have heard, and I
14 appreciate everybody here in the audience that is here as
15 a result of we, the people, not we, the contractors, who
16 are getting the water.

17 Now, some of the concerns, and this was brought
18 also out by people who are in the water districts who have
19 asked me, "Has there been any thought of desalination
20 plants for Southern California?" Of course this is not
21 your project. How about wastewater reuse for drinking
22 water? Should there be a charge for Northern California
23 waters? Has there been any consideration regarding the
24 repair of the levies in the Delta? Has the no zone being
25 shifted east is causing salt water intrusion into

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1 previously fresh water areas. Has this been considered?
2 It turns out it has been considered, and I was rather
3 surprised to hear something that had not been brought to
4 the attention other than at the meeting that I was at, and
5 that is that the Metropolitan Water District is putting
6 money into looking into having another damn put on False
7 River going into Franks Tract which definitely would not
8 help things, but again, they don't want the saltwater
9 coming down to their water.

10 So the concern that I have is I hear Kathy Kelly
11 says the first stage is putting the four gates in the
12 dredging, but the second stage.

13 MR. MICHNY: Half of minute warning.

14 MIKE RIEHL: The second stage is water
15 standards. How can we have all of this blame with
16 ready-fire aim technology? We need to find out what the
17 problem is, correct the problem, then move ahead. Thank
18 you.

19 (Applause.)

20 MR. MICHNY: Thank you very much. Dave Hurley.

21 Before you start, I want to tell people. I
22 appreciate people keeping to the time limits, and I remind
23 you to do that, it just makes everything go better for
24 everybody. I just wanted to say thank you. I appreciate
25 that.

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1 DAVE HURLEY: I'm Dave Hurley, H-u-r-l-e-y,
2 secretary for the Stockton Chapter of the California
3 Stripe Bass Association. I think our lives begin to end
4 when we remain silent about things that really matter. I
5 have a quote from Martin Luther King, and I think this
6 issue matters to many of those who are in the room.

7 I think that we need to look at where we're
8 going to be 100 years and where we've travelled over the
9 last hundred years in terms of the Delta. The site that
10 we're standing on today where we're having this meeting
11 from 1917 through 1964 was the site of the Bosolaki
12 Brothers Fish Market (phonetic). I very intimately know
13 that because Desepi Bosolaki (phonetic) was my great
14 grandfather, and my grandfather, Frank Bosolaki
15 (phonetic), made his living at the fish market at the site
16 where we are at presently for this hearing.

17 In 1936 due to a decrease in water quality and
18 decreased in the striped bass population, commercial
19 fishing for striped bass ended. In 1958 due to additional
20 diversions of water continually from one basin to another,
21 south commercial salmon fishing on the Delta ended.

22 In 1970 it was so obvious that the striped bass
23 population had decreased to the point where spawns weren't
24 taking place for the California Striped Bass Association
25 became involved. So where are we going to be in

1 100 years?

2 My great grandfather, who I have on audiotape, I
3 didn't get to know him. On audiotape he talks about the
4 Middle River, being able to see the bottom of the Middle
5 River. That's less than 100 years ago. My grandfather
6 who I fished with many times as a young child, and I'm not
7 even that old. I'm not even 50 yet, could talk about days
8 that you could see water clarity of more than 20 feet and
9 see the fish take his bait.

10 All of us who go and have been on the Delta and
11 love the Delta know that those days are well past. Why
12 are they past? Increasing diversions outside of the basin
13 to other areas. So I challenge Ms. Kelly who say, "We
14 need this project regardless to improve the water
15 quality." There are many other options that may or may
16 not be considered including conservation, including
17 decreasing the amount of water and the analysis of how
18 that water is used once it leaves this basin.

PH3-DH1

19 So I would take exception with your comment
20 that, and I'm very concerned. You don't need to read all
21 five documents to understand this plan. It is very
22 simple. We have the operation -- we have the gates, as
23 you've talked about, and then we have the potential to
24 pump. Any plan that requires more pumping from the Delta
25 cannot have the name "improvement" on it. It is not an

PH3-DH2

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1 improvement.

2 (Applause.)

3 DAVE HURLEY: If you look at the history of
4 where we've been, where are we going to go in a very short
5 period of time, a lot has changed in the last hundred
6 years. All of us know that the Delta is the heart and
7 lungs of the State of California. What takes place in the
8 Delta affects what goes on in San Francisco Bay as well as
9 the ocean. Many of us that are passionate fisherman know
10 things are far different in the ocean. We don't have the
11 krill populations that we've had in the past. We have
12 vast changes that are taking place, vast changes on the
13 Delta.

14 MR. MICHNY: Half-minute warning.

15 DAVE HURLEY: So please, if you place -- please,
16 I would like you to speak very clearly not in favor of
17 this project, and I would just like to make one other
18 point in my last 30 seconds, and that is really directed
19 at you, sir.

20 In the initial comments you indicated three
21 times that we need to get out of here. As far as my
22 concern is, we are here because we believe in why we're
23 here and we should be heard. And you work as a member of
24 the government for all of us, so please allow us to have
25 the opportunity to be heard. And when you make your

PH3-DH2

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1 comments in terms of a public hearing, make comments that
2 indicate that you value comments of the public. Thank you
3 very much.

4 MR. MICHNY: Sandy Delano.

5 SANDY DELANO: Thank you. It is Delano,
6 D-e-l-a-n-o.

7 I have a small family business. I'm speaking on
8 a little bit different aspect perspective from this. For
9 our family commercial entity I would ask the following:
10 Are the minutes from the previous meeting available online
11 for public review? Did I hear correctly that there were
12 only three public scoping meetings? I may have
13 misunderstood that. I find it hard to believe from the
14 magnitude of this project that would be the case. How
15 many meetings do you expect to have in the future? Is
16 there a schedule available for future public meetings, the
17 dates, and locations, where the meetings advertised for
18 public awareness of these meetings? In other words, where
19 are you advertising that these meetings are taking place?
20 Who do you expect the South Delta Improvement Program to
21 realistically benefit? What kind of due diligence has
22 been done in regards to potential social economic impact
23 who conducted the social economic study? Are the
24 scientists involved been subject to peer review and are
25 they all connected with universities? If they are, we

PH3-SD1

PH3-SD2

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1 know the benefit to them and it relates to grants, more
2 jobs, and that sort of thing that goes along with a
3 scientific review if they are connected with universities.
4 And are they, again, subject to peer review?

PH3-SD2

5 In other words, who do the scientists truly
6 represent? Is there realistic funding for these projects
7 to see it through or is it "build it and the money will
8 come." I would imagine this is going to be a very
9 expensive endeavor, I would like to know is there actually
10 funding for it.

PH3-SD3

11 What is a realistic completion date? I know you
12 have these goals, but really when do you actually see it
13 through? What is the time frame for the agriculture
14 season? I was interested in seeing was that going to be
15 different closures of these gates. I would like to know
16 how many months of the year that would be, and thank you
17 very much.

PH3-SD4

18 (Applause.)

19 MR. MICHNY: The next five speakers -- before I
20 call the next one you all get ready. Bob Strickland, Bill
21 Jennings, Vince Wong, I believe, Marcus Schroers, I
22 believe, and Michelle Espinola. I want to make one
23 comment made about a minute ago. If I gave the impression
24 I want to get out of here, that's not the impression at
25 all. It's just that we have a lot of these public

PH3-SD5

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1 hearings, a lot of people come expecting the hearing to be
2 from whatever it is, 7:00 to 9:00 or 8:00 to 10:00. And
3 we hear a lot, "We'd like you to control this because
4 we've all allocated this amount of time."

5 But everybody gets the chance to speak. The
6 normal time that I've been involved with years has been
7 like 3 to 5 minutes. Everybody is going to get their
8 chance, and I apologize if I gave the impression that
9 we're trying to cut people short to get out of here.
10 We're not doing that. We're just trying to meet the time
11 frame because if I don't do that then I hear complaints
12 about that. Everybody will get a chance to speak.

13 Gary Adams.

14 GARY ADAMS: Thank you, Mr. Chairman, Kathy. I
15 appreciate all of your hard work that you put into this.
16 I did have the opportunity to speak in Sacramento --

17 MR. MICHNY: Your name, please.

18 GARY ADAMS: I made my points. Gary Ray Adams.
19 G-a-r-y, R-a-y, A-d-a-m-s. Thank you.

20 Mr. Chairman, as I indicated the last time, we
21 had attended a few meetings and had the opportunity to
22 discuss our concerns with the public at three major shows,
23 primarily related to both fishermen and hunters and
24 concerned citizens that are very actively involved in the
25 outdoors.

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1 Through that meeting you see the results of
2 general citizens, many of them had no idea of everything
3 that was involved, but they know that there are some major
4 problems in the Delta. Many of them are from husbands and
5 wives that happen to be educators or in fields not at all
6 involved with recreation, other than the idea of having an
7 opportunity to take their children in the future. I have
8 heard recently within the past day, you're very happy to
9 receive all of our comments on the email that we have sent
10 in so far, and that is very limited to what you can
11 expect.

12 I also have a large number of letters that will
13 be going to your boss. Many of our members here and the
14 representation of the California striped bass,
15 Mr. Rasmussen and I have been attending a number of your
16 meetings for the last two years, if not longer. We have
17 heard comments ranging from "the fisherman doesn't
18 matter." I've gone to science meetings where it was
19 attempted to boo me off the floor before I could ask a
20 simple question. Where are we going to get the money for
21 the extension of the South Delta pumps in order to take
22 over the federal responsibility at one location?

23 We have asked for fish screens for a large
24 number of years to help all of the species in the Delta,
25 not just salmon, not just steelhead. We are very

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1 concerned about both of those species. Take a look at
2 your current phase one. It only mentions salmon. What in
3 the world or what world do you come from where your
4 science teacher has not taught you that there is more than
5 one specie within an ecosystem? My friends here from
6 Discovery Bay are concerned about the changes in quality.
7 I also have family in the Discovery Bay Area. They, and a
8 number of their friends correctly have come up with
9 that --

PH3-GA1

10 MR. MICHNY: Half-minute warning, please.

11 GARY ADAMS: Bag your pardon?

12 MR. MICHNY: I'm giving you a half-minute
13 warning.

14 GARY ADAMS: Do I get back the time I had to
15 spell my name?

16 MR. MICHNY: I'll give you an extra minute. How
17 is that?

18 GARY ADAMS: What we found from members of the
19 population within Discovery Bay itself regarding the
20 health. Mr. Jennings should be well aware of that. Many
21 of them are coming down with very exotic sinal infections
22 after exposing themselves to recreation within the Delta
23 either by water skiing, wake boarding, et cetera. Their
24 doctors are at loss as to what is causing it. The only
25 cure and method that they have found to avoid those

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1 problems and problems with inhalers is to take a very hot
2 shower after exposure and completely flush all of their
3 sinuses. I have a grandchild coming soon living right on
4 the Delta, and I do not want him to sit there and be taken
5 to the doctor to be exposed to a high-pressure hose to
6 flush out his sinuses. The whole Delta system, as Ms.
7 Kelly alluded to in Phase I and then somehow slipped and
8 said Montesuma Slough, which is not Phase I, is
9 approximately 17 non-equal miles from the pumps, is also
10 on your list for modification and barriers. Also on your
11 list, which you have not mentioned, is Discovery Bay.
12 That's under experimentation for '06. That should be
13 included. You have left out too many areas within the
14 Delta that you have not even begun to mention. That is a
15 sham. I'm very disappointed, and the rest of the public
16 shall know about it. Thank you.

PH3-GA2

17 (Applause.)

18 MR. MICHNY: Thank you.

19 Bob Strickland.

20 BOB STRICKLAND: Good evening, I'm Bob
21 Strickland, President of United Anglers of California.

22 MR. MICHNY: Would you spell your last name, and
23 I'll start the clock when you're done.

24 BOB STRICKLAND: S-t-r-i-c-k-l-a-n-d.

25 MR. MICHNY: Thank you.

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1 BOB STRICKLAND: We're very concerned about this
2 whole project. One, there is a problem -- we are having
3 problems now with the amount of water they're taking
4 south. The salinity is moving farther up into fresh
5 water, which is a real problem. If you start pumping more
6 water, it is going to come farther up. There are
7 ecosystems and stuff that weren't made for salt water and
8 they're going to be intruded on because of the increased
9 pumping.

PH3-BS1

10 Also, it seems like -- well, to put it in a
11 short thing, this whole thing is about money. Southern
12 California has got the money. They want our water, and it
13 is like I haven't seen anything that shows that Southern
14 California is doing anything to preserve water or to
15 gather water so they wouldn't have to take it. It is
16 easier for them to take it from Northern California to pay
17 for it or get it however they get it and to solve their
18 own problem. If they are cut off from the Colorado River,
19 now they want more from us. And it is like we have
20 ecosystem here that is in dire straits, and we need to
21 protect that. And by taking more water, we're not going
22 to protect it. Why can't they in Southern California,
23 I've got emails in the last two days where there's groups
24 that want to put more dams in Northern California to hold
25 more water for Southern California. What is Southern

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1 California doing to hold their own water? We had a winter
2 where the Sacramento River was flooded. Here is a whole
3 bunch of water just going into the ocean which could be
4 saved. They could have shipped that water south, but they
5 have no place to hold it, and that's not our problem.
6 That's Southern California's problem. I really think that
7 they need to do something besides depend on Northern
8 California to get their water. There are things -- your
9 DWR's own program said that -- has a program that says
10 they don't even need to take any more water for Southern
11 California if they just handled their own water, and you
12 guys have just totally thrown your own program out to go
13 for more water.

PH3-BS2

14 And I think this thing is all about money, and
15 I'm disgusted with the whole setup, so that's -- I could
16 sit here for hours, but I'll allot my time and I'll go.

17 (Applause.)

18 BILL JENNINGS: Thank you. Bill Jennings.

19 MR. MICHNY: Spell your name.

20 BILL JENNINGS: J-e-n-n-i-n-g-s representing
21 California Sportfishing Protection Alliance. The
22 environmental assessments for virtually every previous
23 significant project in the Delta have promised benign or
24 beneficial effects. All exacerbated existing conditions.
25 Having waded through all 2,788 pages of the SDIP EIR/S, we

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1 can say that it promises to be a little different with the
2 exception of the scope of its dishonesty.

3 That DWR and the Bureau are pushing this project
4 at a time when the Delta's pelagic fisheries are hovering
5 on the brink of oblivion speaks volumes about the values
6 and intentions of its proponents.

7 DWR has abandoned any pretext of being a trustee
8 agency. It has essentially become a subsidiary of export
9 interests - a handmaiden to MWD.

10 Phase I will not improve water quality. It will
11 not increase survival of San Joaquin out-migrants. If
12 they pass Old River, they'll be sucked down Turner and
13 Columbia cuts. Your own modelling shows that.

14 It is simply a stalking horse for accelerated
15 exports.

16 SDIP is a gauntlet thrown in the face of the
17 environmental, fishing and Delta farming communities - and
18 indeed, all who value the beneficial uses of this estuary.

19 It represents the death of the collaborative
20 process - and a return to the water wars of yesteryear.

21 The impending battle - before the courts and the
22 legislature - will ultimately determine whether the Delta
23 remains an ecological marvel and agricultural cornucopia
24 or becomes simply a weigh station for water on its journey
25 south.

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1 We'll be providing extensive written comments
2 and evidence that focus on the:

3 Failure to analyze a reasonable range of
4 alternatives. Indeed there is no reduced flow
5 alternative, or for that matter, you didn't even bother to
6 analyze the barriers without exports.

PH3-BJ1

7 A failure to meet project goals. Water levels
8 will decrease. It is not going to improve water quality.
9 The only thing it will do is increase exports.

PH3-BJ2

10 Modeling inadequacies and misrepresentations.
11 You seem to think that Lester came down from Mt. Diablo
12 with the modeling results in stone tablets. The fact is,
13 you've been very disingenuous. DSM II has not been peer
14 reviewed. Heavily criticized. You didn't even do the
15 final report on it. Calcium II has been peer reviewed and
16 heavily criticized. And if you look at the verification
17 data, you find that any perceived benefits you claim are
18 lost within the noise of the bottle.

PH3-BJ3

19 Failure to evaluate adverse impacts to water
20 quality rather than salt. We have for years been telling
21 you that you can't use salt as a surrogate for all of the
22 toxic chemicals in this Delta and the DEIR even mentions
23 it. It says that and it says that altering the
24 hydraulic regime will alter the fate and transport, but
25 then not another word about it. You haven't examined

PH3-BJ4

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1 that.

2 Inadequate and nonexistent mitigation. Shoulds, PH3-BJ5
3 coulds, and mights are not mitigation.

4 Failure to identify and address redirected PH3-BJ6
5 impacts. The project puts the Bureau even further out of
6 compliance with its existing biological opinion. There's
7 a lot of redirected impacts you've ignored.

8 Numerous internal inconsistencies in the
9 document.

10 Lack of an acceptable cumulative impacts PH3-BJ7
11 analysis. It doesn't even acknowledge Stockton's massive
12 proposed drinking water intake or the Frank's Tract
13 Project. You've dropped plans for that.

14 Failure to environmentally analyze the COA. And PH3-BJ8
15 Finally the sins of the past are going to come back and
16 haunt you.

17 MR. MICHNY: Can I give you a 30 minutes
18 warning?

19 BOB STRICKLAND: That's fine.

20 MR. MICHNY: 30 second warning.

21 BOB STRICKLAND: Launching this massive
22 destructive modification of the hydrologic regime of the
23 South Delta during a time of ecological crisis has had one
24 - unintended - beneficial consequence.

25 It has undermined those in the environmental and

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1 fishing communities who have advocated collaboration - and
2 solidified our unified resolve to contest this project -
3 to a degree you could never have envisioned.

4 We're prepared to go to the mat because the very
5 existence of the Delta, as we know, it is at stake. Our
6 message is simple. Fix the Delta first.

7 MR. MICHNY: Thank you.

8 (Applause.)

9 MR. MICHNY: Vince Wong.

10 VINCE WONG: My name is Vince Wong, V-i-n-c-e,
11 W-o-n-g. I'm here on behalf of the Zone 7 of Alameda
12 County Flood Control and Water Conservation District.

13 Zone 7 provides wholesale water supply and local
14 water and groundwater management to 200,000 residents in
15 the Livermore Valley and Eastern Alameda County. We have
16 a very aggressive conservation and conjunctive use program
17 as well as reclamation.

18 The Livermore valley has been receiving
19 deliverance from the State Water Project since 1962. We
20 depend on the State Water Project to supplement our water
21 supplies by bringing in a reliable, high-quality water
22 supply, but to do so in a responsible manner; that is, a
23 manner that protects and maintains the quality and habitat
24 of the Delta.

25 The South Delta Improvement Program, we believe,

PH3-VW1

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1 will allow the Department of Water Resources to operate
2 the State Water Project in such a positive manner that
3 will protect Delta fisheries and the South Delta ag
4 interests.

5 Operable gates will allow DWR to more
6 effectively manage the water resources of the Delta and
7 the state. The operable gates will replace the current
8 and efficient practice of placing and removing temporary
9 rock barriers that are installed to project the South
10 Delta.

11 We recognize that the department is very
12 cautious, is being very cautious in moving forward, first
13 with the gates and that the additional time and analysis
14 on operational alternatives will allow resolution of the
15 water quality issues that may arise. We believe that the
16 overall benefits of the South Delta Improvement Program
17 for water supply reliability, for water management
18 flexibility, South Delta water quality, and Delta
19 fisheries warrant the implementation of the SDIP. We
20 strongly support the SDIP as part of an overall long-term
21 solution to a sustainable Delta. Thank you for the
22 opportunity to comment.

23 MR. MICHNY: Thank you. Marcus Schroers.

24 MARCUS SCHROERS: Marcus Schroers,
25 S-c-h-r-o-e-r-s. I just wanted to come down tonight and

PH3-VW1

PH3-MS1

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1 talk a little bit about that postcard program. I
2 participated at some of the large sport shows in San Mateo
3 International Sportsman Exhibition. I took part in
4 getting some of those postcards signed, and I really
5 wanted to reinforce the idea that the fisherman and the
6 recreational users of the Delta are unanimously against
7 this project. It really is something where there really
8 is no question that the water exports are the root problem
9 at the Delta ecosystem crush. My family has been fishing
10 the Delta since the 1940s, and it really has gotten worse
11 and worse.

PHS-MS1

12 You look at the harvest levels are at an
13 all-time low and the numbers are at an all-time low, even
14 in the last few weeks the Department of Fish & Game has
15 been throwing some Band-aid measures on some -- they
16 found, I think, there's like less than 10,000 white
17 sturgeon right now in the Delta. It really is a big
18 problem, and I think those postcards really indicate just
19 how strongly people feel. And walking around and getting
20 some of these things signed people sign them immediately,
21 and there is no question that these types of programs lead
22 eventually to more pumping in the Delta is really the
23 death now for the Delta. It is the final gong of the
24 death. And the fact, I don't know, if it is 4,000 or
25 10,000 cards there, there's thousands more that are being

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1 mailed in, and I think it is something -- the fact that
2 that was able to happen within a week, you know, a few
3 people, you know, getting some things signed at a big
4 sportsman exhibition, I think it is really indicative of
5 the fact of the millions of people that value the Delta
6 and would really like to see a decrease in exports, more
7 conservation in Southern California's water, and finally
8 perhaps selling Southern California to Mexico. Thank you.

PH3-MS1

9 (Applause.)

10 MR. MICHNY: Before Michelle comes up, we have
11 six more speakers after her. I'm going to read the names
12 off. I don't really need you to come up here and sit
13 down, just so you're prepared to come.

14 Dan Mathisen, Barbara Barrigan, Dan Bacher,
15 Laura King Moon, Fiona Hutton. Let's go with those five
16 right now. I'll go with my plan. Michelle Espinola,
17 correct?

18 MICHELLE ESPINOLA: Michelle Espinola,
19 M-i-c-h-e-l-l-e, E-s-p-i-n-o-l-a. I'm a student at Canyon
20 High School in Fremont, and my dad has been a member of
21 the Santa Clara Bass -- what he said -- for about 20 years
22 before I was even born, so I'm against this project and
23 believe that the fishies should be studied and to make
24 sure the project does not hurt them. Everybody I've
25 talked to has no idea about this project, which is kind of

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1 really sad. I want to know if, like, the fishies are
2 going to get hurt because there's the little fishies, and,
3 yeah. Like why can't we take the water from somewhere
4 else, like Washington or Oregon or someplace, or, like,
5 why can't L.A. get their own water and stuff, and like who
6 is paying for this because it is going to cost a lot of
7 money. So basically overall in conclusion, whatever, we
8 need more time to evaluate this project to make sure it
9 won't hurt, like, the fish and all the living creatures in
10 there. Because I've been going there for a while, and the
11 last couple times we went there was like sea lions in
12 there and it was really cool watching them swim down. If
13 all the water is gone, they can't come in there and eat,
14 and even though it is bad or whatever, I think we need
15 more time to evaluate the project. Thank you.

PH3-ME1

16 (Applause.)

17 MR. MICHNY: Thank you for your comments.

18 Dan Mathisen.

19 DAN MATHISEN: Hello. I'm Dan Mathisen,
20 M-a-t-h-i-s-e-n. I've been blessed growing up here on the
21 river with my grandfathers both fishing here. The Bay
22 Delta Estuary has been a part of my life since I could
23 walk. I've seen the estuary change dramatically over the
24 last four years. We've seen Delta pumping and fish
25 populations coincide. As the pumping increases, the fish

PH3-DM1

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1 populations decrease.

2 The South Delta Improvement Project is just
3 another avenue for water to be sold from our estuary and
4 without taking into consideration the fisheries here and
5 continuing decline of fisheries here in the Delta
6 Improvement.

7 My family and I, I started fishing on the Delta
8 when I was four years old. At that time striped bass
9 populations were abundant. I guide on the river. I fish
10 here about 160 days a year. We have seen nothing but
11 decreases in populations. We have seen nothing but
12 continued water quality demise. At what point does
13 agribusiness take a back seat to what's going on here on
14 the Delta with the destruction of the fisheries?

15 Water pumping has ruined the fisheries here on
16 the river. We have to do something to decrease the demise
17 of our fisheries. Your South Delta Improvement Project
18 does not do that. Your EIR/EIS reports, a guess at best.
19 Department of Fish & Game, look at our bait fish
20 population, look at the foundation of the Delta. It is
21 gone. We're there. Anyone increased pumping will just
22 undermine businesses here on the river, will undermine the
23 recreational use on the river, and the water quality is
24 continuing to suffer.

25 Changing the pumping directions, tidal flows

PH3-DM1

1 change for your pumps. We've seen what has happened in
2 the south with levy stresses. We're putting our Delta at
3 risk for more of those kind of problems. We have to stop
4 here. This is where it has to stop. We have to stop
5 pumping water to Southern California for federal
6 subsidized water that they can go ahead and sell for a
7 profit because they're not using it. I thank you for the
8 opportunity to speak here.

9 Kathy, I hope that this project does not
10 increase the pumping here on the river. We have to put
11 the fish first. Thank you.

12 (Applause.)

13 MR. MICHNY: Thank you. Barbara Parrilla.

14 BARBARA BARRIGAN-PARRILLA: My name is Barbara
15 Barrigan-Parrilla, B-a-r-r-i-g-a-n P-a-r-r-i-l-l-a. I am
16 a concerned Stockton resident, and I work for the Planning
17 & Conservation League in Sacramento. Our fundamental
18 message is the South Delta Improvement Program, or more
19 correctly titled, South Delta Increased Pumping Plan EIR/S
20 is unfortunately a deeply flawed, legally deficient
21 document that is woefully inadequate even for draft
22 purposes, and it must be withdrawn.

23 The Delta Smelt is a threatened species that
24 lives only in the Delta. DWR scientists state that after
25 decades of human activities that have negatively impacted

PH3-DM1

1 the species, the Delta Smelt is currently experiencing an
2 historic population crash. If we do not take immediate
3 steps to improve their chances of survival, if we do not
4 alter current operations, we may not see the species
5 recover. We'll watch it go extinct.

6 Clearly any SDIP environmental documentation
7 must therefore include a study of decreased exports from
8 the Bay Delta. In fact, in the CALFED ROD has recently
9 been invalidated by the appeals court in part because it
10 failed to analyze decreased exports from the Bay Delta.

PH3-BBP1

11 The SDIP, EIR/S failed to analyze decreased
12 exports from the Bay Delta. In the phase of an ecological
13 crisis that alarmed the department's own scientists, this
14 document only proposes increasing pumping limits to
15 8,500 cubic feet per second. No where in the document
16 does it state that legally-binding assurances will be
17 instituted that require the state to wait to increase the
18 allowable rates of pumping from the Delta until the Delta
19 fisheries are restored. If they're not complying with the
20 law now, it is extremely unlikely that the law will be
21 followed under this project. This document doesn't even
22 say that DWR will wait until DWR scientists have reached
23 conclusions about the causes of this population crash.

PH3-BBP2

24 DWR's own 2005 draft California water plan
25 update shows that through minimal conservation California

PH3-BBP3

1 could be using less water in 20, 30, even with an increase
2 of 14 million people. The alternative described in these
3 documents must be included in the environmental
4 documentation on this proposal.

PH3-BBP3

5 Regarding the barriers, other than the no action
6 alternative, this EIR/S fails to examine the operable
7 barriers at the current rate of allowed pumping,
8 6,680 cubic feet per second. It essentially does not
9 analyze the scenario for the 8,500 cubic feet per second.
10 It is legally indefensible and therefore the draft must be
11 withdrawn.

PH3-BBP4

12 Water quality. One of the stated needs for the
13 project is increased water quality, but according to this
14 draft, it actually seems that water quality will actually
15 slightly worsen under project operations. This document
16 doesn't analyze alternatives that increase water quality
17 in and out of the Delta, but do not negatively impact the
18 Delta ecosystem, therefore the EIR must be withdrawn.

PH3-BBP5

19 Last, climate change. Climate change is real
20 and it is affecting California's businesses and the
21 environment. There are a number of studies that model the
22 impact of climate change of California's natural
23 resources.

PH3-BBP6

24 The California Energy Commission has conducted
25 its own climate change model showing great negative

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1 impacts on California's hydrology and water resources
2 associated most of the climate scenarios identified.

3 We also understand that the Department of Water
4 studies may have completed its own analysis of the impacts
5 of climate change of State Water Project deliveries.
6 These new studies have not been released. Sadly, DWR's
7 proposal to increase the allowable pumping rate has not
8 been analyzed under any climate change scenarios, nor have
9 the operable barriers in EIR/S that analyze under climate
10 change scenarios to protect the sea level rise.

11 The Department of Water Resources may be
12 requesting taxpayer dollars to build barriers that will be
13 under water in the next few decades. If this project goes
14 forward, these omissions will have grave consequences,
15 wasting millions of dollars and irremovably damaging our
16 own national legacy.

17 The South Delta increased pumping plan is
18 unfortunately a deeply flawed, legally deficient document.
19 It turns a blind eye to relevant science, ignoring the
20 effects these improvements will have on an imperiled
21 ecosystem even if DWR's scientists are rushing to
22 understand this catastrophe. It must be withdrawn.

23 (Applause.)

24 MR. MICHNY: Dan Bacher.

25 DAN BACHER: My name is Dan Bacher, B-a-c-h-e-r.

PH3-BBP6

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1 And I'm the editor of The Fishing Magazine which covers
2 fresh water, saltwater fishing, Northern California,
3 Nevada, Southern Oregon, and we also have a website. I've
4 written extensively about the decline of Delta fish
5 species and about the South Delta Improvement Project on
6 our website. [Www.fishsniffer.com](http://www.fishsniffer.com), so if you want to read
7 my opinion in detail on what's going on, it is up there on
8 the website.

9 One thing I think that, you know, from talking
10 to a lot of anglers is they realize that this is sad, but
11 they don't realize how bad, how catastrophic this South
12 Delta Improvement Project is going to be, especially when
13 you considered the Delta population of fishes that are
14 crashing right now.

15 First of all, you've got the Delta Smelt that's
16 gone down to its lowest levels. Now, not -- secondly, not
17 talked about as much is another fish that's related to the
18 Delta Smelt that was very abundant just 20 years ago, and
19 that's the long-finned smelt. Well, that fish had its
20 lowest ever recorded level or second lowest recorded ever
21 level in the latest survey that Fish & Game did this fall.
22 Thirdly, the striped bass population continues to go down.

23 Number four, and somebody else mentioned this,
24 the adult sturgeon population has dropped down to 10,000,
25 according to the latest DFG estimates. Now, you consider

PH3-DB1

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1 how much it has declined from 1998 when the population was
2 over 140,000 of these fish. And that's, you know, a
3 decline by many magnitudes just in the last few years.

4 This South Delta Improvement Project -- now the
5 woman who just talked to me from planning and
6 conservation, she called it the South Delta Increased
7 Pumping Plan, I like that. I think we should have a
8 contest for different names we can come up for the
9 acronym. I'd like to call it the "Suck the Delta Into the
10 Pumps," you know, because that's exactly what the South
11 Delta Improvement Project is going to do. It has nothing
12 to do with improving anything. If this "Suck the Delta
13 Into the Pumps" plan goes through, there will be an
14 ecological disaster on the Pacific Coast that is worse
15 than the Exxon Valdez spill and crash of 1989, the
16 Klammoth River Fish Kill of 2002, and the collapse of the
17 Salton Sea Fishery combined.

18 I mean, this is going to be a major thing that
19 will affect fisheries on the entire Pacific Coast because
20 the Delta is the key estuary on the coast of North and
21 South America. Salmon, Herring, dungeness crabs, all the
22 different sport fishes like striped bass, sturgeon, and
23 all the aquatic invertebrates, all the forest species,
24 they depend on this estuary. If this plan goes through,
25 it will be a total destruction of the fisheries, of the

FH3-DB1

1 commercial and sport fisheries of the entire Pacific
2 Coast.

PH3-DB1

3 (Applause.)

4 MR. MICHNY: Thank you. Laura King Moon.

5 LAURA KING MOON: My name is Laura King Moon,
6 L-a-u-r-a, K-i-n-g, M-o-o-n. I'm with the state water
7 contractors, and I'm here tonight to express our support
8 for the South Delta Improvements Program. We will also be
9 submitting technical comments on the record. SWC consists
10 of 27 water agencies throughout the state that purchase
11 water under control with DWR. Our member agencies serve
12 water to more than 20 million people in the Bay Area and
13 Southern California, and 750,000 acres of irrigation.

PH3-LKM1

14 AUDIENCE MEMBER: Speak into the microphone,
15 please. We want to hear this.

16 LAURA KING MOON: The SWC consists of 27 water
17 agencies throughout the state that purchase water under
18 contract with DWR. Our member agency serves water to more
19 than 20 million people in the Bay Area and Southern
20 California, and 750,000 acres of irrigated farmland in the
21 Central Valley.

22 Our member agencies are fully committed to
23 environmental protection and responsible water management.
24 We all know this state needs a safe, reliable, and
25 high-quality water supply to keep up with our

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1 rapidly-rising population. We must better utilize our
2 limited water supplies using our existing infrastructure
3 as efficiently as possible.

4 Currently the state is constrained in its
5 ability to use surplus water supplies. We have the
6 infrastructure to move the water, but until SDIP is
7 approved, we cannot use the existing system fully or
8 responsibly. We understand it is our responsibility to
9 use this precious resource wisely through all possible
10 best management practices, including water conservation,
11 recycling, storage, and desalinization to ensure
12 California's water future. And we understand it is
13 imperative to have a more flexible water delivery system
14 so that we can continue to accommodate growth, hopefully
15 mostly in Southern California in our population and
16 economy while relying on water facilities.

17 SDIP is a key component of a responsible
18 balanced water supply program for the state. As such we
19 urge you to move forward with this critically-needed
20 project. Thank you.

21 MR. MICHNY: Thank you. The next person Fiona
22 Hutton. And before you start, let me read the next names
23 so people are ready. Ara Azhderian, Ron Robinson, David
24 Demtsey, and Hiram Sibley, I believe.

25 THE WITNESS: Thank you. My name is Fiona

PH3-LKM1

1 Hutton, F-i-o-n-a, H-u-t-t-o-n. I want to thank you for
2 having us here today. I'm here on behalf of California's
3 Water Future, a statewide coalition of interests that have
4 been organized to support the South Delta Improvements
5 Program.

6 We heard some very important testimony tonight,
7 but I think there are a number of other voices and
8 organizations that were not here tonight that are just as
9 passionate about this project and the potential benefits
10 that it could bring to the states in its entirety, and I
11 think it merits a discussion to say a little bit about who
12 couldn't be here but who does support it.

13 We represent more than 70 organizations
14 statewide, ranging from Northern California to Southern
15 California in excess of tens, you know, easily 20 million
16 residents that we represent. From the water community
17 that includes the Association of California Water
18 Agencies, the State Water Contractors, the San Luis and
19 Delta Mindota Water Authority, the Kern County Water
20 Agency, we include agricultural interests including
21 Western Growers Association, Agricultural Council, local
22 farm bureaus, the California Wine Grape Growers.

23 From the statewide business community we include
24 the California Chamber of Commerce, the California
25 Building Industry, California Business Table, the Silicone

PH3-FH1

1 Valley Leadership Group, local interests like Kern County,
2 labor interests like the operating engineers and the
3 California Council of Labor.

4 So suffice to say there are many diverse broad
5 interests that have a stake in California's water future
6 and very specifically this program. Today we're here
7 discussing a bifurcated or a two-tiered, two-pronged
8 approach to this program. We believe SDIP is a balanced
9 and responsible approach. Water leaders in the State of
10 California have a hard task. There are many broad
11 constituencies in the state, agricultural, business,
12 labor. We have the largest natural estuary in North
13 America here that we do need to protect, and it is a
14 balancing act to provide ample water supplies for all of
15 those constituencies.

16 We would hope that a balanced, a fair discussion
17 can take place and analysis as we move forward this
18 project. And we are certainly here to recognize the
19 improved water quality benefit, the water supply
20 reliability benefit, and also the improvements to our
21 ecosystems that can come about from this program being
22 implemented.

23 Thank you for your time.

24 MR. MICHNY: Thank you.

25 ARA AZHDERIAN: Everybody likes the microphone.

PH3-FH1

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1 My name is Ara, A-r-a, last name A-z-h-d-e-r-i-a-n.

2 I'm the Water Policy Administrator for the San
3 Luis and Delta Mindota Water Authority. Our authority
4 represents 32 water agencies geographically located
5 between the City of Tracy to the north, west of the San
6 Joaquin River, South to Kettleman City, and then further
7 west to San Bonita, Santa Clara, Monterey, and Santa Cruz
8 counties.

9 Our 32 agencies, a vast majority of whom are
10 nonprofit agencies formed under California law serve
11 millions of Californians, tens of thousands of family,
12 farmers, and countless water fowl in the private and
13 public refuges located throughout the Los Banos region in
14 particular.

15 We appreciate the effort that the Department of
16 Water Resources and the Bureau of Reclamation have put
17 into this SDIP. The complications involved with
18 attempting to manage California's precious water supply in
19 a balanced and responsive manner, those pressures are
20 immense, and so we do appreciate those efforts.

21 In examining the SDIP in isolation, we find that
22 it provides a balanced approach both in terms of the
23 ecosystem benefits, water quality benefits, and not in the
24 water supply benefits.

25 The stage one aspect of the program, when we

PH3-AA1

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1 look at that aspect at the targeted funding of the total
2 SDIP, 20 percent -- 25 percent of the total project's
3 funding is dedicated to stage one, not only mitigation for
4 actions to be taken in stage one but for restoration and
5 conservation efforts in addition to those.

6 The operable gates, of course, has been
7 mentioned before are simply there to replace the temporary
8 gates or barriers that have been utilized for years now,
9 are well understood, and we look forward to the
10 operational convenience of having a better functioning
11 system, to enhance water quality and South Delta, and to
12 improve fish passage safety on the San Joaquin River.

13 The stage two, which seems to be of the most
14 interest, of course, isn't simply about moving water south
15 for human needs. The nominal water supply improvements
16 projected to occur in stage two also include water
17 diverted for the EWA assets, environmental water account
18 assets, and also a significant portion of that water up to
19 100,000 acre feet to be exported for refugees. Fish are
20 not the only species of interest in the State of
21 California. There are water fowl and terrestrial species
22 that rely on the conveyance of water south of the Delta.

23 Stepping back a moment away from the SDIP and
24 its singular aspect, we must look at the project in the
25 overall context of the CALFED program. The record of

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1 decision, as someone noted earlier, is an attempt to
2 address many competing needs within California in a
3 cooperative and collaborative way. Those needs include
4 ecosystem restoration, water supplies, water quantity, and
5 levies, all of which are issues that folks have raised
6 here tonight.

PH3-AA1

7 One of the things that we are concerned about in
8 our interest in those other aspects of the program is the
9 program facing balance challenges in the future and
10 jeopardizing federal funding for the important other
11 aspects of the program.

12 MR. MICHNY: Half-minute warning.

13 ARA AZHDERIAN: I'll wrap her up here then.

14 Lastly, the other thing that seems to be
15 overlooked continually is the permitting -- the permitted
16 level of diversion is not a licensed to operate in any
17 specific fashion -- or in a reckless fashion, I should
18 say. We've been operating under 6680 for years now. The
19 Delta health question, which we all have concern about, of
20 course, some of the declines we've seen have occurred
21 under that regime. Changing the permanent capacity isn't
22 going to change the way the operations of the projects are
23 regulated.

24 There are many other governing factors in place
25 that will remain in place, biologically-based curtailments

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1 which exist or which are in place many months out of the
2 year will continue to exist. The I-ratio will continue to
3 exist, the X-2, and so many of the governing standards
4 that control the way the project is operated today, those
5 will all still be in place. My time is up and thank you
6 for this opportunity. We will be submitting more detailed
7 written comments.

PH3-AA1

8 MR. MICHNY: Thank you. I have three more
9 speakers. If anybody else wishes to speak, if they would
10 go up and fill out a card. We have three more to go, and
11 assuming I get no more after this, then that will be it.

12 Ron Robinson.

13 RON ROBINSON: My name is Ron Robinson,
14 R-o-b-i-n-s-o-n. I represent a very small interest. I
15 own one of the three marinas on the South Delta, Rivers &
16 Marina. I submitted a letter basically is I recognize, as
17 everybody else does here, that the Delta is a decline.
18 This is covered in a six-part article that was covered in
19 The Times not very long, just December. I hope that
20 crossed everybody's list of reading. This is very
21 interesting.

22 I mean, I really do understand that this is a
23 water resource issue, and sacrificing the South Delta and
24 a few marinas may be a small price to be paid in the
25 scheme of things; however, we have put a lot of effort

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1 into Rivers & Marina. I see a lot of my friends and my
2 customers who launch out of my area. We all have the same
3 problem, the fish decline. I need navigable water, I need
4 fish populations of black bass and stripers, otherwise I
5 am not in business. And the decline that has occurred
6 over the last few years is striking.

7 I talked to Terry from the Tracy Oasis, and he
8 said that the effect on this temporary barriers on his
9 business is a decline of 50 percent, and that's going to
10 continue. Particularly if you move the Grant Line Barrier
11 down to the new proposed area at the end of Grant Line
12 just off of Old River. That will basically reduce the
13 navigable waters and the good fishing areas that are
14 already limited in my area.

15 Alternative 3-B would have the least effect on
16 myself and Tracy Oasis. The other problems the barriers
17 caused are water hyacinths and other debris get trapped
18 behind the barriers when closed. I noticed in the last
19 meeting that I attended that the pictures were taken of
20 the temporary barriers when they were first being put in,
21 although they said that it was a representation of when
22 they were taken out and their water was perfectly clean.
23 That is not, in fact, what happens. As soon as the
24 barriers go in and the barriers get closed, debris gets
25 trapped, hyacinths get trapped. And when you opened them

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1 up, guess what happens, all of that enters into the river,
2 particularly clogging the area that the fisheries and the
3 pumps.

4 In addition, I've been on the Delta for
5 30 years. I owned a house at the Livermore Yacht Club
6 just behind the marina. The effects of the pumps and the
7 fish screens in the marina and adjacent areas is silting,
8 raised the bottom of the Delta to a point it was no longer
9 navigable.

10 If the dredging in 2000 hadn't been completed,
11 I'm sure that the low tide rivers and marina would
12 basically be a mud flat. The opinion I've been on the
13 Colorado River, as soon as you move lots of water, as soon
14 as you have silt and debris move by that water and it
15 comes to a stopping point, which is a deadened slough or
16 some barrier, it drops down and pretty soon you have
17 nothing but silt and sandbars.

18 My business relies on navigable water for the
19 recreation boater. I need black bass, the striped bass
20 populations for the fisherman to launch with me. The
21 project seems to address the Shinook salmon only, and the
22 articles that are researched from The Times show the
23 dramatic changes have occurred in a variety of fish
24 species already.

25 If there are significant impact to South Delta

PH3-RR1

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1 Improvement Project, the proposed future increasing
2 pumping Rivers and Marina and the South Delta will just
3 become collateral damage.

4 I've reviewed the EIR/EIS as it pertains to the
5 marinas in the South Delta Improvement Project area.
6 Under this section environmental commitments states,
7 "These commitments will be incorporated into the project
8 and include cooperation with marinas and other
9 recreational facilities."

PH3-RR2

10 As states on page 130, "DWR is currently working
11 directly with marinas that may be affected by the
12 permanent gates. To this date I have not been contacted
13 DWR rivers and regarding the permanent gates." The
14 marinas are especially affected by the permanent gates,
15 they're supposed to work with us. They have not worked
16 with us at all. Thank you.

17 (Applause.)

18 MR. MICHNY: David Demtsey.

19 DAVID DEMENTSEY: David, D-a-v-i-d, Dempsey,
20 D-e-m-p-s-e-y. I work with a number of unaffiliated fly
21 fishing groups. I teach fly fishing in the North Bay. I
22 work with the Detowsha Committee (phonetic) as well as
23 Northern California Council Federation of Fly Fishers.

PH3-DD1

24 I was involved in the comment card project, the
25 blue cards that you received, and at this point I'd like

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1 to say I think it is pretty obvious that DWR is not
2 listening to us. I'd like to instead address my comments
3 to the audience.

4 I want to encourage all of you to draw that
5 proverbial line in the sand, pressing the flesh at the ISC
6 in Sacramento, collecting the signatures. The opposition
7 to this project was near unanimous. Four out after five.
8 Nine out of ten, and the things they said about the
9 governor, the things they said about Los Angeles, the
10 things they said about this project, I don't use that kind
11 of language in public.

12 We need to draw the line in the sand. When I
13 first came to San Francisco, that was in the '60s, and one
14 of the most amazing things was watching those striped bass
15 go out the gate. The bass were pushing the bait up to the
16 surface, the birds were wheeling, diving, it was just the
17 most amazing scene. Those days are gone, and driving out
18 here tonight, and again, I'm directing my comments towards
19 the audience. Driving out here tonight I was in 580 and I
20 was sitting in that rush hour traffic and I was thinking
21 to myself, "Darn, I'm really enjoying this. We need more
22 of this," and the best way I know to do that is to build
23 more tracks, more sprawl, and darn it, people like Alex
24 Spanos aren't making enough money. You folks know who
25 Alex Spanos is. Darn it, he's not making enough money.

PH3-DD1

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1 Let's give him cheap water, more water at taxpayer
2 expense. We'll call it a bond measure. We'll float
3 another bond. But darn it, the poor man just isn't making
4 enough money.

5 And then someone came up to me at the show and
6 they pointed out that Chevron was one of the largest
7 landowners, corporate farmers here in the valley, and I
8 don't know if that's true, but I thought gees at \$2.69 a
9 gallon, they're not making enough money either. Let's
10 make sure that they get plenty of taxpayer subsidized
11 cheap water.

12 We have this bloated neighbor to the south, I
13 think some people call that Los Angeles, and like anybody
14 dealing with weight control, maybe it is time they push
15 themselves away from the table. Thank you.

16 (Applause.)

17 MR. MICHNY: Hiram Sibley.

18 HIRAM SIBLEY: My name is Hiram Sibley, and the
19 area you guys are playing with affects me. I have
20 property on the river in a couple of different locations
21 there.

22 MR. MICHNY: Would you spell your name, please,
23 for the record.

24 HIRAM SIBLEY: H-i-r-a-m, S-i-b-l-e-y.

25 MR. MICHNY: Thank you.

PH3-DD1

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1 HIRAM SIBLEY: I've already been affected. I've
2 been affected five or six years ago. I got assaulted so
3 bad on 100 acre farm along the Old River there that I am
4 still getting a tax break and I still grow nothing on it.
5 Of course, that could have been a mistake because
6 everybody tells me there is no salt in Old River. It
7 don't happen. Well, right now I have a golf course and it
8 is right in this middle area here, it is about a half a
9 mile to three-quarters of a mile along the river. It is
10 on three sides. I have Sugar Cut, Old River, and
11 Atascadero, okay. I have ponds. I didn't used to have a
12 problem, but now I have. Because when I lower my ponds to
13 irrigate my fields, low and behold the river comes in
14 there and fills it back up again, and boy am I getting
15 salt, but it don't happen, I know that because you guys
16 tell me there is no salt in that damn river. You tell me
17 that, and I came to one of these other meetings here, and
18 you told me that when you put these dams in, by God, it
19 was going to clean that water up. And I'm still pretty
20 skeptical because you've got me for about 10 to 15 years
21 here where it has been downhill.

22 Now, my personal point of view is take the dams
23 over there above Fresno, open the son of a bitch up, and
24 let the river come down where it was supposed to come down
25 in the first place. Why in the hell does the Central

PH3-HS1

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1 Valley get our water before we get it? I don't understand
2 that. It is like, "Hey, you get the tit the third guy
3 out. You're the child, you're supposed to be on first."
4 We're along the river. I see all this crap going along.
5 I live it every day. You're going to tell me you're going
6 to fix it. Do you know what my personal point of view is
7 if this government from the top to the bottom is so stupid
8 that they think that they're going to put another ten
9 million people in California without doing desalinization
10 plants along the coast, they're the dumbest bastards
11 going. They ought to be voted out of office. I don't owe
12 Southern California my future. Now, these guys, they all
13 want to take the water, they're contractors, I say, "Fine.
14 Would you please buy me out? I want 20 million out of
15 that 110 for my two pieces of property, okay? Just buy me
16 out if you want to go screw the whole thing up because I'm
17 seeing it going downhill. I'm living this thing. You
18 people come in, "Oh, we're studying the shit out of it,"
19 and you leave and it is gone. It is all over, and you
20 just keep taking more. When do people realize you can't
21 take all this water and still have, "Hey, wait a minute.
22 Wasn't this the second largest river in California at one
23 time?" Christ, sometimes I could damn near walk across
24 it. It scares the hell out of me, but you guys have got
25 it all figured out. When you get it all, you're going to

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1 come along here with one of your "keep your dams up," and
2 then Old River will just disappear because that's the next
3 stage. You just say, "Screw it, we don't even need those
4 guys down there. We'll stop water going that way and
5 we'll have it go all the way down to the San Joaquin and
6 come around behind them and it will be cleaner," and I
7 know that's the next stage. You can't keep taking.

PH3-HS1

8 We deserve -- this is our home here. You've
9 taken and taken and taken and taken, and it is not just
10 your fault, it is the politicians. They don't hear it,
11 they don't see it, you know, there is nobody in this last
12 few years that has any long-term planning at all. All
13 we're thinking, God, do you realize we actually went to
14 the moon in the '60s. Do you realize all those things we
15 did around the '60s, even build this peripheral canal.
16 What are we doing? We're still sucking along on the same
17 shit we developed back then.

18 We need -- we're going to have ten million more
19 people here, we need to look forward, and this is not
20 looking forward. This is backwards. I want my water back
21 in the river. I want the fish to be there. I'm a
22 responsible citizen and I live on this God damn river, and
23 you people don't appreciate the fact that we are here.
24 You want to go down to Southern California, and these
25 guys, all the contractors, it is just money. They just

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1 want to take the money. They don't give a damn because
2 when this is over with, it will be the next project, and
3 it really upsets me. I'm sorry. I've taken more than my
4 time and I apologize.

5 MR. MICHNY: That's all right.

6 HIRAM SIBLEY: This is not going to solve my
7 problem. You're not solving my problem by putting these
8 dams that go up and down. It will still come up the San
9 Joaquin River because that's called, "We don't have enough
10 water going down to make sure the Bay doesn't push this
11 far inland any way you look at it." Why do you think
12 Tracy, Manteca, Lathrop all go way in the hell above, you
13 know, pipeline? Because the water here that you say is so
14 good, they're not taking a chance on that crap. They're
15 going to hell to get their water because they've got to be
16 ahead of us, and "us" is right here in the Delta because
17 if they don't get ahead of us, they're going to get
18 screwed. Their water is going to be as bad as ours. It
19 is getting to be.

20 You tell me there's no salt, and I say, do you
21 know what, with the flowage you've got coming down that
22 river most of the time in the summer, the spring, the
23 fall, there can't help but be salts. I'm done. I've said
24 what I can say. I'm just upset, do you know what the
25 answer is. Hell, no, not one percent more. I want ten

PH2-HS1

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1 percent back.

2 (Applause.)

3 MR. MICHNY: The last speaker I have is David
4 Delano. If anybody else wants to talk, will you raise
5 your hand so I know it and we can get your card and
6 accommodate you?

PH3-HS1

7 DAVID DELANO: I'll try not to take too much of
8 your time, but I just needed an explanation. The
9 Department of Water Resources, is that a public agency for
10 the public people?

11 MR MICHNY: That's correct. Would you spell
12 your name?

13 DAVID DELANO: D-e-l-a-n-o, first name David.

14 MR. MICHNY: Thank you.

15 DAVID DELANO: I'm surprised that we don't see
16 anybody here from Fish & Game because I understand it is
17 political suicide for them to oppose you people and
18 they're not here tonight. I'm surprised we don't see
19 anybody here from DBAW (phonetic) because it would be
20 political suicide for them to oppose you guys, but one
21 thing that I did notice is that the only people here
22 speaking in favor of this project are the contractors that
23 get the water. The only people here are the ones that pay
24 you for the water and they're the only ones in favor of
25 it. Everybody that doesn't have to pay you for the water

PH3-DD1-1

1 or everybody that loses the water is against it. Enough
2 said.

PH3-DD1-1

3 (Applause.)

4 MR. MICHNY: The closing comments that I have is
5 I'd like to remind everyone that all written comments are
6 due by close of business Tuesday, February 7th, '06. The
7 information on how and where to submit your comments is on
8 the various handouts available up at the front. You can
9 also go to the registration table information to submit
10 your comments, and so in closing on behalf of Department
11 of Water Resources and Bureau of Reclamation, I'd like to
12 thank you all for attending the hearing and providing
13 comments. I'd just like to thank everybody for being
14 civil. I know a lot of people are very emotional about
15 this, that's fine, but everybody did fine. This brings to
16 a close this public hearing for the South Delta
17 Improvement Program Draft EIS/EIR. Thank you for coming
18 and providing your comments.

19 (The meeting adjourned at 9:10 p.m.)

20

21

22

23

24

25

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Responses to Comments

Greg Zlotnick—Santa Clara County Water District

PH3-GZ1

The commenter's description of the project benefits and support for the project are noted.

Dale Stocking—Chair, Sierra Club Lodi Chapter

PH3 DS1

Please see Master Response D, *Developing and Screening Alternatives Considered in the Draft EIS/EIR*.

PH3-DS2

Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*, and Master Response K, *Staged Decision-Making Process*.

Doug Lovell—Chairman, Bay Delta Committee of the Northern California Council of the Federation of Fly Fishers

PH3-DL1

Please see response to Form Letter POST, in Chapter 8, "Form Letter Comments."

Mike McKenzie

PH3-MM1

The commenter's opposition to the SDIP and increasing south-of-Delta exports is noted.

Ron Forbes—Delta Fly Fishers

PH3-RF1

Reclamation and DWR have committed to not moving forward with Stage 2 of the SDIP at this time. Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*, and Master Response K, *Staged Decision-Making Process*.

Robert Mammon—Lower Sherman Island Duck Hunters Association and California Striped Bass Association, West Delta Chapter

PH3-RM1

Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*, and Master Response K, *Staged Decision-Making Process*. The commenter's opposition to the SDIP and increasing south-of-Delta exports is noted.

Roger Difate—Chapter Chairman, Discovery Bay Action Committee

PH3-RD1

The commenter's opposition to the SDIP and increasing south-of-Delta exports is noted.

Ken Fowler—Director, Lower Sherman Island Duck Hunters Association

PH3-KF1

Chapter 5 of the Draft EIS/EIR contains the conclusions of the water quality analysis for Stage 1 and Stage 2. Under Stage 1, water quality would slightly decrease at Emmaton, Jersey Point, and Old River at SR4 (Table 5.3-1). These changes were small and were not considered significant. It should be noted that water quality measured at other south Delta locations would improve with the proposed gates in operation.

Mike Espinola—Bass Classics of Santa Clara Valley

PH3-ME1

The assessment of impacts on fish did not include an independent analysis for all fish species. In general, the effects of the SDIP on other species such as black bass were assumed to be similar and are encompassed by the assessment for the selected species. Impacts on black bass would be similar to those other species.

PH3-ME2

Reclamation and DWR have engaged in an extensive and open public involvement process, including public scoping meetings, public workshops updating the status of the SDIP, and public hearings on the EIS/EIR. Notices of these meetings have been in local newspapers and on DWR's website.

PH3-ME3

Section 5.5, Flood Control and Levee Stability, provides an assessment of the impacts resulting from constructing and operating the flow control gates. The analysis concluded that Stage 1 or Stage 2 of the SDIP would not result in significant impacts on flood protection provided by south Delta levees.

Paul Berry—President, Bass Classics of Santa Clara Valley

PH3-PB1

Please see response to comment PH3-ME2.

Anthony Macaluso

PH3-AM1

The EIR evaluates the impacts of constructing and operating Stage 1 and Stage 2 and SDIP. Stage 1 would not affect the Sacramento River because no additional water would be exported. Impacts on the Sacramento River resulting from increasing diversions to Clifton Court Forebay from 6,680 cfs to 8,500 cfs are addressed in the water supply, Delta hydrodynamics, water quality, and fish sections of the Draft EIS/EIR.

PH3-AM2

Section 5.3, Water Quality, assesses the changes in water quality throughout the south Delta. The assessment concluded that water quality at Emmaton and Jersey Point would, on average, be only slightly reduced.

Mike Riehl—Black Bass Action Committee, Delta Foothill Region

PH3-MR1 and PH3-MR2

Please see response to comment PH3-ME2.

Dave Hurley—Stockton Chapter, California Striped Bass Association

PH3-DH1

Please see Master Response D, *Developing and Screening Alternatives Considered in the Draft EIS/EIR*.

PH3-DH2

The commenter's opposition to the SDIP and increasing south-of-Delta exports is noted.

Sandy Delano

PH3-SD1

Reclamation and DWR have engaged in an extensive and open public involvement process, including public scoping meetings, public workshops updating the status of the SDIP, and public hearings on the EIS/EIR. Public workshops after the Draft EIS/EIR was completed were held in Sacramento, Stockton, Oakland, Los Angeles, and Visalia. Public hearings on the Draft EIS/EIR were held in Sacramento, Los Angeles, and Stockton. Notices of these meetings have been provided in local newspapers and on DWR's website.

PH3-SD2

Section 7.2, Social and Economic Conditions, in the Draft EIS/EIR assesses construction-related and operation-related economic activity attributable to the SDIP.

PH3-SD3

DWR and Reclamation are requesting funding from the Federal Water and Related Resources and Bay-Delta funding accounts. CALFED's Conveyance Program Element provides funding sources for several conveyance-related project proposed for the Delta, including the SDIP.

PH3-SD4

The target date for completing construction of the four gates is April 2009.

PH3-SD5

Chapter 2, of the Draft EIS/EIR describes when the fish control gate and flow control gates will be operated. The head of Old River fish control gate would be operated from April 1 to November 30. The three flow control gates would be operated throughout the agricultural season and on an as-needed basis for the remainder of the year.

Gary Ray Adams

PH3-GA1

The fish analysis in the SDIP EIS/EIR focused on assessing impacts of Stage 1 and Stage 2 on Chinook salmon, steelhead, delta smelt, splittail, striped bass, and green sturgeon.

PH3-GA2

Chapter 10 of the Draft EIS/EIR assesses the environmental effects of constructing and operating SDIP in combination with other related and reasonably foreseeable projects. These include the CALFED Storage Program, CALFED Conveyance Program, CALFED Drinking Water Quality Program, CALFED Ecosystem Restoration Program, other CVP/SWP related projects, and local projects.

Bob Strickland—President, United Anglers of California

PH3-BS1

Chapter 5 of the Draft EIS/EIR provides an assessment of the changes in water quality under Stage 1 and Stage 2. As shown in Tables 5.3-1 and 5.3-3, water quality would generally improve in south Delta channels and at the CVP Tracy Pumping Plant. Decreases in water quality at other sites would not be substantial.

PH3-BS2

Please see Master Response D, *Developing and Screening Alternatives Considered in the Draft EIS/EIR*.

Bill Jennings—California Sportfishing Protection Alliance

PH3-BJ1

Please see Master Response D, *Developing and Screening Alternatives Considered in the Draft EIS/EIR*.

PH3-BJ2

Please see response to comment CSPA-11.

PH3-BJ3

Please see Master Response I, *Reliability of CALSIM and DSM2 Models for Evaluation of Effects of the South Delta Improvements Program*.

PH3-BJ4

Section 7.8, Public Health and Environmental Hazards, assesses effects on constructing the SDIP gates. Operating the SDIP would not result in the discharge of toxic chemicals to the Delta.

PH3-BJ5

Reclamation and DWR believe the mitigation in the SDIP EIS/EIR will reduce all significant impacts to a less-than-significant level.

PH3-BJ6

Reclamation and DWR have entered into formal consultation with USFWS, NMFS, and DFG regarding constructing and operating Stage 1. Operation of Stage 2 is included under the OCAP BO.

PH3-BJ7

Please see response to CSPA-42 in Chapter 6, “Non-Governmental Organization Comments.”

PH3-BJ8

Please see response to comment TC-12 in Chapter 5, “Regional and Local Agency and Indian Tribe Comments.”

Vince Wong—Zone 7 of Alameda County

PH3-VW1

The commenter’s description of the project benefits and support for the project are noted.

Marcus Schroers

PH3-MS1

Please see response to Form Letter POST, in Chapter 8, “Form Letter Comments.” The commenter’s opposition to the SDIP and comments on the environmental condition of the Delta are noted.

Michelle Espinola

PH3-ME1

Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*, and Master Response K, *Staged Decision-Making Process*.

Dan Mathisen

PH3-DM1

The SDIP Draft EIS/EIR discloses Stage 1 and Stage 2 impacts on fish, water quality, Delta hydrodynamics, and flood control. DWR and Reclamation have committed to not moving forward with Stage 2 of the project until additional information regarding the Delta fish becomes available. Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*, and Master Response K, *Staged Decision-Making Process*.

Barbara Barrigan-Parrilla—Planning and Conservation League

PH3-BBP1

Please see Master Response D, *Developing and Screening Alternatives Considered in the Draft EIS/EIR* and Master Response J, *Relationship between SDIP and the CALFED Record of Decision and EIS/EIR Programmatic Documents*.

PH3-BBP2

The staged decision-making process for SDIP is described in Chapter 2 of the Draft EIS/EIR. Please see Master Response K, *Staged Decision-Making Process*.

PH3-BBP3

Please see Master Response D, *Developing and Screening Alternatives Considered in the Draft EIS/EIR*.

PH3-BB4

The Draft EIS/EIR assesses operation of the gates for both Stage 1 and Stage 2 for all resources addressed. As an example, Table 5.3-1 shows changes in water quality for 2001 and 2020 conditions with the gates operating and diversions to Clifton Court Forebay of 6,680 cfs, and Table 5.3-3 shows changes in water quality for 2001 and 2020 conditions with gates operating and diversion to Clifton Court Forebay of 8,500 cfs.

PH3-BB5

Please see response to comment PH2-FSW1.

PH3-BB6

Please see Master Response F, *Relationship between the South Delta Improvements Program and Climate Change Effects*.

Dan Bacher

PH3-DB1

Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*, and Master Response K, *Staged Decision-Making Process*. The commenter's opposition to the SDIP and comments on the environmental condition of the Delta are noted.

Laura King Moon—State Water Contractors

PH3-LKM1

The commenter's description of the project benefits and support for the project are noted.

Fiona Hutton—California Water Future

PH3-FH1

The commenter's description of the project benefits and support for the project are noted.

Ara Azhderian—San Luis and Delta Mendota Water Authority

PH3-AA1

The commenter's description of the project benefits and support for the project are noted.

Ron Robinson—Rivers End Marina

PH3-RR1

Section 6.1 of the SDIP EIS/EIR provides the results of the aquatic resources impact assessment. The assessment included a detailed evaluation of Stage 1 and Stage 2 impacts on Chinook salmon, steelhead, coho salmon, delta smelt, splittail, striped bass, and green sturgeon.

Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*.

PH3-RR2

DWR staff met with Mr. Robinson in June to discuss concerns regarding impacts on Rivers End Marina operations.

David Demtsey

PH3-DD1

The commenter's opposition to the SDIP is noted.

Hiram Sibley

PH3-HS1

The commenter's opposition to the SDIP is noted.

David Delano

PH3-DD1-1

The commenter's opposition to the SDIP is noted.