

### 3.11 Comments from Public Hearings and Responses

This chapter contains transcripts of the Draft PEIS/R public hearings held in May 2011 (as described in Chapter 1.0, “Introduction,” of the Final PEIS/R), as listed in Table 3.11-1. Individuals provided independent comments during the hearings or as representatives of elected officials or local agencies. As noted previously, each comment was assigned an abbreviation for the individual or the elected official or agency they represented (example: CCID), followed by an acronym identifying the city in which the hearing was held, including FR (Fresno hearing), LB (Los Banos hearing), SA (Sacramento hearing), or VI (Visalia hearing) (example: CCID-LB). The comments were then assigned a number, in sequential order (note that some individuals may have provided more than one comment). The numbers were then combined with the abbreviations for the individual and hearing (example: CCID-LB-3). For some comments, letters were added alphabetically to further identify related comments (example: CCID-LB-3a).

Responses to the comments follow the transcripts, and are also numbered, corresponding to the numbering assigned in the transcripts. The transcripts and associated responses are presented alphabetically by city, and responses are presented in the same order in which the comment was provided.

**Table 3.11-1.  
Individuals Providing Comments on  
Draft Program Environmental Impact Statement/Report  
During Public Hearings**

<b>Abbreviation</b>	<b>Name</b>	<b>Comments Provided on Behalf of</b>
<b><i>Fresno, California Public Hearing – May 24, 2011</i></b>		
CAM-FR	Cameron, John	Self
<b><i>Los Banos, California Public Hearing – May 25, 2011</i></b>		
DADA-LB	D’Adamo, Dee Dee	Congressman Dennis Cardoza
SCHR- LB	Schroeder, Ken	Self
MICH- LB	Michael, Cannon	Self
SLCC2- LB	Hurley, Chase	San Luis Canal Company
EC2- LB	Chedester, Steve	San Joaquin River Exchange Contractors and the San Joaquin River Resource Management Coalition
CCID- LB	White, Chris	Central California Irrigation District
LSJLD3- LB	Hill, Reggie	Lower San Joaquin Levee District
<b><i>Sacramento, California Public Hearing – May 26, 2011</i></b>		
EBMUD2-SA	Miyamoto, Joe	East Bay Municipal Utility District
<b><i>Visalia, California Public Hearing – May 24, 2011</i></b>		
JACO-VI	Jacobsma, Ron	Friant Water Authority
TULA-VI	Ishida, Allen	Tulare Board of Supervisors

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### 3.11.1 Transcript of Fresno, California Public Hearing – May 24, 2011

110524 - San Joaquin River Restoration Program(Fresno).txt  
1 SAN JOAQUIN RIVER RESTORATION PROGRAM  
2 Draft Program ENVIRONMENTAL  
3 IMPACT STATEMENT/REPORT  
4 PUBLIC HEARING  
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6 -000-  
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8 MAY 24, 2011  
9 FRESNO, CALIFORNIA  
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21 Reported by: Andrea G. Banks, CSR No. 13479  
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1	INDEX	
2	TOPIC	PAGE
3	Presentation by Alicia Forsythe	4
4	Presentation by Kevin Faulkenberry	13

San Joaquin River Restoration Program

110524 - San Joaquin River Restoration Program(Fresno).txt

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1           2011 SAN JOAQUIN RIVER RESTORATION PROGRAM  
2                           FRESNO, CA  
3                           -000-  
4           SPEAKER RANDELL: Good evening, everybody.

Page 2

110524 - San Joaquin River Restoration Program(Fresno).txt  
5 We would like to begin our public hearing. If folks  
6 wouldn't mind taking a seat that would be wonderful.  
7 Good evening. Thank you. We're getting ready to kick  
8 off the second of four hearings.  
9 My name is Patty Ransdell and I'll be helping  
10 to facilitate for tonight's meeting. I wanted to give  
11 you a quick run down on what the meeting format is  
12 going to be like tonight so you know what to expect.  
13 We're going to have a brief presentation  
14 that's going to provide you with an overview of the  
15 Draft Program Environmental Impact Statement and Draft  
16 Program Environmental Report as well as provide some  
17 information on the history of the San Joaquin.  
18 The presenters for tonight are going to be  
19 Allie Forsythe with Reclamation and Kevin Faulkenberry  
20 with the Department of Water Resources. We're going to  
21 ask that comments are held and questions are held  
22 during the presentation, because as soon as we're done  
23 with the presentation we're going to open up into an  
24 open house around the back of the room. Subject matter  
25 experts are available to answer your specific questions

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1 about the environmental document. And then after the  
2 open house we're going to transition back into our  
3 formal hearing process.  
4 And if you are interested in leaving oral  
5 comments and haven't had a chance to fill out a speaker

Page 3

## San Joaquin River Restoration Program

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6 card yet, please do so. They're available -- I think  
7 there's a few over at the comment station at the front  
8 where you registered, you can drop them in the basket.  
9 And there's also written comment cards available if you  
10 would prefer to just leave written comments, and you  
11 can do that at any time. Those comments -- the comment  
12 boxes are over there in the corner. And with that I'm  
13 going to turn this over to Allie and Kevin.

14 SPEAKER FORSYTHE: All right. Thanks Patty.  
15 I'm Allie Forsythe. I'm the program manager for the  
16 Bureau of Reclamation in the San Joaquin River  
17 Restoration Program. Tonight we're going to go over a  
18 presentation. It's going to take around half an hour,  
19 maybe a little less.

20 Quick overview of the presentation, we're  
21 going to talk about the restoration program, the  
22 settlement itself, which is the foundation of the  
23 restoration program, give you a little history on the  
24 settlement, talk about the goals along with some major  
25 milestones in the settlement, then we're going to talk

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1 about the environmental review process and the analysis  
2 that we've completed in the program document, which you  
3 have with you or can get a copy of at the front table.

4 Kevin's going to talk about the alternatives  
5 in the document along with next steps. And then from  
6 there we're going to talk about the public comment

Page 4

110524 - San Joaquin River Restoration Program(Fresno).txt  
7 process and the reason why we're out here tonight  
8 talking to you all.

9 All right. Overview of the settlement, a  
10 little bit of history here, 1942 Reclamation completed  
11 the construction of Friant Dam, which is just outside  
12 of town here, in the foothills.

13 In 1988 we were -- lawsuit was filed  
14 challenging Reclamation's renewal of our long-term  
15 contracts with our water users in the Friant Division,  
16 so those folks that get water from Kern and Madera  
17 canals. That lawsuit went on for about 18 years.  
18 There were a variety of rulings and judgments during  
19 that time. The most significant of which happened in  
20 2004 when the Federal Government ruled that Reclamation  
21 had violated California Fish and Game Code.

22 In 2005 to avoid a remedy phase, in essence a  
23 judge telling us how to restore the river, the settling  
24 parties agreed to begin settlement negotiations. And  
25 in 2006 we reached a settlement and began implementing

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1 it that year.

2 In 2009 public law 111-11 was signed by the  
3 President. The law directs -- authorizes and directs  
4 the Secretary of Interior to implement the settlement.  
5 The settlement has two goals in it. The first is the  
6 restoration goal. And that really mimics that Fish and  
7 Game Code that the judge said we were in violation of.

Page 5

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8 And the restoration goal is to restore, maintain fish  
9 populations in good condition in the San Joaquin River  
10 from the Merced up to Friant Dam, including naturally  
11 reproducing and self-sustaining salmon and other fish.  
12 The second goal is water management goal.  
13 That's to reduce or avoid the water supply impacts to  
14 the Friant Division long-term contractors that may be a  
15 result of implementing the settlement and increasing  
16 flows down the San Joaquin River.  
17 We have three key selling parties that all  
18 sign the settlement. The first is approximately 14  
19 organizations and environmental and fishing  
20 organizations represented primarily by the National  
21 Resource's defense counsel. The second is the water  
22 users. Some individual water districts signed the  
23 settlement, but also the Friant Water Authority signed  
24 the settlement representing the Friant districts and  
25 then the Federal Government. And the Department of the

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1 Interior signed the settlement, along with the  
2 Department of Commerce.  
3 We have five agencies that are working to  
4 implement the settlement. The Federal Government  
5 through Reclamation and the Fish and Wildlife Service,  
6 which are both in the Department of Interior, and then  
7 National Fishery Service, which is the Department of  
8 Commerce, along with the State of California as our

Page 6



110524 - San Joaquin River Restoration Program(Fresno).txt  
9 partner through the Department of Water Resources and  
10 the Department of Fish and Game.

11 The settlement also established a restoration  
12 administrator, an outside individual who happens to be  
13 here this evening. Rod Meade is a current restoration  
14 administrator outside individual that makes  
15 recommendations to the Secretary on how we should  
16 implement key components of the settlement. It's a  
17 major milestones in implementing the settlement.

18 In 2006 we began work on the planning design  
19 environmental review. In 2009 we began increasing out  
20 of Friant Dam and rewetting the San Joaquin River.  
21 Earlier this year, in April, we released the Draft  
22 Program document, which we're here to talk with you  
23 about tonight. And then, early next year we plan to  
24 finalize that document, a record of decision and notice  
25 of determination.

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1 Late 2012 the settlement directs that we're to  
2 reintroduce salmon into the San Joaquin. 2013 we're to  
3 complete our first phase of channel structural  
4 improvements, our high priority projects. And then, in  
5 2014 we're to initiate full restoration flows.

6 For many of you that have been following the  
7 implementation of settlement, you know that we are  
8 behind schedule on some of our channel structural  
9 improvement projects. And those won't be done by 2013,

Page 7

San Joaquin River Restoration Program

110524 - San Joaquin River Restoration Program(Fresno).txt  
10 the vast majority of them. We're working right now  
11 with the parties to the settlement to relook at the  
12 schedule and determine, in light of where we are in the  
13 schedule, determine a process for moving forward with  
14 implementing the settlement.

15 The right of funding sources that we receive  
16 to implement the settlement, a few of those are from  
17 water sales. The Friant surcharge, the recovered water  
18 account and the CVPIA Restoration Fund are all water  
19 sale sources.

20 The legislation also directed Reclamation to  
21 renegotiate the Friant contracts to what we call  
22 "repayment contracts." So we received the capital  
23 component of the Friant Division to implement the  
24 settlement. The legislation authorized a 300 million  
25 in federal appropriations and the State has also

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1 committed up to 200 million in State bond funding at  
2 the end of settlement.

3 So in the program document that we're here to  
4 talk about tonight, we look at a wide study area  
5 because the settlement does have potential to have some  
6 far reaching effects. We look from the San Joaquin  
7 River, upstream of Friant Dam. So what's going to  
8 happen in Millerton Reservoir and up stream there. We  
9 look from Friant Dam to the Merced River Complex as we  
10 rewrite that channel, what's going to happen to the

Page 8

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11 river channel there. We look from Merced to the Delta,  
12 and in the Delta itself. As we increase flows down the  
13 San Joaquin River, that water will move down to the  
14 Delta. We're going to try to pick some of that up and  
15 bring that back to the Friant water users. So we  
16 analyze that area in our document.

17 The also analyze the CVP and State water  
18 project contractor service areas. So we look at a good  
19 portion of California to make sure that we're covering  
20 all the impacts written within the restoration. So  
21 within the area from Merced down to the Friant  
22 compound, we've broken that down into five separate  
23 reaches, which you'll see in your document. We look at  
24 each Reach, the changes and the impacts within those  
25 reaches and then we also look at the flood control

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1 system. The east side of Mariposa bypasses.

2 So the NEPA/CEQA review process, Reclamation  
3 is the lead agency for the document under the National  
4 Environmental Policy Act, so the federal law. The  
5 Department of Water Resources is the lead agency under  
6 the California Environmental Quality Act.

7 We began preparing the document in 2007  
8 through public scoping at that time. And the purpose  
9 of CEQA is to analyze and disclose the impacts of the  
10 project, which in our case is implementing settlements  
11 on the human and natural environment. We really want

Page 9

110524 - San Joaquin River Restoration Program(Fresno).txt  
12 to get information out there so that you as the public,  
13 and agencies who will need to give us authorizations  
14 and permits to implement the settlement, understand  
15 what they're -- what's going to happen as an open and  
16 transparent process.

17 They understand the process and what we're  
18 looking at, along with the mitigation measures we've  
19 committed to. It also provides a technically sound  
20 information to decision makers as we move forward in  
21 implementing the settlement. So we all -- the idea is  
22 that we all have a common basis and understanding of  
23 the impacts and mitigation measures we're committing to  
24 as we implement the settlement.

25 So the Draft Program document looks at a

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1 variety of resource areas. We look at everything from  
2 air quality to flood management, groundwater, socio  
3 economics, cultural resources. There's a whole slew of  
4 research areas that we look at in the document.

5 After we're done with the presentation and we  
6 have the breakout session, there will be technical  
7 experts that can talk to you about the analysis for  
8 each of these resource areas if you have specific  
9 questions on resource areas.

10 So in the document, we look at two levels of  
11 analysis. We look at a program level analysis for the  
12 future construction projects. These are the projects

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13 that we don't know a lot of detail on. We know that  
14 they will happen sometime in the future and we  
15 anticipate they will happen sometimes in the future.  
16 We just don't know exactly what is going to happen,  
17 where those levies are going to be. So we look at  
18 those at our program level. It provides a broad  
19 overview of the impacts and mitigation measures that  
20 will be needed for those projects.  
21 We will be back out doing another public  
22 review and public input process as we are going to  
23 implement these future projects. But the program  
24 document does provide the framework for these, so it  
25 looks at measures that we would incorporate into these

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1 future documents.

2 We also have a project level analysis in the  
3 document. We look primarily at our changes in  
4 operation at Friant Dam, our increase in flow down the  
5 river at a project level analysis. So this will  
6 be -- this is the detailed site specific analysis. It  
7 will be the one and only document that looks at our  
8 changes at Friant Dam and moving this water down the  
9 San Joaquin River.

10 As your flipping through your executive  
11 summaries you probably notice that we have not  
12 identified preferred alternatives alternative in the  
13 document. We felt it would be best to identify that in

Page 11

110524 - San Joaquin River Restoration Program(Fresno).txt  
14 the final after we've gotten all the input and public  
15 comments back on the document, to make sure we really  
16 understand the impacts, we really understand the  
17 mitigation measure and see where we're going within the  
18 settlement. So we do anticipate to have a specific  
19 alternative identified in the final based on your  
20 comments and review.

21 I think with that, I'm going to hand the mic  
22 over to Kevin Faulkenberry from the Department of Water  
23 Resources. He's going to give an overview of  
24 alternatives and we will talk about the comment  
25 process.

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1 SPEAKER FAUKENBERRY: Good evening, everyone.  
2 My name is Kevin Faulkenberry and I work with the  
3 Department of Water Resources; I'm chief of the south  
4 central regional office. I've worked in the program  
5 for quite a few years and have -- until recently I was  
6 the program manager. Now that's been passed onto Paul  
7 Romero, who's also with us here tonight.

8 We're going to start, we're going to give you  
9 an overview of six action alternatives and no action  
10 alternative. But the information we're going to give  
11 you right now is the overview alternatives. And then  
12 we will start to go through and explain each in a  
13 little more detail, at least what the differences are  
14 between the two so you have a better understanding of

Page 12

110524 - San Joaquin River Restoration Program(Fresno).txt  
15 what each one of the alternatives offer.

16 All of the alternatives seek to implement  
17 the -- to implement the settlement and be consistent  
18 with Public Law 111-11. All of the alternatives  
19 include implementing improved channels, construction  
20 flows and improve fish passage and habitat through the  
21 project area, and modify Friant Dam operations to  
22 release interim and restoration flows. We also plan to  
23 reintroduce spring-run and fall-run Chinook salmon. As  
24 well, as it covers recapture, reuse, exchange and  
25 transfer of interim and restoration flows.

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1 The common project level actions are to, as we  
2 said earlier, are modify Friant Dam operations to  
3 release interim restoration flows. We want to reduce  
4 or avoid increase in flood risk as a result of  
5 restoration releases, convey interim and restoration  
6 flows down stream, make sure they are getting through  
7 the project area, and implement the short-term physical  
8 monitoring and management plan actions related to the  
9 program.

10 We also plan to recapture interim and  
11 restoration flows in the restoration area and at  
12 Mendota pool and wildlife refuges, in the Delta at  
13 existing CVP and State water project facilities, and  
14 implement a recovered water account program.

15 The PEIS/R provides that the complete NEPA and

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16 CEQA compliance for these actions, as well as it will  
17 support Reclamation's request to the State Board to  
18 modify the water rights at Friant Dam.  
19 The common level restoration actions that are  
20 dealt with in the document are to reintroduce  
21 spring-run and fall-run Chinook salmon; recirculate  
22 recaptured interim and restoration flows, recirculation  
23 of improved channel and structures to provide fish  
24 passage and habitat.  
25 We plan on constructing Mendota Pool Bypass

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1 and modify Reach 2B to convey at least 4500 CFS, modify  
2 4B1 to convey at least 475 CFS, and modify San Joaquin  
3 River Headgate Structure to enable 4B1.  
4 We also plan to modify Sand Slough Control  
5 Structure to enable fish passage and screen Arroyo  
6 Canal to prevent entrainment and provide fish passage  
7 at Sack Dam. Modify structures and establish low-flow  
8 channel in east side of Mariposa bypasses to provide  
9 fish passage. Enable deployment of seasonal barriers  
10 at mud and salt sloughs. It also covers modify  
11 Chowchilla Bypass bifurcation structures to provide  
12 fish passage and prevent entrainment. And we also want  
13 to fill in our and/or isolate highest priority gravel  
14 pits. Those will be identified later on in the  
15 process.  
16 Common Program-level Restoration Actions



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17 continued, we would have additional channel and  
18 structural actions, enhanced spawning gravel. Prevent  
19 potential -- potential for redd superimposition and/or  
20 hybridization. Supplement the salmon population.  
21 Modify flood plain and side channel habitat. Enhance  
22 in-channel habitat. Reduce potential for aquatic  
23 predation of juvenile salmonids and reduce potential  
24 for fish entrainment. Enable fish passage at  
25 additional locations.

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1 Other actions include implement long-term  
2 management actions under the physical monitoring and  
3 management plan.  
4 Now, the alternatives as I pointed out earlier  
5 when we first started, they're basically one no action  
6 alternative and six action alternatives. And this  
7 slide will give you some key -- it helps to define the  
8 key differences between the six action alternatives.  
9 Basically, the six action alternatives differ  
10 in two basic ways. The first one is A1, B1 and C1.  
11 All are included in 475 CFS and Reach 4B1. A2 and C2  
12 include at least 4500 CFS and Reach 4B1. And, then,  
13 the additional difference is where the water is  
14 captured, or recaptured after release. And in A1 and  
15 A2 there is a Delta recapture. B1 and B2 is San  
16 Joaquin capture. And then C1 and C2, we have the new  
17 pumping plant recapture.

Page 15

110524 - San Joaquin River Restoration Program(Fresno).txt  
18           Okay. This is the alternative. Once again  
19   with a little more detail, and you'll see a lot of  
20   replication as we go through, but it's important for  
21   you to understand the difference between these because  
22   it's a key to understanding the document and what  
23   alternatives we will select later on.  
24           The A1 alternative includes all common program  
25   and project-level actions, which we discussed earlier.

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1   Conveyance of at least 475 CFS through Reach 4B1;  
2   remaining interim and restoration flows are conveyed  
3   through the east side and Mariposa bypasses. The  
4   potential for recapture is in the restoration area and  
5   the Delta using existing facilities.  
6           Okay. An alternative A2 is the same, except  
7   that it has a maximum flow of 4B1 or at least 4500 CFS  
8   for 4B1.  
9           Okay. Alternative B1 and B2 is a -- it says  
10   all common program -- again, all common program and  
11   project level actions, conveyance of at least 475.  
12   Remember, it's one of the -- it's one of the -- it's  
13   the first full one. It's B1, so it's a 475 to Reach  
14   4B1. And the difference is that we have -- we had  
15   added on another area where we can possibly put water  
16   out, which is additional to the restoration area and  
17   Delta using existing facilities, but we also added  
18   between the Merced River and the Delta using existing

Page 16

110524 - San Joaquin River Restoration Program(Fresno).txt  
19 facilities. And again, B2 is the same as B1, except  
20 that we could convey at least 4500 CFS through 4B1.  
21 Okay. And so we're down to the last two  
22 alternatives, which is C1 and C2. Again, all common  
23 program and project level actions. We must convey at  
24 least 475 to Reach 4B1. Potential recapture of interim  
25 and restoration flows, again, in the restoration area,

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1 Delta using existing facilities, along the San Joaquin  
2 River between the Merced River and the Delta using  
3 existing facilities, and additionally at a new pumping  
4 plant on the San Joaquin River below the confluence of  
5 the Merced River.

6 And, then, the C2 is at -- everything is the  
7 same as C1, except that in 4B1 you'll have at least  
8 4500 CFS.

9 So that concludes the basic difference of the  
10 alternatives. If you can keep that in mind, and  
11 somehow keep that in track when you're reviewing the  
12 document, it will help a lot with your reviewing.

13 So I guess we'll go back to Allie and she will  
14 finish up.

15 SPEAKER FORSYTHE: All right. Speaking of  
16 reviewing the document, the whole purpose in releasing  
17 the Draft Program document is to get your comments and  
18 input on the document. Public participation is really  
19 a potential. It's key to what we're doing here in

Page 17

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20 preparing the document and working on this project.

21 Both NEPA and CEQA require that we evaluate  
22 and provide written -- excuse me -- written responses  
23 to comments on environmental issues. So if you submit  
24 your comments either tonight or in writing, rest assure  
25 that we will take all of those into consideration and

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1 provide responses in the final. It's very helpful for  
2 us if your comments focus on the sufficiency of the  
3 document and identifying possible impacts.

4 If there's alternatives that we missed or  
5 different ways that we can implement the settlements  
6 that we have not considered in the document, those  
7 things are very helpful to us.

8 And also mitigation measures. Have we really  
9 covered everything in terms of impact and mitigation in  
10 the document? The more detailed and specific that you  
11 can be in your comments, the easier it is for us to  
12 make sure that we adequately address your comments. So  
13 if comments are very vague in general, it's very  
14 difficult for to us understand -- to understand what  
15 you mean and to make sure that we can change the draft  
16 as reflected in the final change. The mitigation  
17 measures, do those adequately address those comments in  
18 the final?

19 So I would encourage folks to be very detailed  
20 and specific to the extent you can in your comments.

Page 18

110524 - San Joaquin River Restoration Program(Fresno).txt  
21 So the comment period, we did start out with a 60-day  
22 comment period. We have extended that 30 days based on  
23 a request and now comments are now due July 21st.  
24 In the final document, we anticipate that to  
25 come out in earlier 2012, it will include responses to

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1 all the comments that we receive on the draft. It will  
2 also include changes, if any are necessary, to the  
3 draft document along with identifying the preferred  
4 alternative.  
5 We anticipate signing a record of decision for  
6 the federal components and then a notice of  
7 determination for the State components shortly after  
8 release the final document in early 2012.  
9 So tonight you can provide verbal comments  
10 during our public hearing session of the meeting and  
11 also you can provide written comments. There is a  
12 station over on the side here where you can provide  
13 your written comments in boxes.  
14 If you would like to take some time to  
15 formulate your comment for the review of the document  
16 you can mail your comments or e-mail them to either  
17 Reclamation or DWR. You can send them to both of us or  
18 one or the another. The -- just a reminder that your  
19 comments are due on July 21st by 5:00 p.m.  
20 So with that I'm going to turn it over to  
21 Patty. She's going to talk about how we're going to

Page 19

110524 - San Joaquin River Restoration Program(Fresno).txt  
22 move on with the rest of the meeting as well as the  
23 public portion of the meeting.  
24 SPEAKER RANSDELL: Okay. So with that we're  
25 going to open up the open house. And we will have, as

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1 I mentioned before, the subject matter experts  
2 available to answer your specific questions. We're  
3 going to do that for about 50 minutes and then we're  
4 going to reconvene and begin the actual official public  
5 hearing where we will accept oral comments.  
6 Pete Lucero will be our hearing officer and he  
7 will guide us through the formal oral commenting  
8 process. So with that please feel free to start asking  
9 questions of our experts. They're all ready to answer.  
10 Thank you.  
11 (Open House Break.)  
12 SPEAKER RANSDELL: We're going to reconvene  
13 into the public speaker process. Please, turn in is  
14 all speaker cards now.  
15 HEARING OFFICER LUCERO: Good evening. My  
16 name is Pete Lucero, I'm the Public Affairs Officer  
17 from the Reclamation of Sacramento and I'll be the  
18 hearing officer today.  
19 I have one card for one person to make a  
20 comment. So if anybody is interested in making a  
21 comment just bring it up to me or give it to someone  
22 over there and we will get you on the microphone.

Page 20

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23 So I want to welcome you all to this public  
24 hearing on the San Joaquin Restoration Draft Program,  
25 Environmental Impact Statement and the Environmental

21

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1 Impact Report. This is one of four hearings being held  
2 in accordance with the requirements of NEPA and CEQA.

3 As I said, my name is Pete Lucero. I'm the  
4 regional officer for the Reclamation in the mid-Pacific  
5 region and I'll be serving as the hearing officer. The  
6 court reporter will be recording the proceedings today.

7 We're accepting verbal and written comments on  
8 a draft PIS. You should have completed a speaker card.  
9 If you have not completed a speaker card and you would  
10 like to provide verbal comments, please obtain a card  
11 at the registration table. If you filled out a card,  
12 but didn't turn it in at the registration table, please  
13 turn it in now.

14 You may also provide written comments today by  
15 filling out a comment card, which is also available at  
16 the registration table. And you can turn those in over  
17 there on the boxes at that table. If you're speaking  
18 and would like to submit them to us, please fill out  
19 the top portion of the comment card, attach your  
20 comments and provide them before you leave.

21 Written comments can be submitted at this  
22 hearing or to the address, fax or e-mail address  
23 indicated on the comment card. Your comments must be

Page 21

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24 received by 5:00 p.m. on Thursday, July 21st, 2011.  
25 Please be assured that written and verbal comments will

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1 receive equal consideration.

2 Now, I want to take a moment to explain what  
3 happens next with this process. All of the comments  
4 will be reviewed and responses to comments will be  
5 prepared. A final PEIS/R will be prepared that will  
6 include the responses to the comments. The final  
7 PEIS/R will be available for a 30-day period after  
8 which Reclamation and the Department of Water Resources  
9 will make a decision on the project. Reclamation will  
10 prepare a record of decision to document that decision  
11 and the Departments of Water Resources will prepare  
12 findings and a notice of determination.

13 Today we will proceed in this manner. I will  
14 call all one speaker to the front in order for you  
15 to -- in the order that you turned in your cards. If I  
16 call your name and you are not present, John, you'll be  
17 moved to the end of the speaker list. And you have  
18 about 45 minutes to make your comments because this is  
19 an hour long presentation. So when it's your  
20 turn -- if anyone else want to speak just bring your  
21 card and we will get you on the microphone.

22 So with that I'll invite John to come up and  
23 speak. John if you wouldn't mind, please, state your  
24 name and you can actually use the microphone over

Page 22



110524 - San Joaquin River Restoration Program(Fresno).txt  
25 there. If you'll state your name clearly for the court

23

2

CAM-FR-1

1 reporter, please. Thank you.

2 SPEAKER CAMERON: My name is John. Can  
3 everybody here me? Okay. I belong to the Fly  
4 Fisherman Conservation. And the comment I'm going to  
5 make are my comments because he we haven't come up with  
6 an official position. This thing is not too far from  
7 what I'm saying.

8 I went to the meeting in Los Banos and I asked  
9 the question, has there been consideration of  
10 recreational angling? And the answer was "no." Came  
11 away from that meeting thinking well, what's going to  
12 happen if they're going to put salmon in the San  
13 Joaquin River? They're going to have to close that  
14 throughout -- at least during a portion of the year.  
15 And we have a very popular trout fishery up here just  
16 below the dam at Friant.

17 And when that happens, then, the people who  
18 are used to going there are going to have to go  
19 somewhere else. They're going to go to the Kings  
20 River. Now, the Kings River -- I don't know if you're  
21 familiar with this area, the Kings River already has  
22 too many fish in it and not enough law enforcement.  
23 The other thing that's going to happen is the wardens  
24 that would be taking care of the Kings River are going  
25 to have to go, or they're going to have to get someone

CAM-FR-1  
(contd.)

1 from somewhere else to take care of those salmon in the  
2 San Joaquin River or they're not going to make it back.  
3 I mean, that's just reality. And so what my  
4 concern is, what's going to happen is they're going to  
5 take the law enforcement and put it on the San Joaquin  
6 River and not add anything. The other thing is that  
7 we're going to have a lot more fisherman over there.  
8 And sure enough, what did I read in the mitigation in  
9 the EIR was that in order to mitigate the loss of  
10 angling, recreation angling fishing, in the San Joaquin  
11 River they're going to move over to the Kings River.  
12 Imagine my lack of surprise at this.  
13 So what I'm saying is we need to think of  
14 number one, adding enforcement and not just shifting it  
15 from one place to another. Two, we need to look at  
16 other places to mitigate this lack of loss of local  
17 angling.

CAM-FR-2

18 One of those could be, there's a project -- I  
19 don't know if you're familiar -- from Fresno River  
20 West. River west is a project to open up a stretch of  
21 the San Joaquin River from, I think, Highway 41 down to  
22 the park -- I can't think of the name of the park right  
23 now. Anyway, there's a section of the river that's  
24 going to be open. Not only that, but part of that  
25 involves ponds that could be a warm water fishery that

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contd.  
CAM-FR-2 | 1 are currently not being utilized because it's not legal  
2 to go in there right now, but it will be because this  
3 is public plan. So the River West project would be a  
4 mitigation.

CAM-FR-3 | 5 Another mitigation that could be -- would be  
6 the Avocado Lake Park. Avocado Lake Park is next to  
7 the Kings River. The trout are being planted there  
8 right now. Trout that are currently going into Friant  
9 can go, instead, to Avocado Lake Park to induce more  
10 angling there instead of Kings river.

CAM-FR-4 | 11 So basically that's what I'm saying. They  
12 need to -- the mitigation of shifting fisherman from  
13 one resource to another one that's already overused is  
14 not a mitigation. We need other things. We need to  
15 add enforcement and not just shift it from one place to  
16 another.

17 Forty-five minutes I have? Nothing else.  
18 Next.

19 HEARING OFFICER LUCERO: Thank you, sir. Does  
20 anyone else want to make an oral statement? Okay.  
21 That being said we're required to have this public  
22 hearing open for one hour depending on whenever we  
23 started. So what we will do now is suspend the  
24 hearing, unless someone wants to speak. We will reopen  
25 the hearing for that period of time and then suspend it

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1 again until the hour has ended. So right now we will  
2 be in suspension and we will readjourn -- reconvene  
3 approximately 55 minutes from now. Thank you, very  
4 much.

5 (Public Comment Portion Suspended.)

6 HEARING OFFICER LUCERO: So does anyone else  
7 have a comment to make on the record? If not, then I  
8 will -- then, I just thank you all for your  
9 participation. Appreciate you coming out today to  
10 provide your comments. And please remember that the  
11 deadline is 5:00 p.m., on July 21st for your written  
12 comments. I appreciate this and we are now adjourned.  
13 Thank you.

14 (Whereupon, the meeting concluded at  
15 approximately 08:24 p.m.)  
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1 STATE OF CALIFORNIA )  
2 COUNTY OF TULARE ) ss  
3

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4 I, ANDREA G. BANKS, a Certified Shorthand Reporter  
5 in and for the State of California, do hereby certify:

6 That the foregoing proceedings were taken at the  
7 time and place herein set forth; that any witnesses in  
8 the foregoing proceedings, prior to testifying, were  
9 duly sworn; that a record of the proceedings was made  
10 by me using machine shorthand which was thereafter  
11 transcribed under my direction; that the foregoing  
12 transcript is a true record of the testimony given.

13 Further, that if the foregoing pertains to the  
14 original transcript of a deposition in a Federal Case,  
15 before completion of the proceedings, review of the  
16 transcript [ ] was [ ] was not requested.

17 I further certify that I am neither financially  
18 interested in the action nor a relative or employee of  
19 any attorney or party to this action.

20 IN WITNESS WHEREOF, I have this date subscribed my  
21 name.

22 Dated: \_\_\_\_\_

23 \_\_\_\_\_  
24 ANDREA G. BANKS, CSR NO. 13479

25

***Responses to Comments from John Cameron, Provided on Behalf of Self***

**CAM-FR-1:** As described in Impact REC-4 on pages 21-33 through 21-35 of the Draft PEIS/R, DFG may elect to impose new restrictions or close portions of the San Joaquin River to reduce the likelihood of anglers inadvertently catching salmon or intentionally poaching salmon. Impact REC-4 is evaluated at a program level of detail in the PEIS/R. If DFG were to impose new restrictions or close portions of the San Joaquin River to prevent inadvertent catch or poaching of salmon, DFG would develop project-level environmental documents to comply with CEQA before implementing new regulations, including the potential for additional impacts to occur related to a need for increased enforcement capability. Additionally, as described in Chapter 21.0, "Recreation," of the Draft PEIS/R, to help protect public safety, Mitigation Measure REC-12 includes as key partners all emergency rescue, response, and enforcement agencies in all reaches of the San Joaquin River expected to experience expanded recreation activity, and Fresno County and DFG. Although this mitigation measure specifically targets the San Joaquin River, Fresno County operates the parks providing access to the Kings River, where some displaced San Joaquin River anglers may go to fish, and the Fresno County Sheriff's Department patrols the Kings River (as does the Kings County Sheriff's Department). DFG is responsible for enforcement of all provisions of the California Fish and Game Code, and enforces fishing regulations on the Kings River. Implementation of this mitigation measure would provide the opportunity to engage these and other agencies regarding the potential need for increased enforcement on the Kings River that may arise from a shift in angling activity from the San Joaquin River to the Kings River. See also MCR-9, "Recreation Impacts and Kings River," in Chapter 2.0, "Master Comment Responses," of this Final PEIS/R. Text has not been revised.

**CAM-FR-2:** The commenter is correct. Mitigation Measure REC-5 would enhance remaining warm-water fishing opportunities or create new opportunities in the Reach 1 vicinity. Specific actions to enhance warm-water fishing opportunities would be developed in cooperation with SJRC, SJRPCT, DFG, Fresno County, and other agencies participating in management of the San Joaquin River Parkway, as described in Chapter 21.0, "Recreation," of the Draft PEIS/R. Enhancement actions could include improvements to facilities such as Sycamore Island Park (owned by the SJRC and operated by a concessionaire) and Woodward Park (owned and operated by the City of Fresno) where warm-water fishing opportunities exist and will remain. Creation of new opportunities could occur at existing ponds, including enhancing and stocking of existing ponds, such as those within the River West – Fresno (Spano River Ranch) and River West – Madera (Proctor-Broadwell-Cobb property) San Joaquin River Parkway sites, where plans for restoration and recreational access are being developed (City of Fresno 2011, Madera County 2011), or through development of new ponds in the vicinity of the parkway but in locations that would not create potential conflicts with Settlement goals. In addition, DFG would conduct project-level analyses in compliance with CEQA and in accordance with CEQA Guidelines Section 777.8, et seq., which would evaluate and determine potential impacts and mitigation measures for recreational issues.

See also MCR-9, "Recreation Impacts and Kings River," in Chapter 2.0, "Master Comment Responses," of this Final PEIS/R, for additional information relevant to this comment.

**CAM-FR-3:** The commenter is correct. In addition to on-stream trout angling opportunities at the Kings River, San Joaquin River anglers have the opportunity to fish for trout at 83-acre Avocado Lake (adjacent to the Kings River), as the lake is also stocked with trout by DFG. This could further reduce the additional fishing pressure on the Kings River from displaced San Joaquin River anglers. See also MCR-9, “Recreation Impacts and Kings River,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, for additional information relevant to this comment.

**CAM-FR-4:** This comment is substantially similar to CAM-FR-1. See response to comment CAM-FR-1.

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**3.11.2 Transcript of Los Banos, California Public Hearing – May 25, 2011**

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PUBLIC HEARING ON THE  
SAN JOAQUIN RIVER RESTORATION  
DRAFT PROGRAM EIS/R

Wednesday, May 25, 2011  
6:00 - 8:30 PM  
Merced County Fairgrounds, Germino Room  
403 F Street  
Los Banos, CA 93635

ORIGINAL

Reported by:  
LISA S. COELHO, CSR #9487  
PALERMO REPORTING SERVICES  
318 McHenry Avenue, Suite B  
Modesto, CA 95354  
209.577.4451

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1	SPEAKERS
2	
3	PATTI RANDELL, SJRRP Project Team
4	ALICIA FORSYTHE, Bureau of Reclamation, Program Manager
5	KEVIN FAULKENBERRY, California Department of Water Resources, Program Manager
6	PETE LUCERO, Bureau of Reclamation, Public Affairs Officer
7	DEE DEE D'ADAMO, Senior Policy Advisor to Congressman Dennis Cardoza
8	
9	KEN SCHROEDER
10	CANNON MICHAEL
11	CHASE HURLEY
12	STEVE CHEDESTER
13	CHRIS WHITE
14	REGGIE HILL
15	
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17	
18	(State of California and Federally certified Spanish Language Interpreter Pedro Fuentes was present and available for use during the hearing.)
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1 MS. RANSELL: Thank you. This is the third of  
2 fourth identical meetings related to the Draft Program  
3 Environmental Impact Statement and Environmental Impact  
4 Report for the San Joaquin River Restoration program. So  
5 all glad to see you all turned out tonight.

6 We're going to start out with a brief  
7 presentation that's going to provide you with a little  
8 background on the restoration program itself, and it's  
9 going to provide you with an overview of the actual  
10 environmental document. We ask that you hold on to your  
11 questions because as soon as the presentation's over with,  
12 we're going to open up into an open house. And we have  
13 subject matter experts at the tables against the back wall  
14 that can answer any of your specific questions about the  
15 document.

16 Over here we have the resource areas that are  
17 going to be studied -- or have been studied, excuse me,  
18 alternatives are over here, an overview of the overall  
19 program, and then we have a conference station set up over  
20 here.

21 Tonight's presentation is given by Ali Forsythe  
22 with Bureau of Reclamation and Kevin Faulkenberry with the  
23 Department of Water Resources. So after the brief open  
24 house, will be about 50 minutes or so, then we're going to  
25 open up the formal public hearing process where we will

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1 receive oral comments. And if you would like to provide  
2 us with oral comments, there's speaker cards at the back  
3 table. Please fill one out and just drop it in that  
4 basket. Okay?

5 And I think we're ready for Ali.

6 MS. FORSYTHE: All right. Thanks, Patti.

7 I'm Ali Forsythe. I'm the program manager for  
8 the San Joaquin River Restoration Program for the Bureau  
9 of Reclamation. Tonight we're going to do -- we're going  
10 to give you about a 20-minute presentation overview of the  
11 program. We're going to talk about the goals of the  
12 program along with major milestones. We're going to talk  
13 about the environmental review process and the analysis  
14 that you can see in the document, in the Draft Program  
15 Environmental Impact Statement -- Environmental Impact  
16 Report. Kevin Faulkenberry is going to talk about  
17 alternatives and next steps, and then I'll wrap up our  
18 presentation with public comment process and where we go  
19 from here.

20 So quick overview of the settlement and a little  
21 bit of history here. Friant -- or, excuse me, Reclamation  
22 built Friant Dam and completed the structure in 1942. In  
23 1988 a lawsuit was filed challenging our renewal of the  
24 long-term contract with the Friant Division water users.  
25 We were in litigation on that lawsuit for about 18 years.

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1           There were a variety of rulings and judgments  
2 during that time, the most significant of which happened  
3 in 2004 when a federal judge ruled that Reclamation had  
4 violated California Fish & Game Code.

5           In 2005 all the parties to the settlement began  
6 negotiations to -- excuse me. All the parties to the  
7 litigation began negotiations to try and come up with a  
8 settlement, and in 2006 a settlement was reached and we  
9 began implementing it late that year.

10           In 2009 Public Law 111-11 was signed into law by  
11 the president, and that law actually authorizes and  
12 directs the Secretary of the Interior to implement the  
13 settlement.

14           Settlement has two goals. The first is the  
15 restoration goal, and the restoration goal really mimics  
16 that California Fish & Game Code that the judgment found  
17 we were in violation of. The restoration goal is to  
18 restore and maintain fish populations in good condition in  
19 the main stem of the San Joaquin River from Friant to the  
20 Merced River confluence, and that includes salmon and  
21 other native fish.

22           The second goal is the water management goal, and  
23 it's to reduce or avoid water supply impacts to all of the  
24 Friant Division long-term contractors that will result  
25 from us putting additional water into the river and

1 restoring the San Joaquin River

2 We have three key parties to the settlement that  
3 were signatories. The first is about 14 environmental  
4 organizations primarily led by the Natural Resource  
5 Defense Council. The second is the Friant Water Users,  
6 and there were -- the Friant Water Users Authority was a  
7 signatory along with some of the member districts. And  
8 the third is the Federal Government. Both the Department  
9 of the Interior and the Department of Commerce were  
10 signatories to the settlement.

11 We have five agencies, five state and federal  
12 agencies, that are implementing the settlement. Within  
13 the Department of Interior it was the Bureau of  
14 Reclamation along with the Fish and Wildlife Service. And  
15 within the Department of Commerce it's the National Marine  
16 Fishery Service. And then the State of California is also  
17 one of our key partners through the Department of Water  
18 Resources and the Department of Fish & Game.

19 The settlement also established an outside  
20 individual that makes recommendations on how we implement  
21 key components of the settlement. He's called the  
22 Restoration Administrator.

23 So major milestones as we work to implement the  
24 settlement. In 2006 we began the planning, the design,  
25 and the environmental review. In 2007 we began our

1 interim flow releases. These were our initial releases  
2 out of Friant Dam to rewet the San Joaquin River system.  
3 In April of this year we released the Draft Program  
4 document which is what we're here today to talk with you  
5 all about.

6 We expect to complete a final document in 2012  
7 along with a record of decision shortly thereafter. In  
8 late 2012 the schedule of the settlement has us  
9 reintroducing salmon into the river, and then in 2013 the  
10 schedule of the settlement has us completing the first  
11 phase of channeling habitat improvement projects. In 2014  
12 we're to re -- excuse me. In 2014 we're to initiate our  
13 full restoration flows which is our full releases down the  
14 river.

15 Now for those of you that have been following the  
16 settlement, you know that some of these channel and  
17 structural improvement projects that are required in the  
18 settlement to be completed in 2013 are behind schedule.  
19 Some of those projects may be key to reintroducing salmon  
20 into the river, and we're working right now with the  
21 parties to the settlement to look at where we are in this,  
22 in the implementation of the settlement, and find a  
23 solution to figure out how we implement this and  
24 reevaluate the schedule.

25 There are a few key funding sources to implement

1 the settlement. One of those is water sales. We have  
2 three sources of water sales: the Friant surcharge,  
3 Recovered Water Account, and then the CVPIA Restoration  
4 Fund. Those fundings actually come from the sale of water  
5 from the Bureau of Reclamation.

6 There's Friant Capital Repayment. The  
7 legislation authorized Reclamation to renegotiate the  
8 Friant contracts and convert those into repayment  
9 contracts. So they're repaying the capital component of  
10 the project, and that money goes into the settlement.  
11 There's also up to 300 million in new federal  
12 appropriations, and the State has committed up to 200  
13 million in State bond funding

14 We looked at a wide study area in the document to  
15 make sure we captured the impacts of everybody in the  
16 settlement. So we looked at the San Joaquin River  
17 upstream from Friant Dam, primarily Millerton Reservoir as  
18 we change elevations within the reservoir itself. We  
19 looked at the river from Friant all the way down to the  
20 Delta and the Delta itself.

21 As we increased flows down the river and run that  
22 water all the way down to the Delta trying to pick some of  
23 it back up, we will have some potential impacts all the  
24 way through the whole system. And then we also looked at  
25 the Central Valley Project and the State Water Project



1 users and their water service areas.

2 You'll notice in the document within the  
3 restoration area, which is within the area from Friant Dam  
4 to the Merced River confluence, we actually broke that  
5 down into five distinct reaches. Its impacts are  
6 potentially different in each reach. And then we also  
7 looked at impacts within the Eastside and Mariposa bypass  
8 system.

9 All right. So Reclamation is the lead agency  
10 under NEPA, the National Environmental Policy Act, for  
11 preparing the document. And the Department of Water  
12 Resources is the lead agency under CEQA, the California  
13 Environmental Quality Act, for the document. We began  
14 jointly preparing the document in 2007 with public scoping  
15 which I believe at that time we were actually in this room  
16 here holding some of our scoping meetings.

17 The purpose of the document is to analyze and  
18 disclose the environmental impacts of implementing the  
19 settlement both on the human environment and the natural  
20 environment. It provides the public and the agencies full  
21 disclosure of impacts in an open and transparent manner,  
22 and it also provides technically sound information to  
23 decision makers as we move forward in implementing the  
24 settlement.

25 We looked at a wide variety of resource areas in

1 the document, everything from air quality to groundwater  
2 hydrology, socioeconomic, visual resources. I'm not going  
3 to go through each one of those. But if you have specific  
4 questions on resource areas, we have technical experts  
5 here tonight that can answer those questions.

6 In the document we look at two levels of  
7 analysis. The first is the program level analysis, and we  
8 look at our future construction projects at a program  
9 level. These projects, we don't have a lot of detail on  
10 them right now. We're not sure exactly what we're going  
11 to do, so we give them kind of a broad overview of  
12 analysis.

13 We look at potential impacts and mitigation  
14 measures to the extent that we can anticipate and know  
15 those now. Subsequent environmental compliance would be  
16 necessary for these future construction projects. We'll  
17 be back out with the public, with you guys, soliciting  
18 your input and getting your comments on those future  
19 construction projects when we have more detail on those.  
20 But the program document does provide a framework for  
21 these future projects, including identification of impacts  
22 and potential mitigation measures that we'll use in those  
23 projects.

24 We also include a project level analysis. This  
25 is primarily for Reclamation and the reoperation of Friant

1 Dam, so us revising the San Joaquin River with what we  
2 call our interim and restoration flows and conveying those  
3 flows down the river. So we look at this in a very site  
4 specific, very detailed analysis, and the program document  
5 will be the only document that covers our reoperation of  
6 Friant Dam.

7 As you have probably flipped through your  
8 executive summaries, you've probably been looking for the  
9 preferred alternative and notice that there is no  
10 preferred alternative in there. Right now we have not  
11 identified a preferred alternative. We expect to do that  
12 in the final document, and the purpose of that was we  
13 wanted to get the public input and public comments on all  
14 of the alternatives to help us in evaluating and  
15 collecting a preferred alternative. So we do anticipate  
16 that we will have a preferred alternative identified in  
17 the final document.

18 And I think with that, Kevin is going to give you  
19 an overview of alternatives, and then I'll follow up with  
20 talking about the comment process.

21 MR. FAULKENBERRY: Thank you, Ali. My name is  
22 Kevin Faulkenberry. I'm the chief of the south/central  
23 region office with the Department of Water Resources. I  
24 have been working on the San Joaquin River Restoration  
25 Program for quite some time, but I guess my role changed a

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1 little bit now. I'm no longer program manager. That  
2 position's been passed on to Paul Romero who's also here  
3 in the building.

4 And so today I'm going to talk to you a little  
5 bit about the alternatives that are laid out in the  
6 document, and we'll give you some of the bases for those  
7 alternatives. And there are probably -- there are six  
8 action alternatives and one no-action alternative. All  
9 the alternatives seek to implement the settlement and can  
10 be consistent with Public Law 111-11.

11 Also, the alternatives are -- include  
12 implementing channel improvements and structures necessary  
13 to convey flows and provide fish passage and habitat. And  
14 modify Friant Dam operations to release interim and  
15 restoration flows and make sure that we're able to  
16 reintroduce spring-run and fall-run Chinook salmon. And  
17 also recapture, recirculate, reuse, and exchange transfer  
18 of -- and transfer interim flows, interim restoration  
19 flows.

20 The common project level actions that are  
21 included in here are the modification of Friant Dam  
22 operations to release interim and restoration flows, being  
23 careful not -- to reduce or avoid increases in flood risks  
24 as a result of those releases. And we want to be able to  
25 convey interim and restoration flows downstream through

1 the system. Also, implement the short-term and  
2 physical -- the short-term physical monitoring and  
3 management plan actions.

4 We also want to recapture interim and restoration  
5 flows in the restoration area at Mendota Pool and the  
6 wildlife refuges. In the -- also in the Delta an existing  
7 CVP and State Water Project facilities. We also want to  
8 implement a recovered water account program. PSR provides  
9 the complete NEPA and CEQA compliance for these actions as  
10 well as will support Reclamation's request to the State  
11 Board to modify water rights for Friant Dam.

12 I can hear clicking. There we go.

13 Some of the common program level restoration  
14 actions include the reintroduction of spring-run and  
15 fall-run Chinook salmon, the recirculation and recapture  
16 of interim and restoration flows, the improvement of  
17 channels and structures to convey flows to provide fish  
18 passage and habitat. That includes constructing Mendota  
19 Pool Bypass and modify Reach 2B to convey at least 4500  
20 cfs and modify Reach 4B1 to convey at least 475 cfs.

21 We also want to be able to modify the San Joaquin  
22 River headgate structure to enable flow routing into Reach  
23 4B1. Additionally, modifying the sand slough control  
24 structure to enable fish passage. Also screening the  
25 Arroyo Canal to prevent entrainment and provide fish

1 passage at Sack Dam. Also, additionally want to modify  
2 and establish low-flow channel in the Eastside and  
3 Mariposa bypasses to provide fish passage and enable  
4 deployment of the seasonal barriers of both mud and salt  
5 slough in the system. And modify Chowchilla Bypass  
6 bifurcation structure to provide fish passage and prevent  
7 entrainment. And, also, in the upper reaches to fill  
8 and -- or isolate highest priority gravel pits.

9 So is it going to click this time? Oh, there.

10 Continuing on in the same line of the program  
11 level restoration actions, the -- we would want to enhance  
12 spawning gravel, prevent the potential for redd  
13 superimposition and hybridization, supplement the salmon  
14 population, modify the floodplain and side-channel habitat  
15 in those areas, enhance in-channel habitat, and reduce  
16 potential for aquatic predation of juvenile salmonids. We  
17 also want to reduce the potential for fish entrainment and  
18 enable fish passage at additional locations.

19 Other actions include implementing the long-term  
20 management actions under the Physical Monitoring and  
21 Management Plan. There we go.

22 Okay. So now we're back to some of the basics of  
23 the alternatives evaluated. Now this is really important  
24 when you're reviewing the document is understanding the  
25 difference between the alternatives, and here are two

1 basic ways to do it. There are six -- there is one  
2 no-action alternative and six action alternatives, and  
3 they differ in this way. A1, B1, and C1 all include at  
4 least 475 cfs through Reach 4B1. Alternatives A2, B2, and  
5 C2 have at least 4500 cfs to Reach 4B1.

6 Now, additionally, the other way the alternatives  
7 are broken up is by where the water is recaptured. If the  
8 additional recapture is a Delta recapture, then it's A1  
9 and A2. If you additionally add San Joaquin River  
10 recapture, it's B1 and B2, and if you have a new pumping  
11 plant recapture, it's C1 and C2. So we're going to get a  
12 little more detail on each one of those

13 Alternatives A1 and A2 with Delta recapture, just  
14 a little more detail on what we just explained to you, but  
15 all common program and project level actions that we  
16 mentioned before in conveyance of at least 475 cfs through  
17 Reach 4B1, remaining interim and restoration flows  
18 conveyed through the Eastside and Mariposa bypasses, the  
19 potential of recapture of re -- of interim and restoration  
20 flows in the restoration area and Delta using the existing  
21 facilities. The A2 is the same as A1 except that 4B1  
22 would have at least 4500 cfs with integrated floodplain  
23 habitat included.

24 Okay. B1 and B2, similar to A1, all common  
25 program and project level actions. And we have -- again,

1 we'd be conveying at least 475 through Reach 4B1 with the  
2 remaining going through the Eastside and Mariposa  
3 bypasses. But when you come to the potential for  
4 recapture on top of restoration area, Delta using existing  
5 facilities, we add on along the San Joaquin River between  
6 the Merced River and the Delta using existing facilities.  
7 Again, the two -- or alternative B2 changes the flow and  
8 Reach 4B1 from 475 cfs to at least 4500 cfs.

9 See, you're right.

10 Okay. Now, on C1, again, these include our --  
11 not again. All common actions and program level actions  
12 are included here. Project and program level actions, I'm  
13 sorry. The conveyance again is 475 cfs. The -- with the  
14 remaining going through the Eastside/Mariposa bypasses and  
15 the potential of a recapture of interim or restoration  
16 flows.

17 It is the restor -- again, in the restoration  
18 area, the Delta using the existing facilities along the  
19 San Joaquin River between Merced River and the Delta using  
20 existing facilities, and additionally at a new pumping  
21 plant on the San Joaquin River below the confluence of the  
22 Merced River. Now, again, the difference between C1 and  
23 C2 is that C2 will have been set up 475 cfs, and Reach  
24 4B1, it will be 4500 cfs.

25 So with that, that concludes -- again, these are



1 important items you want to think about later on when  
2 you're reviewing the document. It gives you -- it's the  
3 basic outline and understanding of how the alternatives  
4 are laid out. So you want to keep this in mind as much as  
5 possible in reviewing the small little document you guys  
6 got there to read. I'm sure you'll find an opportunity to  
7 fall asleep many nights. And with that, I think we'll  
8 turn it over to Ali.

9 MS. FORSYTHE: All right. So commenting on the  
10 document. Public works participation is an essential part  
11 of the NEPA and CEQA process, of the environmental review  
12 process. NEPA and CEQA both actually require that we  
13 evaluate and respond in writing to comments that are  
14 submitted during the public comment period.

15 It's very helpful for us if your comments focus  
16 really on the sufficiency of the document and identifying  
17 and analyzing possible impacts, possibly identifying  
18 alternatives that would be viable that we missed or  
19 talking about the adequacy of the mitigation measures in  
20 the document. For us the comments that are very specific  
21 and detailed are really the most helpful. The more  
22 information and the details that we can have from you in  
23 your comments, the better we can address those in the  
24 final. Whether it's changes to the document or adding  
25 mitigation measures, the more detail helps us to really

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1 incorporate that additional detail into the final.

2 The general kind of vague comments are very  
3 difficult for us to understand what your thought process  
4 are -- was and how to change the document to address your  
5 comments. So I'd encourage you to be as detailed as  
6 possible.

7 In the comment period we started with a 60-day  
8 comment period. We did get a request for an extension for  
9 30 days. So we've granted that request, and our comment  
10 period now ends July 21st. So gives you a little bit more  
11 time to review the document. We anticipate completing a  
12 final in 2012, early 2012 time frame, and the final will  
13 include responses to comments on the draft document along  
14 with changes, if any are necessary, to the draft document  
15 and will also identify the preferred alternative in the  
16 final document.

17 We anticipate signing the Record of Decision for  
18 the final side of things and then the Notice of  
19 Determination for the state component in early 2012 after  
20 the circulation of the final document. The Record of  
21 Decision and Notice of Determination are really the final  
22 decision documents out of this process.

23 So just a quick reminder. You can provide verbal  
24 comments this evening during the public hearing portion.  
25 You can also provide your written comments in the boxes

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1 over here on your right. If you'd like to take some time  
2 to look through the document some more and provide your  
3 comments in writing at a later date, you can send those  
4 into the addresses available on the screen. Either mail,  
5 fax, or e-mail is fine. You can send them to Reclamation  
6 or send them to both of us. If you send them to one,  
7 we'll get them to both, so -- and a quick reminder that  
8 your comments are due by 5:00 PM on July 21st.

9 So with that, I'm going to turn it over to Patti.  
10 She's going to talk about the rest of the meeting for this  
11 evening and our breakout sessions along with the hearing  
12 session.

13 MS. RANDELL: All right. Thank you. So we're  
14 going to break up into the breakout sessions now. I want  
15 to remind folks that if you would like to speak during the  
16 oral hearing portion, please fill out a speaker card. It  
17 looks like this, and you can put it in the basket at the  
18 back of the table. And we will have subject matter  
19 experts at each of the tables: the resource areas, the  
20 alternatives, and then the program overview. They'll be  
21 there to answer any of your specific questions. We're  
22 going to have the open house for about 50 minutes, and  
23 then we will reconvene. And Pete Lucero there in the back  
24 will guide us through the public formal hearing process.  
25 So please go ask some questions.

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(Recess for Open House Stations.)

MS. RANDELL: Excuse me. We're going to go ahead and convene the formal public hearing. If you would like to make any oral comments, please fill out a speaker card, and we'll take it right over to Pete. Thank you.

MR. LUCERO: Good evening, all. So if you could take a seat or suspend your conversations, that would be great. Thank you.

I want to welcome everybody to this hearing on the San Joaquin River Restoration Program -- Draft Program Environmental -- excuse me, Draft Program Environmental Impact Statement and Environmental Impact Report. This is one of four hearings being held in accordance with the requirements of NEPA and CEQA.

My name is Pete Lucero. I'm the public affairs officer for the Bureau of Reclamation mid Pacific region, and I'll be serving as today's hearing officer. The court reporter will be recording all of the proceedings as well.

Today we're accepting verbal and written comments on the Draft PEIS. To provide verbal comments you should have completed a speaker's card. And if you have not completed one and would like to provide verbal comments, please do it now and either give it to someone in the back, bring it to me so we can get you in line to speak. And I have one card. So if anybody else wants to talk,

1 this will be a very brief hearing otherwise.

2 Chris, you want to talk?

3 MR. WHITE: Yes.

4 MR. LUCERO: We're going to need a card from you,  
5 my friend. So that would be great if you can fill that  
6 out, Chris. Thank you.

7 So written comments can be submitted at this  
8 hearing or to the address or e-mail or fax that is on the  
9 comment card. Your comments must be received by 5:00 PM  
10 on Thursday, July 21st. Please be assured that written  
11 and verbal comments will receive equal consideration.

12 So I want to take a moment to explain what  
13 happens next with this process. All the comments will be  
14 reviewed, and responses to comments will be prepared.  
15 Assuming all major issues can be addressed, a final  
16 PEIS/PEIR will be prepared that will include the responses  
17 to the comments

18 The final PEIS will be available for a 30-day  
19 period after which Reclamation and Department of Water  
20 Resources will make a decision on the project.  
21 Reclamation will prepare a Record of Decision to document  
22 the decision, and Department of Water Resources will  
23 prepare findings and a Notice of Determination.

24 So I'll call the speakers up one at a time, all  
25 two of them, and we'll give you probably five minutes at

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1 the most to make your comment. If you need more time, I  
2 think we can fit you in in the hour, and we'll deal with  
3 that as it happens. So if you would, when you come up to  
4 the microphone and I call your name, just come up, state  
5 your name, and please make your comment. You can direct  
6 them up to the front of the room

7 So Dee Dee D'Adamo who is a representative from  
8 Congressman Cardoza, you're up first. Thank you.

9 MS. D'ADAMO: Good evening. Thank you for  
10 this -- is this on? Okay. Dee Dee D'Adamo, senior policy  
11 advisor to Congressman Dennis Cardoza. Thank you for  
12 being here this evening and thank you for the opportunity  
13 to provide comment.

DADA-LB-1

14 My boss, Congressman Cardoza, has recently  
15 provided two letters regarding this subject, the San  
16 Joaquin River Restoration Program: one on April 25th to  
17 Director Jack Lew of the Office of Management and Budget  
18 and then one on May 5th to Don Glaser, the regional  
19 administrator -- the regional director to the U.S. Bureau  
20 of Reclamation. Both letters are essentially the same,  
21 and I'd like to formally submit them to the record. There  
22 are copies in the back of the room.

23 I'm here to -- I know many of you are already  
24 aware of these letters, but I'm here to formally submit  
25 them to the record and also to provide them to those that

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DADA-LB-1 2

are in the audience this evening and to just speak to the general topic.

DADA-LB-2 3

First of all, the Congressman has met with Don Glaser several times regarding his concern that there appears to be a significant gap in funding. This is a massive program, and we do want to compliment the Bureau for listening to our concerns and spending a lot of time out here on the ground. We really do think that you're doing, with respect to the limited resources you have, a very good job and much better job communicating with our constituents, and we truly do appreciate that.

DADA-LB-3 12

Having said that, though, by the Bureau's own figures and on these letters we've attached a chart, a cash flow analysis. This is a chart that we received from the Bureau. It's somewhat outdated. It's back from October, but it does clearly illustrate that there is a funding gap between what the program seeks to accomplish and the available funding that the Bureau has at its disposal.

25

And so the Congressman feels that it's really best to sit down and relook at the program and these deadlines, the schedules that are outlined in the documents and Reclamation documents and provide the public with an updated schedule, one that reflects the reality of the limited funding that's available. And not just with

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DADA-LB-3

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respect to the restoration flows, the interim flows, but then also with respect to reintroduction of fish.

So it's important to go back and take a look at the entire program, figure out what's more realistic, and make adjustments. We think that that is the best way to move forward and the most constructive way on this program and also in fairness to all those that are here and not here spending an awful lot of time working on this program.

So I'll leave these letters with you, and thank you for the opportunity to provide comment.

MR. LUCERO: Thank you very much.

Next up is Ken Schroeder.

SCHR-LB-1

MR. SCHROEDER: My name is Ken Schroeder. And talking to a couple different people, they thought I should make a public comment on this, that you're talking about barriers on mud slough, salt slough and all that. Well, the salmon runs run the same time as the duck season down there, so if you do that without considering the people down there hunting, it will limit our access in that area.

I appreciate you guys listening to me. Thank you.

MR. LUCERO: Thank you, sir.

Next up is Cannon Michael.



1 MR. MICHAEL: Good evening. My name is Cannon  
2 Michael, and I'm with Bowles Farming Company. Sixth  
3 generation of my family to be in California agriculture,  
4 and we farm along Reach 4B. My comments tonight will be  
5 brief, and I'll have some written comments as well.

MICH-LB-1

6 I think it's important when you make these  
7 presentations such as this that when the funding stream is  
8 displayed, that it's maybe made a little more clear as to  
9 when that funding is actually available to do projects.  
10 As it is right now, landowners are spending their own  
11 funds to mitigate impacts to the program already and not  
12 having a clear channel for reimbursement for those  
13 projects they're having to implement and as a result of  
14 the program being implemented in the way that it is.

15 The funding for the program needs to be -- the  
16 schedule of the program needs to match the funding that is  
17 available, and it's currently not -- that's not happening.  
18 And we as landowners have been trying to be supportive.  
19 Our water district is trying to work with the Bureau to  
20 install a fish screen for our diversion off the San  
21 Joaquin. And again, we have expended a considerable  
22 amount of money also, again, with no clear evidence that  
23 we're going to be reimbursed.

24 So in order to make this project work, it's going  
25 to take a significant amount of money, and this doesn't

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MICH-LB-1

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seem clear to the people who watch a presentation like this and see a lot of large dollar numbers on the screen, without that being clear as to when that money's coming and if it is readily available. As you present to the people who are out here, it's actually kind of a little confusing and something that should be cleared up.

But I'll have further comments that will be written that I'll submit. Thank you for the opportunity.

MR. LUCERO: Thank you, Mr. Michael

Next up is Chase Hurley.

MR. HURLEY: Good evening. My name is Chase Hurley, the general manager for San Luis Canal Company and located in Reaches 4 and 4B of the San Joaquin River.

SLCC2-LB-1

Just a couple things. As we talked about the PEIS, the Bureau is -- it's been a lengthy process. It's a very technical document that the Bureau's been working on for a couple years. We as landowners and districts ask that the program allow the public the ample amount of time and the appropriate amount of time to review and comment.

We don't know a lot of the technical issues. We have to go out and have someone do that for us at a cost. And so you potentially could be getting another suggested comment period, and we ask that you look into maybe giving us more than a 30-day extension just because of the amount of time it took you and the State to put that document

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SLCC2-LB-1 ↑ 1

SLCC2-LB-2 | 2

together.

We've been very cooperative in allowing the Bureau to move forward on site specific projects such as the one Cannon talked about when we really truly believe that these building block projects shouldn't have even been started until this PEIS was done. It's hard to imagine these site specific projects being done before we even know what the overall goal is.

SLCC2-LB-3 | 9

You had one slide up here that talked about your overview of alternatives, and it talked about four goals. Just want to talk about each one of those a little bit. The first one is modifying Friant operations to release interim flows. And you had another one on there that talked about recapture, exchange, transferring of interim flows.

SLCC2-LB-4 | 22

This local group right here has been working closely with all the affected parties to put those two in action, and we've actually made progress. And we've done that without even a lot of site specific agreements in place. So I think we've truly been working with you folks on those two.

The third one is to improve channels and structures. We, as Cannon just said, the canal company along with all the other districts in the area and the landowners have actually been working really hard with you

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SLCC2-LB-4

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folks on there. All we ask is that we see some type of guaranteed stream of revenue to help implement those phase-long projects. Because your fourth alternative up there in terms of your goal was the reintroduction of spring-run. We truly believe that you can't -- you shouldn't and don't have the authority to release those until those Phase 1 projects are complete.

SLCC2-LB-5

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We remain very committed to the implementation of the program. We're behind it 100 percent. There's got to be a lot of things done as long as you focus on the following: Construct the project in a fiscally sound manner; you think about phasing this thing in a more appropriate manner, and you get a real strong bond between the State and Federal partnership. You don't put the third party folks on the river at ESA risk. And you've got to really remember the true importance of private property rights and remember that these farmers out here, they're not only farming but they're providing for and paying for flood protection.

That's all I have. Thank you.

MR. LUCERO: Thank you, Mr. Hurley.

Next up is Steve Chedester.

MR. CHEDESTER: Good evening. I'm Steve Chedester. I'm the executive director of the San Joaquin River Exchange Contractors Water Authority. And I don't

1 know any of you guys, so first of all I'd like to thank  
2 you for the chance, the opportunity to provide these  
3 comments at first. We will be providing substantial  
4 comments to you in written -- in writing, in written form.

EC2-LB-1

5 One of the things we'd like to ask for is an  
6 extension of comment time period. I know mentioned  
7 earlier at least 60 days more. I mean it is an 8,000-page  
8 document, and I can guarantee there's no way we can get  
9 through it in the time period that's been allotted even  
10 with the extension. We appreciate that, but we're going  
11 to need more time. So we'll put that in writing also, but  
12 we do need that.

EC2-LB-2

13 Secondly, you're going to hear sort of a broken  
14 record, but I think that's part of the purpose for this,  
15 is that funding, schedule, fishery introduction are just  
16 key. You've got to get the fishery introduction in sync  
17 with how the schedule's going to be implemented in the  
18 Phase 1 project, and that requires appropriate funding.  
19 Until that gets worked out, I think -- I realize this  
20 document is trying to cover everything in a broad sense,  
21 but it's going to be difficult to move forward on the more  
22 site specific documents. Also, we need mitigation  
23 measures clearly identified and done prior to impacts  
24 being done.

25 And with that, again, we have -- we will be

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1 providing a lot of comments, and we will look forward to  
2 your responses. Thank you.

3 MR. LUCERO: Thank you, Mr. Chedester.

4 Next up, Chris White.

5 MR. WHITE: Hi there. Chris White, general  
6 manager of Central California Irrigation District. Thanks  
7 for the opportunity to talk on this issue and provide  
8 comment.

9 One, I wanted to thank, first of all, the  
10 Congressmen Cardoza and Costa for working on this issue  
11 and especially on the funding and the scheduling issues  
12 that are -- we see as a real problem for this program  
13 moving forward.

14 Our comments come to you from the perspective of  
15 a group of local district agencies and landowners who are  
16 committed to making the program a success within the  
17 confines of the settlement and the legislation that was  
18 originally adopted.

CCID-LB-1 19 Then we come out with a set of Phase 1 projects  
20 that are estimated at a half a billion dollars that is so  
21 severely underfunded that we just -- we can't fathom a way  
22 forward that builds these projects in a successful way in  
23 time to meet the schedule deadlines and put fish back in  
24 the river, reintroduce fish back in the river in 2012. We  
25 just can't see how that happens.

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CCID-LB-2

1                   And Chase Hurley earlier discussed the fact that  
2                   the issue of transferring ESA risks onto the landowners.  
3                   That's the ESA risks that we're seeing is we end up with  
4                   protected fish in the river without sufficient flows,  
5                   without sufficient infrastructure having been built. And  
6                   that does transfer the risk onto the landowners, and  
7                   that's an issue that would be unacceptable to us.

CCID-LB-3a

8                   I would also echo the request for additional time  
9                   for response to comments. And hand in hand with that, I  
10                  know that the program has been responsive in the past in  
11                  making people available, but I -- it's -- we've got a few  
12                  questions that we'd like to spend some time one on one in  
13                  trying to make sure that we've got the issue right before  
14                  we do comment. So if we could get some time along those  
15                  lines, it would be helpful.

CCID-LB-3b

16                  And this is a tough -- this is a tough project to  
17                  move ahead from where we're at. We've been involved in  
18                  about a year and a half of interim flows. We've been in  
19                  flood flows for quite some time. We've already had a  
20                  landowner impacted. We've had levee failure up in  
21                  Reach -- up in Reach 2B. We've struggled in trying to  
22                  help the program get enough monitoring wells in the  
23                  ground.

24                  Those issues are coming along, but they're not  
25                  coming along at the pace that's needed and envisioned in

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CCID-LB-3b

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the settlement. And it's not because we're not all trying to get us there. It's just because we have a schedule that is almost impossible to meet.

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And thank you very much for the time. We will be providing written comments on this issue and written comments on the 55-pound document. Thank you.

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MR. LUCERO: Thank you, Mr. White.

8

Next and last is Mr. Hill, Reggie Hill. And if anyone else wants to come up to speak, I would need a card from you very shortly. Thank you.

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MR. HILL: Good evening. I'm Reggie Hill with the Lower San Joaquin Levee District.

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I'm not going to reiterate all the comments that have already been made because this is a community. This is how we're going to respond to this type of a document, and we're going to be working holding hands because what happens with one location affects everybody.

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LSJLD3-LB-1

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So we're going to -- what I wanted to address is something I've discussed with the program representatives, is the fact that even before we get to this point of putting something on the ground, we're being financially impacted. Like what Chase Hurley had mentioned earlier about committed and doing money up front and not getting any pay back.

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The district, we receive no State or Federal



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funding. We don't sell anything. We just -- our revenue is based upon the assessments that we place upon these landowners behind me. And basically what happens is we have a certain amount of budget money that we use for the O and M of the project to make sure that we maintain the project and our obligation to a certain standard that's accepted by the Army Corps and the Department of Water Resources.

    If we have to divert that money away from any of that O and M, it affects our ability, it makes us -- exposure to certain liability because we're not addressing certain aspects of our O and M standard. And those are the things that are real, and that's going to affect our ability to acquire any type of operating insurance. Because believe it or not, the insurance carriers do read reports from federal agencies.

    And so, therefore, we're being expected -- where we have certain units that are not going to be accepted as up to standard for Army Corps regulations, then we're going to be in trouble as far as being able to acquire any type of insurance to basically operate the O and M of this project.

    So as I said, I submitted written comments on the table over there, but I appreciate the time and efforts and thank you.

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MR. LUCERO: Thank you, Mr. Hill.

Is there anyone else who would like to make a comment this evening? That being said, well, we are required to be here for an hour for the public hearing portion. What we'll do is we'll suspend the public hearing portion as soon as I'm done here, and we will be in recess until about 8:30 when we will close the hearing.

However, if anyone determines that they'd like to make a statement on the record in the meantime, we'll go back on the record, you can make your verbal comment, and then we'll play it by ear from there. Okay? So with that being said, we're in recess. Thank you.

(Recess.)

MR. LUCERO: With no one wanting to speak anymore, we'll adjourn the meeting now. Thank you.

(Time noted: 8:30 PM.)

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STATE OF CALIFORNIA, )  
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COUNTY OF MERCED. )

I, LISA S. COELHO, a Certified Shorthand Reporter  
in and for the County of Stanislaus, State of California,  
do hereby certify:

That on May 25, 2011, thereof, I reported  
verbatim in shorthand writing the foregoing proceedings;

That I thereafter caused my shorthand writing to  
be reduced to typewriting, and that the foregoing  
transcript constitutes a full, true, and correct  
transcription of all proceedings had and given.

IN WITNESS HEREOF, I have hereunto set my hand  
and affixed my Official Seal this 6th day of June 2011.



LISA S. COELHO, CSR #9487  
Certified Shorthand Reporter

***Responses to Comments from Dee Dee D'Adamo, Provided on Behalf of Congressman Dennis Cardoza***

**DADA-LB-1:** Comment noted. The cited letters were received and are responded to in Section 3.4.1, "Congressman Dennis Cardoza," and Section 3.4.2, "Congressman Dennis Cardoza and Congressman Jim Costa," of this Final PEIS/R.

**DADA-LB-2:** Comment noted. Text has not been revised.

**DADA-LB-3:** The Settling Parties have recently developed a Third-Party working draft *Framework for Implementation* for the SJRRP. The *Framework for Implementation* outlines the actions to be taken to implement the SJRRP and presents a schedule and budget for these actions. The *Framework for Implementation* schedule was developed with input from water agencies/districts and landowners downstream from Friant Dam who may be affected by implementation of the Settlement, and is intended to be protective of these Third-Party interests while meeting the requirements of the Settlement for expeditious action. The *Framework for Implementation* also provides an accounting of future funding needs and the remaining funds available to implement the SJRRP. The *Framework for Implementation* can be found on the SJRRP Web site at [www.restoresjr.net](http://www.restoresjr.net). While the *Framework for Implementation* presents a revised schedule for implementation of the Settlement, it does not result in new significant environmental impacts, a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts.

***Response to Comment from Ken Schroeder, Provided on Behalf of Self***

**SCHR-LB-1:** An unknown portion of the approximately 3,300 waterfowl hunters who visited the San Luis National Wildlife Refuge during the 2010–2011 season hunted in the Freitas unit, and accessed the unit via the San Joaquin River and Salt Slough, which bisects the unit. Approximately 1,300 waterfowl hunters visited the China Island unit during the 2010–2011 season, but the unit is accessible by road, and it is not known how many hunters accessed the area via the San Joaquin River and Mud Slough. The potential for the proposed seasonal barriers to conflict with hunting access and opportunities in these units depends on the several undetermined factors in how the barriers would be implemented.

Temporary or permanent barriers may be implemented at Mud and Salt sloughs, as described in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R. Temporary barriers could include acoustic bubble screens or rock barriers such as used at the Head of Old River. Bubble screen barriers would not pose a hindrance to boat passage. Rock barriers would need to be portaged, which may be feasible for trailer-launched and hand-launched boats (e.g., canoes and kayaks) at Mud Slough, where staffing of the barrier may be possible. (The project proponents would collaborate with USFWS and DFG to support staffing of portages for trailer-launched boats as needed.) Only portaging of hand-launched boats may be possible at Salt Slough, because staffing of a portage for trailer-launched boats would likely not be feasible at this remote site. Alternatively, hunters may launch boats at the Salt Slough boat access area in the South Freitas unit, about 8 miles downstream from the mouth of the slough, on the east side of Highway 165, and navigate into the North Freitas hunt zone west of Highway 165. Permanent barriers (e.g., bottom-hinged gates) would have a similar impact on boat access to the slough as a temporary rock barrier.

The timing of when the barriers would be operational is also an important factor in determining potential conflicts with boat passage for hunters. Barriers to prevent adult fall-run Chinook salmon from entering Salt and Mud sloughs would need to be operational during October and November, when fall-run fish typically migrate in the San Joaquin system. This would partially overlap with the waterfowl hunting season, which runs from late October through January. Barriers to prevent adult spring-run Chinook salmon from entering Salt and Mud sloughs would need to be operational during spring and summer, when spring-run fish would be expected to migrate in the San Joaquin system. This period of operation would not overlap with the waterfowl hunting season, and so the barriers would not create a conflict with boat access to the sloughs.

In summary, there are several factors that would reduce the potential conflict of the seasonal barriers with hunters’ boat access to the sloughs: (1) some types of temporary barriers (e.g., bubble curtains) would not conflict with boat access, (2) other types of temporary barriers and permanent barriers could potentially be portaged by trailer-launched and/or hand-launched boats, (3) boat access is available to Salt Slough downstream from the proposed barrier at the mouth of the slough, and (4) only barriers operated to prevent migrating adult fall-run Chinook salmon from straying would conflict with boat access and for only a portion of the waterfowl hunting season. It should also be noted that ample opportunities for waterfowl hunting in other units of the San Luis

San Joaquin River Restoration Program

National Wildlife Refuge, and North Grasslands Wildlife Area would be unaffected. For these reasons, impacts to recreation would be less than significant. This additional analysis does not change any conclusions presented in the Draft PEIS/R. Text has not been revised.

***Response to Comment from Cannon Michael, Provided on Behalf of Self***

**MICH-LB-1:** The Implementing Agencies and Settling Parties recognize that appropriated funding needs for the SJRRP will remain a critical focus throughout the next several years. The Settling Parties have also recently developed a Third-Party working draft *Framework for Implementation* for the SJRRP (SJRRP 2012b). The *Framework for Implementation* outlines actions to be taken to implement the Settlement, and presents a schedule and budget for these actions. The *Framework for Implementation* also provides an accounting of the remaining funds available to implement the SJRRP. While the *Framework for Implementation* presents a revised schedule for implementing the SJRRP, it does not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts identified in the PEIS/R. The *Framework for Implementation* can be found on the SJRRP Web site at [www.restoresjr.net](http://www.restoresjr.net).

See also MCR-2, “SJRRP Funding Availability, Sources, and Cost Estimates,” and MCR-3, “Order and Schedule of Implementing Settlement Actions,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, for additional information on funding and the revised schedule of activities.

**Responses to Comments from Chase Hurley, Provided on Behalf of San Luis Canal Company**

**SLCC2-LB-1:** The comment period was extended to September 21, 2011, in response to this and other comments.

**SLCC2-LB-2:** Comment noted. Section 1.1.1, “Stipulation of Settlement,” of the Draft PEIS/R describes the two primary goals established by the Settlement, the Restoration Goal and the Water Management Goal. Section 1.4, “Purpose and Need for Action and Project Objectives,” of the Draft PEIS/R states the purpose and need of the proposed action, which is to implement the Settlement, consistent with the Act. The Implementing Agencies identified several objectives, which are listed on page 1-14 of the Draft PEIS/R. As described in Section 1.1.3, “Scoping and Public Involvement Process,” of the Draft PEIS/R, the Implementing Agencies have conducted extensive public and stakeholder outreach activities to engage and inform all interested parties of SJRRP activities, including development of this Draft PEIS/R.

As described in more detail in MCR-2, “SJRRP Funding Availability, Sources, and Cost Estimates,” in Chapter 2.0, “Master Comments and Responses,” of this Final PEIS/R, the Settling Parties have also recently developed a Third-Party working draft *Framework for Implementation* for the SJRRP (SJRRP 2012b). The *Framework for Implementation* outlines actions to be taken to implement the Settlement, and presents a schedule and budget for these actions. The *Framework for Implementation* also provides an accounting of the remaining funds available to implement the SJRRP. While the *Framework for Implementation* presents a revised schedule for implementing the SJRRP, it does not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts identified in the PEIS/R. The *Framework for Implementation* can be found on the SJRRP Web site at [www.restoresjr.net](http://www.restoresjr.net).

**SLCC2-LB-3:** Comment noted.

**SLCC2-LB-4:** The Settling Parties have also recently developed a Third-Party working draft *Framework for Implementation* for the SJRRP (SJRRP 2012b). The *Framework for Implementation* outlines actions to be taken to implement the Settlement, and presents a schedule and budget for these actions. The *Framework for Implementation* also provides an accounting of the remaining funds available to implement the SJRRP. The *Framework for Implementation* can be found on the SJRRP Web site at [www.restoresjr.net](http://www.restoresjr.net). While the *Framework for Implementation* presents a revised schedule for implementing the SJRRP, it does not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts identified in the PEIS/R. The *Framework for Implementation* can be found on the SJRRP Web site at [www.restoresjr.net](http://www.restoresjr.net).

The comment asserts that the lead agencies do not have authority to reintroduce spring-run Chinook salmon prior to the completion of Phase 1 activities. Paragraph 11 specifies



channel and structural improvements (Phase 1 and Phase 2 improvements) described as “necessary to fully achieve the Restoration Goal.” The Settlement milestone dates include spring- and fall-run Chinook salmon reintroduced by December 31, 2012; Paragraph 11(a) actions (Phase 1 improvements) completed by December 31, 2013; initiation of full Restoration Flows by January 1, 2014; and Paragraph 11(b) actions (Phase 2 improvements) completed by December 31, 2016. As described in MCR-3, “Order and Schedule of Implementing Settlement Actions,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the dates for completing Phase 1 and potentially Phase 2 improvements may change pending completion of compliance, coordination, consultation, data collection, and related efforts, and in compliance with the provisions of the Settlement and the Act. However, neither the Settlement nor the Act links the progress in completing Phase 1 and Phase 2 improvements to salmon reintroduction. Furthermore, The Settlement does not specify that the Phase 1 projects need to be completed prior to the reintroduction of Chinook salmon. Rather, the Settlement envisioned that both spring-run and fall-run Chinook would be reintroduced prior to the completion of the Phase 1 and Phase 2 projects, as presented in the Settlement’s milestone dates.

See MCR-2, “SJRRP Funding Availability, and Sources, and of SJRRP Funding, and Cost Estimates,” and MCR-3, “Order and Schedule of Implementing Settlement Actions,” in Chapter 2.0 of this Final PEIS/R for additional information relevant to this comment.

**SLCC2-LB-5:** As discussed in response to comment SLCC2-LB-4, the Settling Parties have recently developed a Third-Party working draft *Framework for Implementation* (SJRRP 2012b) for the SJRRP. The *Framework for Implementation* outlines the actions to be taken to implement the SJRRP, and presents a schedule and budget for these actions. The *Framework for Implementation* schedule was developed with input from water agencies/districts and landowners downstream from Friant Dam who may be affected by implementation of the Settlement, and is intended to be protective of these Third-Party interests while meeting the requirements of the Settlement for expeditious action. The *Framework for Implementation* also provides an accounting of future funding needs and the remaining funds available to implement the SJRRP. The *Framework for Implementation* can be found on the SJRRP Web site at [www.restoresjr.net](http://www.restoresjr.net). MCR-2, “SJRRP Funding Availability, Sources and Cost Estimates,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, provides more detail on funding for implementation of the Settlement, and MCR-3, “Order and Schedule of Implementing Settlement Actions,” provides more detail on the schedule of implementation of the Settlement.

Regarding potential risk to landowners due to the presence of Federal and State special-status species, the Implementing Agencies are examining several potential protections for landowners and agencies who will continue to conduct routine agricultural and operations and maintenance activities in the Restoration Area after protected spring-run Chinook salmon are reintroduced to the San Joaquin River. Specifically, NMFS is developing a 4(d) rule under Section 4(d) of the ESA where NMFS may elect to allow take for the experimental population if the take is incidental to a lawful activity, such as agricultural

activities, and is unintentional or not due to negligent conduct. Additionally, DFG may permit take of endangered, threatened, or candidate species, including spring-run Chinook salmon, if specific requirements are met, including that the take is incidental to otherwise lawful activities and the impacts of the take are compliant with Fish and Game Code Section 2081. Protections for landowners and agencies are further discussed in MCR-6, “Third-Party Concerns and Outreach,” in Chapter 2.0 of this Final PEIS/R.

Regarding flood protection for landowners in the Restoration Area, all action alternatives, as described in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R, include measures to minimize increases in flood risk due to implementation of the Settlement. These measures include the establishment of a Channel Capacity Advisory Group to provide independent review of estimated then-existing channel capacities, monitoring results, and management actions to address vegetation and sediment transport within the Restoration Area; maintaining Interim and Restoration flows at or below estimates of then-existing channel capacities; and monitoring erosion and performing maintenance and/or reducing Interim and Restoration flows as necessary to avoid erosion-related impacts. These measures are described in more detail on pages 2-22 through 2-28 of the Draft PEIS/R, as well as in Appendix D, “Physical Monitoring and Management Plan,” of the Draft PEIS/R.

***Responses to Comments from Steve Chedester, Provided on Behalf of San Joaquin River Exchange Contractors and the San Joaquin River Resource Management Coalition***

**EC2-LB-1:** The comment period was extended to September 21, 2011, in response to this and other comments.

**EC2-LB-2:** As described in MCR-2, “SJRRP Funding Availability, Sources, and Cost Estimates,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the Settling Parties have also recently developed a Third-Party working draft *Framework for Implementation* for the SJRRP (SJRRP 2012b). The *Framework for Implementation* outlines actions to be taken to implement the Settlement, and presents a schedule and budget for these actions. The *Framework for Implementation* also provides an accounting of the remaining funds available to implement the SJRRP. While the *Framework for Implementation* presents a revised schedule for implementing the SJRRP, it does not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts identified in the PEIS/R. The *Framework for Implementation* can be found on the SJRRP Web site at [www.restoresjr.net](http://www.restoresjr.net).

Consistent with authorities, including NEPA, CEQA, and the Act, the Draft PEIS/R identifies feasible mitigation measures for all potentially significant impacts. Text has not been revised.

**Responses to Comments from Chris White, Provided on Behalf of Central California Irrigation District**

**CCID-LB-1:** As described in MCR-2, “SJRRP Funding Availability, Sources, and Cost Estimates,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the Settling Parties have also recently developed a Third-Party working draft *Framework for Implementation* for the SJRRP (SJRRP 2012b). The *Framework for Implementation* outlines actions to be taken to implement the Settlement, and presents a schedule and budget for these actions. The *Framework for Implementation* also provides an accounting of the remaining funds available to implement the SJRRP. While the *Framework for Implementation* presents a revised schedule for implementing the SJRRP, it does not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts identified in the PEIS/R. The *Framework for Implementation* can be found on the SJRRP Web site at [www.restoresjr.net](http://www.restoresjr.net).

**CCID-LB-2:** The Implementing Agencies are examining several potential protections for landowners and agencies who will continue to conduct routine agricultural and operations and maintenance activities in the Restoration Area after protected spring-run Chinook salmon are reintroduced to the San Joaquin River. These protections are specific to Federal and State laws pertaining to reintroducing populations of protected species. These protections may include development by NMFS of a rule under Section 4(d) of the ESA to allow take for the experimental population if the take is incidental to a lawful activity, such as agricultural activities, and is unintentional or not due to negligent conduct. Additionally, DFG may permit take of endangered, threatened, or candidate species, including spring-run Chinook salmon, if specific requirements are met, including that the take is incidental to otherwise lawful activities and the impacts of the take are compliant with Fish and Game Code Section 2081. See MCR-6, “Third-Party Concerns and Outreach,” for further information related to this comment.

**CCID-LB-3a:** The comment period was extended to September 21, 2011, in response to this and other comments.

**CCID-LB-3b:** The Implementing Agencies recognize and appreciate the cooperation and involvement of CCID and other Third Parties. Flood releases in 2011 were made consistent with the *Report on Reservoir Regulation for Flood Control, Friant Dam and Millerton Lake, San Joaquin River, California* (USACE 1980), and would not change with the implementation of the SJRRP. The Implementing Agencies recognize the unprecedented nature of the SJRRP, and acknowledge that flexibility in implementing the Settlement is necessary to ultimately achieve the Restoration and Water Management goals. In consideration of this necessary and anticipated flexibility, the SJRRP management process involves a broad range of strategies to guide implementation of the Settlement consistent with the Act and incorporates a continuously growing set of data and scientific information. The Interim Flows program, initiated in 2009, will contribute substantially to the set of historical data by facilitating collection of information regarding flow; water temperature; fish behavior and needs; habitat response and other

biological effects; geomorphologic effects; seepage; and water recapture, recirculation, and reuse opportunities.

Implementation of all action alternatives would be supported by the formation and/or continuation of several technical work groups to facilitate, coordinate, and communicate the various technical activities required to implement the Settlement. As described in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R, all action alternatives would include establishing and administering a Channel Capacity Advisory Group to provide independent review of estimated then-existing channel capacities, monitoring results, and management actions identified by Reclamation to address vegetation and sediment transport within the system. Additionally, the SJRRP has established a Fisheries Management Work Group and Technical Feedback Group, Environmental Compliance and Permitting Work Group, Seepage and Conveyance Technical Feedback Group, Restoration Goal Technical Feedback Group, and Water Management Work Group and Technical Feedback Group. These work groups enable representatives of the Implementing Agencies to receive feedback from members of the public through topic-specific technical feedback meetings. The SJRRP also communicates with stakeholders through the SJRRP Web site (<http://www.restoresjr.net>) by producing annual reports, fact sheets, brochures, and program updates; conducting site-specific landowner meetings; distributing notifications through an e-mail distribution list; and monitoring feedback on potential seepage-related impacts through e-mail ([InterimFlows@restoresjr.net](mailto:InterimFlows@restoresjr.net)) and the Seepage Hotline (916-978-4398). This ongoing involvement of technical work groups and stakeholder and public input is an important factor in achieving the Restoration and Water Management goals, and maintaining flexibility in meeting those goals, as described in MCR-1, “Analysis of Program Feasibility, Potential to Achieve Restoration and Water Management Goals,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R.

Text has not been revised.

***Response to Comment from Reggie Hill, Provided on Behalf of Lower San Joaquin Levee District***

**LSJLD3-LB-1:** The change in operations at Friant Dam and the routing of Interim and Restoration flows could increase operations and maintenance activities regardless of the alternative selected for implementation, including increased flap gate inspection and debris removal, operation of flow control structures, levee patrols, vegetation control, and sand excavation (these actions are as described in Appendix D, “Physical Monitoring and Management Plan,” of the Draft PEIS/R). Additionally, flows would change the nature of operations and maintenance activities; those activities currently performed in a dry channel, would be performed in wet channel conditions. As described in MCR-8, “Operations and Maintenance Agreement Considerations,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, Reclamation is currently working with LSJLD to develop and implement an agreement to provide financial assistance for additional Settlement-related costs incurred by LSJLD. The agreement is intended to assist LSJLD in adapting to Settlement implementation, as needed, to potentially maintain an increased level of flood management under release of Interim and Restoration flows. Such an agreement would likely be similar to the agreement recently completed by Reclamation and LSJLD for Water Year 2011 Interim Flows.

**3.11.3 Transcript of Sacramento, California Public Hearing – May 26, 2011**

**SAN JOAQUIN RESTORATION PROGRAM**

**PUBLIC HEARING**

**ON**

**SAN JOAQUIN RESTORATION PROGRAM  
DRAFT PROGRAM EIS/EIR**

**HOLIDAY INN CAPITOL PLAZA  
JOHN Q. BALLROOM  
SACRAMENTO, CALIFORNIA**

**THURSDAY, MAY 26, 2011**

**REPORTED BY:**

**ESTHER F. SCHWARTZ  
CSR NO. 1564**

**CAPITOL REPORTERS (916) 923-5447**

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**ATTENDEES**

**BUREAU OF RECLAMATION:**

ALICIA FORSYTHE

PETE LUCERO

**DEPARTMENT OF WATER RESOURCES:**

KEVIN FAULKENBERRY

**CIRCLEPOINT:**

PATTI RANSELL

**AUDIENCE PARTICIPANT:**

JOE MIYAMOTO

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SACRAMENTO, CALIFORNIA

WEDNESDAY, MAY 26, 2011, 1:30 P.M.

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MS. RANSELL: I think we are going to get started. Thank you for showing up today. This is our final of four public hearings for the San Joaquin River Restoration Program Draft Program Environmental Impact Report/Environmental Impact Statement.

A couple of really quick housekeeping items. In the back you will see that we have a nice lady from the Bureau of Reclamation with a camera, whose name is Winetta. She will be taking photos. If you don't want to be included in the photos, please let us know or let her know. Please put your phones and such on silent. The restrooms are out the door and to the right, past the elevators.

I am going to give you a quick overview of what we are going to be doing today. We are going to start out with a brief presentation to give you some information on the background of the Restoration Program, a little bit of history. Then we are going to jump into an overview of the environmental document. The presentation is going to be given to you by Aly Forsythe with the Bureau

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1 of Reclamation and Kevin Faulkenberry with the  
2 Department of Water Resources.

3 After the presentation we are going to break  
4 up into a small breakout, open-house-type session.  
5 We have subject matter experts around the room. We  
6 have our boards set up. We've got the resources  
7 areas that we studied over here, a comment station  
8 over here, and alternatives over on this side; and  
9 towards the back, just a general program overview.

10 If you have questions related to any of these  
11 items, during the open house is the time to talk to  
12 the subject matter experts. Get your questions  
13 answered. And then after the open house, we are  
14 going to convene our formal public hearing where  
15 folks will be given the opportunity to provide  
16 verbal comments.

17 I have a speaker card in my hand. If you  
18 would like to give us verbal comments, please fill  
19 this out and drop it in the basket that is right  
20 over on the comment station. And then, when we  
21 begin the formal hearing part, Pete Lucero will walk  
22 you through the formal hearing and call your name to  
23 speak.

24 So with that, I'm going to let Aly and Kevin  
25 do the talking.

1 MS. FORSYTHE: Thank you. I am Aly  
2 Forsythe. I am the program manager for the San  
3 Joaquin Restoration Program for the Bureau of  
4 Reclamation. Kevin and I are going to give you an  
5 overview of the settlement, history of the  
6 settlement, the goals, major milestones in the  
7 settlement. We're going to talk a little bit about  
8 the environmental review process and the analysis  
9 that we conducted in the draft program document in  
10 front of you. We are going to talk about  
11 alternatives and next steps, where we go from here,  
12 and then also talk about the public comment and  
13 review process.

14 So a little bit of history on the settlement,  
15 itself. Reclamation constructed Friant Dam in 1942.  
16 A lawsuit was filed in 1988 that challenged our  
17 renewal of the Friant division long-term contracts.  
18 That lawsuit went on for about 18 years, with a body  
19 of rules and judgments during that time. One of the  
20 more significant of which happened in 2004, when a  
21 federal judge ruled that Reclamation has violated  
22 California Fish and Game Code.

23 In 2006, we began negotiating with the parties  
24 to the lawsuit to see if we can come up with a  
25 settlement. Excuse me, that was in 2005 that we

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1 began negotiations to see if we could come up with a  
2 settlement.

3 In 2006, we reached that settlement. We began  
4 implementing the settlement in late 2006. And then  
5 in 2009, the president signed into law Public Law  
6 111-11, which authorizes and directs the Secretary  
7 of the Interior to implement the settlement.

8 The settlement has two goals in it. The first  
9 is the restoration goal that really mimics the Fish  
10 and Game Code that the federal judge found us in  
11 violation of. The Fish and Game -- the restoration  
12 goal is to restore and maintain fish populations in  
13 good condition in the main stem of the San Joaquin  
14 River from Friant to the Merced River confluence;  
15 and that includes salmon and other native fish.

16 The second goal is the water management goal.  
17 The water management goal is to reduce or avoid  
18 adverse water supply impacts to the Friant division  
19 contractors that will result from implementing the  
20 settlement. We rewet the San Joaquin River and put  
21 some of the flows that would have otherwise gone to  
22 the water users down the river. The water  
23 management goal directs us to try and reduce or  
24 avoid the impacts that could occur to the water  
25 users.

1           There are three main parties to the settlement.  
2   The first is about 14 environmental organizations,  
3   primarily represented by the National Resource  
4   Defense Council. The second is the water users,  
5   primarily represented by the Friant Water Authority,  
6   although some water users did actually sign as  
7   individual districts on the settlement. The third  
8   is the federal government. Both the Department of  
9   Interior signed the settlement along with the  
10  Department of Commerce.

11           There are five agencies that are working  
12  together to implement the settlement: three federal  
13  agencies within the Department of Interior, the  
14  Bureau of Reclamation, the Fish & Wildlife Service.  
15  Within the Department of Commerce, The National  
16  Marine Fishery Service. And the State of California  
17  is also a partner as we implement the settlement,  
18  and they're working with -- we work primarily with  
19  the Department of Water Resources and the Department  
20  of Fish and Game from the State.

21           The settlement also established a goal for an  
22  outside individual, called the Restoration  
23  Administrator, to make recommendation on key  
24  components to the Secretary in how we implement the  
25  settlement.

1 Major milestones as we work to implement the  
2 settlement. In 2006, we began working on the  
3 environmental planning, compliance, design  
4 activities to implement to settlement. In 2009, we  
5 began our interim flow releases from Friant Dam. So  
6 these were our first releases out of Friant to rewet  
7 the San Joaquin River system. Earlier this year,  
8 April, we released our Draft Program Environmental  
9 Impact Statement/Environmental Impact Report, the  
10 document that we are here today to talk about. We  
11 hope to wrap that up with a final in early 2012.

12 In late 2012, we are to begin introducing  
13 salmon back into the San Joaquin system. And then,  
14 in 2013, we are to complete our first phase of  
15 channel and habitat improvement. And in 2014 we are  
16 to initiate full restoration flows.

17 Now, for those of you who have been following  
18 that implementation of the settlement, you recognize  
19 that some of our channel and structural improvement  
20 projects are behind schedule. Some of those  
21 projects may be necessary for the successful  
22 reintroduction of salmon into the river. We are  
23 working with the parties to the settlement at this  
24 time to evaluate where we are in the schedule and  
25 where we go from here.

1           There are a variety of fundings to implement  
2 the settlement. These include water sales, receipts  
3 from water sales, the receipts from the Friant  
4 surcharge, recovered water account, and, also, from  
5 the Central Valley Project Improvement Act  
6 restoration funds. The law, Public Law 111-11, also  
7 allowed Reclamation to convert the Friant contracts  
8 into what we call unit contracts. So as we pay the  
9 capital component of the Friant division of the  
10 Central Valley Project, that money becomes available  
11 to us to implement the settlement. We also have up  
12 to 300,000,000 in new federal appropriations. The  
13 state has committed up to 200,000,000 in bond funds.

14           We looked at a wide study area in the program  
15 document that you have before you to make sure that  
16 we covered the impacts and potential mitigation  
17 measures that will be necessary to implement as we  
18 move forward with implementation of the settlement.  
19 We looked at the San Joaquin River upstream from  
20 Friant Dam, which is near Fresno, primarily out of  
21 the Millerton Reservoir. Any changes in elevation  
22 and how that would affect resources in that area.

23           We looked at the San Joaquin River from Friant  
24 all the way down to the Delta. So as we add water  
25 into the San Joaquin, add fish into the San Joaquin,

1 make some channel and structural improvement  
2 projects, what is that going to do to that whole  
3 segment of the San Joaquin River. We also looked at  
4 the Delta itself. We are going to be releasing  
5 water out of Friant and trying to pick up some of  
6 that water back in the Delta so that it won't be  
7 increasing flows down into the Delta and looking to  
8 recirculate some water down there. So looking at  
9 the impacts of all that in the main Delta itself.  
10 And then we looked at the Central Valley Project and  
11 State Water Project service areas.

12 Within the restoration area, we actually looked  
13 at the impacts in each segment of the river. We  
14 break the river up into five reaches, Reach 1  
15 through 5. We analyze the impacts of implementing  
16 the settlement in each segment because there are  
17 some larger construction projects that we have along  
18 the river. Then we looked at the impacts within the  
19 eastside of the Mariposa Bypasses, also.

20 So Reclamation is the lead agency under the  
21 National Environmental Policy Act, NEPA, for the  
22 draft document. Then the Department of Water  
23 Resources is the state lead agency under the  
24 California Environmental Quality Act, CEQA, for the  
25 document. We began preparation of the document in



1 2007 with public scoping meetings; one of which was  
2 held here in Sacramento. And the purpose of the  
3 document is to analyze and disclose impacts of  
4 implementing the settlement on the human and natural  
5 environment. It provides the public, yourself, and  
6 agency staff as we move forward in implementing the  
7 settlement full disclosure of impact and mitigation  
8 measures in a very open and the transparent way.  
9 It also provides technically sound information to  
10 decision makers to consider as we all move forward  
11 with implementing the settlement.

12 We looked at quite a few different resource  
13 areas. I think there are about 22 or 23 up here;  
14 everything from air quality, biological resources  
15 and fisheries, flood management, groundwater  
16 hydrology, visual resources. These are all covered  
17 in the document. And if you have specific questions  
18 on any of the resource areas, please head over to  
19 the station over here on your left, and there will  
20 be technical experts there to address your  
21 questions.

22 So in the document we include two levels of  
23 analysis. The first, the program level analysis.  
24 We complete this primarily for large construction  
25 projects, projects that we don't have a lot of

1 detail on right now, but we know they will occur  
2 some time in the future. We provide an overview of  
3 impacts and mitigation measures to the extent that  
4 we know those today or can anticipate those today.  
5 Subsequent environmental compliance will be  
6 necessary for these projects, for these large  
7 construction projects covered in the project bundle.  
8 So we back out doing additional NEPA/CEQA work,  
9 doing additional field studies, and also back out to  
10 the public to talk about these projects as we move  
11 forward with those in the future.

12 The program document does provide a framework  
13 for impacts and mitigations for these future  
14 projects. It is something we will utilize the  
15 program document as we look to implement the project  
16 in the future.

17 The program document also includes a project  
18 level analysis. That is primarily for Reclamation's  
19 reoperation of Friant Dam and conveyance of that  
20 water down the San Joaquin River and also picking  
21 that water up at the Delta pumps. So this is a very  
22 detailed, very site-specific analysis of our  
23 reoperation of Friant Dam and conveying that water  
24 down to the Delta and recirculation of that water.

25 There will be no additional NEPA or CEQA

1 analysis. There will be no additional environmental  
2 analysis for that particular action. This is the  
3 one chance that you really want to focus on that one  
4 in this document.

5       You guys have probably flipped through your  
6 executive summaries looking for the preferred  
7 alternative. You may have noticed that there is not  
8 one in there. We felt that it was important to get  
9 public input and public feedback on the different  
10 alternatives on the mitigation measures, on the  
11 impacts in the document before we selected a  
12 preferred alternative.

13       If you anticipate using comments and the  
14 information that we receive from the public during  
15 this public process, this public review process, to  
16 help us select the preferred alternative. We do  
17 anticipate to have a preferred alternative in the  
18 final document.

19       With that, Kevin from the Department of Water  
20 Resources is going to give you an overview of the  
21 alternatives, and I will follow up at the end  
22 talking about the comment process.

23       MR. FAULKENBERRY: Good afternoon,  
24 everybody. My name is Kevin Faulkenberry. I work  
25 for the Department of Water Resources. I am the

1 chief of the South Central Region office. I've  
2 spent some years working on the program. I used to  
3 be the program manager, and now that duty has been  
4 passed on to Paul Romero who is in the audience  
5 today with you guys.

6       Primarily, I have been working on the program  
7 for sometime, so I am familiar with a lot of the  
8 aspects of it. So today I get elected to give you  
9 guys a presentation. I am going to go over an  
10 overview of the alternatives. They are basically  
11 one no action alternative and six action  
12 alternatives; and I will give you the basics of  
13 those.

14       This is really important. The document is  
15 pretty complicated and understanding each of the  
16 alternatives and how they are broken up in the  
17 document and what is the significance of each of the  
18 alternatives. Very important in understanding.

19       First of all, I'll start out explaining that  
20 all of the alternatives seek to implement the  
21 settlement and are consistent with Public Law  
22 111-11; and all the alternatives include  
23 implementing improvements to channel structures to  
24 convey flows and provide fish passage and habitat  
25 for the restoration area and modifications to Friant

1 Dam operations to release interim restoration flows  
2 as well as the reintroduction of spring-run and  
3 fall-run Chinook salmon, as well as recapture  
4 recirculation, reuse, exchange and transfer interim  
5 and restoration flows.

6 Some of the common project level actions  
7 contained within the document include modifications  
8 to Friant Dam operations to release interim and  
9 restoration flows. Being careful to avoid or reduce  
10 increases in flood risks as a result of restoration  
11 releases, as well as being careful to make sure we  
12 convey interim and restoration flows downstream  
13 through the system, and also implementing short-term  
14 and long-term physical monitoring and management  
15 plans within the document.

16 We also are working on recapturing interim and  
17 restoration flows in the restoration area at Mendota  
18 Pool and wildlife refuges in the Delta and at  
19 existing CVP and State Water Project facilities. We  
20 are also at the same time implementing the recovered  
21 water account for the program, the program for the  
22 project. The PEIS/R provides a complete NEPA and  
23 CEQA compliance for these actions, as well as  
24 support for Reclamation's request to the State Board  
25 to modify their water rights at Friant Dam.

1           Some of the program level actions, program  
2 level restoration actions, within the document  
3 include the restoration of spring-run and fall-run  
4 Chinook salmon, as well as recirculating, recaptured  
5 and interim restoration flows and improved channel  
6 improvements, channel structural improvements,  
7 convey flows and fish passage and habitat. Some of  
8 these include construction of Mendota Pool Bypass  
9 and modifications of Reach B, 2B, to convey at least  
10 4,500 cfs and the modifications to Reach 4B1 to  
11 convey 475 cfs. Also including some modifications  
12 to San Joaquin River headgate structure to enable  
13 flow routing to Reach 4B1.

14           Additionally, some other ones include the  
15 deployment of seasonal barriers at Mud and Salt  
16 Sloughs, as well as filling an isolation of some of  
17 the highest gravel pits within the restoration area.

18           Continuing along those lines, there are some  
19 additional structural actions, channel and  
20 structural actions, probably focusing more on the  
21 fish habitat, enhancement of spawning gravel and  
22 prevent potential for redd and superimposition of  
23 and/or hybridization within the spawning areas.  
24 Additionally, enhancement of in-channel habitat and  
25 the reduction for aquatic predation with the

1 juvenile salmonids, which has more to do with the  
2 gravel pits and some of the other things in the  
3 area.

4 Other actions in there also include  
5 implementation of long-term management actions under  
6 the physical, monitoring and management plan.

7 Here is the -- we are going to look at each of  
8 the alternatives and give you a little brief  
9 description so you can tell the difference between  
10 one alternative and the other. Basically, the other  
11 components I discussed are things that are  
12 overarching that include all the alternatives, but  
13 in this way we are talking about the first no-action  
14 alternative and then the six action alternatives, in  
15 B, broken up into two ways. How are the flows  
16 routed through Reach 4B1, for starters.

17 A1, B1 and C1 all have at least 475 cfs in  
18 Reach 4B1. And then A2, B2 and C2 have at least  
19 4,500 cfs. In Reach 4B1, where the water recaptured  
20 in addition to the areas that were mentioned before  
21 would be for A1 and A2, would be a Delta recapture  
22 would be added on top of that. And then for B1 and  
23 B2 we would add on the San Joaquin River recapture.  
24 And for C1 and C2 we add on a new pumping plant for  
25 recapture.

17

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1           Now we're going to begin to go over each one of  
2 the alternatives separately, giving them a little  
3 more detail. At this point you've seen most of the  
4 information that covers them, but now we're kind of  
5 summarizing that for you.

6           In alternatives A1 and A2, this is going over  
7 the basic bullets, all common program and project  
8 level actions, which we've already reviewed.  
9 Conveyance of at least 475 cfs at Reach 4B1 for  
10 remaining interim and restoration flows going  
11 through the eastside of Mariposa Bypasses.  
12 Potential recapture of interim restoration flows in  
13 the restoration area and the Delta, using existing  
14 facilities.

15           Now A2 is the same as A1, except that we have  
16 at least 4,500 cfs in Reach 4B1.

17           Now reaches or alternatives, sorry, 4B1 -- how  
18 about B1 and B2 still have all the same common  
19 actions as the other two, except that now in  
20 addition to having 475 cfs in Reach 4B1, we have the  
21 potential of recapture of interim and restoration  
22 flows not only in the restoration area, the Delta  
23 and along the -- additionally, along the San Joaquin  
24 River between the Merced River and the Delta, using  
25 existing facilities. So we added on one more place



1 where we can pull water out.

2           Reach 4B2 is the same as 4B1 except that we  
3 have at least 4,500 cfs at Reach 4B1.

4           Now the final two alternatives are  
5 included, C1 and C2. Again, C1 includes all of the  
6 program level actions and conveyance of at least  
7 475, with the remaining flows through Eastside  
8 Bypass and Mariposa Bypass. The difference here  
9 again is we are adding another area where we can --  
10 we have potential for recapture of interim and  
11 restoration flows. Starting with the restoration  
12 area, Delta using existing facilities. Along the  
13 San Joaquin River between the Merced River and the  
14 Delta using existing facilities, and now we've added  
15 the potential for a new pumping plant on the San  
16 Joaquin River below the confluence of the Merced  
17 River. And like in the other alternative, C2 is the  
18 same as C1 except that we have potential for 4,500  
19 cfs in Reach 4B1.

20           That concludes the explanation of  
21 alternatives. Again, when you're reviewing these,  
22 there are very important distinctions. The kind of  
23 document is complicated. So having that basis of  
24 understanding when you're reviewing them is  
25 important when trying to separate alternatives.

1           Now I'll go back to Aly and she can finish up.

2           MS. FORSYTHE: Commenting on the draft  
3 document. Public participation is an essential  
4 component of the environmental review process. It  
5 is -- NEPA and CEQA require that we evaluate and  
6 provide written response to comments received during  
7 the public review of the draft document. Your  
8 comments would be very helpful if your comment  
9 focuses on the sufficiency of the document.  
10 Primarily, the alternatives in analyzing and  
11 identifying possible impacts and also the adequacy  
12 of the mitigation measures. The more detailed and  
13 specific your comments are, the better it is for us  
14 in making sure we can address your comment in the  
15 final document, both potentially adding or modifying  
16 alternatives, modifying impacts or potentially  
17 adding or modifying mitigation measures. Very  
18 detailed, specific comments are very helpful to make  
19 sure we can understand where you are going and what  
20 your thoughts are.

21           We started with a 60-day public comment  
22 process or public comment period. We extended that  
23 30 days upon request. So comments are now due July  
24 21st. We anticipate to release the final document  
25 in early 2012. The final will include responses to

20

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1 comments that we receive on the draft, along with  
2 changes, if any are necessary to the draft document.  
3 And then we will identify the preferred alternative  
4 in the final document.

5         We will be looking to sign the Record of  
6 Decision, the federal component to this process, in  
7 early 2012, after release of the final. The state  
8 will also be looking to sign the Notice of  
9 Determination after release of the final. The  
10 Record of Decision and Notice of Determination are  
11 the final decision documents in identifying how we  
12 look forward to implementation of the settlement.

13         So quick reminder. You can provide verbal  
14 comments today at the hearing process which Patti  
15 will describe in just a second. You can leave your  
16 written comment with us today also, inputting them  
17 in the comment boxes over here on your left. If you  
18 would like to take some more time to look through  
19 the document and provide more detail comments, you  
20 can send these to either Michelle or Fran at the  
21 addresses on the screen. Hard copy in the mail,  
22 E-mail, fax. Anything is fine. You can send them  
23 to Reclamation or DWR, or both of us. Either way it  
24 will get to us.

25         And just a reminder. Your comments are due on

1 July 21st of this year. So with that, I'm going to  
2 turn you over to Patti. She's going to talk about  
3 the rest of our meeting for this afternoon.

4 MS. RANSELL: Thank you, Aly. It is 2:00  
5 now by my watch. So we are going to break up into  
6 the open house for 50 minutes. We will reconvene at  
7 2:50 for the formal public hearing process, where  
8 Pete Lucero will walk you through how to provide  
9 written comments. If you didn't pick up a speaker  
10 card when you came in and you would like to give us  
11 verbal comments, please pick up a card. We have  
12 some over here at the comment table. Fill it out  
13 and drop it in the basket. We will make sure you  
14 get a chance to provide us with your comments

15 So the open house begins now.

16 (Break taken for open house session.)

17 MS. RANSELL: It is now time to reconvene  
18 the group, and we are going to enter into the public  
19 hearing phase where you can give your verbal  
20 comments. We have one speaker card so far. If  
21 there are other folks in here that want to speak,  
22 please take your speaker card up to Pete Lucero up  
23 here at the speaker table.

24 Thank you.

25 MR. LUCERO: Good afternoon. I would like

1 to welcome everybody to the public hearing on the  
2 San Joaquin Restoration Program Draft Program  
3 Environmental Impact Statement and Environmental  
4 Impact Report. This is one of four hearings, the  
5 last of four hearings, to be held in accordance with  
6 the National Environmental Policy Act and California  
7 Environmental Quality Act. My name is Pete Lucero.  
8 I am the public affairs officer for the Bureau of  
9 Reclamation's Mid-Pacific Region, and I will be the  
10 hearing officer today. A court reporter is here to  
11 take, to record the proceedings.

12 As it stands right now, I have one card. We  
13 have a one-hour public hearing. We are required to  
14 be in session for one hour; actually, to be here for  
15 one hour for the public meeting. If we only have  
16 the one card and one speaker today, after I finish  
17 with -- this speaker finishes his comments and we  
18 have no other comments, we will suspend for the rest  
19 of the time and then we will reconvene at the end of  
20 an hour to basically go off the record and adjourn  
21 the public hearing.

22 So if anyone still wants to have an opportunity  
23 to give us a comment, please bring a card up to me.  
24 Today we are accepting verbal and written comments  
25 in the Draft PEIS/R. And to provide verbal

1 comments, you should have completed a speaker's  
2 card. If you have not completed one, please do that  
3 now and provide it to me. Otherwise you can also  
4 provide written comments today, and you can use this  
5 sheet here. And I believe they are located over  
6 there on that table, and you can fill that out and  
7 submit that into the comment box.

8 If you have comments, extended comments that  
9 won't fit within the time frame we have for  
10 discussion, please submit those separately along  
11 with your comment card into the box and they will  
12 get equal consideration.

13 I want to take a moment to just explain what  
14 happens next in the process. All the comments will  
15 be reviewed and responses to comments will be  
16 prepared. Assuming all major issues can be  
17 addressed, a final PEIS and PEIR will be prepared  
18 and will include responses to the comments. The  
19 final PEIS/PEIR will be available for a 30-day  
20 period, after which Reclamation and Department of  
21 Water Resources will make a decision on the project.

22 Reclamation will prepare a Record of Decision  
23 to document that decision; and the Department of  
24 Water Resources will prepare findings and a Notice  
25 of Determination.

1           So we will go ahead and begin with the public  
2 comment period. I would like to find out first if  
3 there are any elected officials in the room so we  
4 can give them first crack at the comments?

5           If not, then we will proceed.

6           Mr. Miyamoto, you are first up, and apparently  
7 last up.

EBMUD2-SA-1 8           MR. MIYAMOTO: I just have some very brief  
9 comments. My name is Joe Miyamoto with East Bay  
10 Municipal Utility District. And I want to thank you  
11 for the opportunity to provide public comments, and  
12 we will follow up with a comment letter before the  
13 due date.

14           And my comments today are focused on the Delta  
15 recapture of restoration flows at the Banks and  
16 Jones pumping plants and the effect of the flow  
17 patterns and how they may affect fish that are  
18 migrating through the Central Delta and might be  
19 affected by increases in pumping rates for reverse  
20 flows along the Middle River.

21           And so we have management of salmon and  
22 steelhead in the Mokelumne River which uses the  
23 Central Delta as a migratory pathway. So anytime  
24 there is increases in reverse flows in the south  
V25 part of the Delta, there is potential for increasing

↑ 1 the entrainment.  
2           The PEIS approach seems to look at the  
contd. EBMUD2-SA-1 3 increase in San Joaquin restoration flows coming  
4 into the Delta and then concludes that those would  
5 keep fish from entering the South Delta and becoming  
6 entrained. But I think what we would want to know  
7 and suggest that the PEIS conduct an analysis of the  
8 entrainment risk for fish, not only from the San  
9 Joaquin but from other parts of the Delta watershed,  
10 such as the Mokelumne River, since they are relying  
11 on migrating through the Delta and could be  
12 potentially affected.

EBMUD2-SA-2 13           And so while the ratio is one thing to look  
14 at, there may be more direct measures to assess  
15 risk. I know that there is figures that show  
16 increases in reverse flows in Old and Middle River  
17 and, for example, March is a year where those  
18 reverse flows increase. And so that is also an  
19 important time period for steelhead outmigration.  
20 And so we want the PEIS to address potential risk to  
21 juvenile steelhead during that time.

EBMUD2-SA-3 22           And then for the routing of the San Joaquin  
23 River flows, in addition we would like to see a  
24 little more detail in terms of how those flows would  
25 be routed so we can understand how fish could be

↓



contd.  
EBMUD2-SA-3

1 kept out of Old and Middle Rivers. Also, the source  
2 of the water that would be exported at the pumps.  
3 We know some San Joaquin River flows obviously will  
4 be exported, and that is really the targeted flows,  
5 but there will be other flows that would be pumped  
6 out of the Delta. So we would like to see some  
7 analysis to understand potential risk to salmon and  
8 steelhead from other watersheds, besides the San  
9 Joaquin, from increasing pumping or reverse flows.  
10 And maybe some other approaches have been looked at,  
11 to look at relationships between reverse flows in  
12 Old and Middle River and projected fish south rates  
13 or kinds of water exports and projected salvaging  
14 rates. These seem to be more direct approaches  
15 compared to a ratio of inflows to combined reverse  
16 flows in Old and Middle Rivers.

EBMUD2-SA-4

17 And I guess the last thing would be when the  
18 monitoring and evaluation program is developed and  
19 implemented, I would hope that you would incorporate  
20 some fish from other parts of the Delta watershed,  
21 basically from the Mokelumne, and telemetry studies  
22 so we can gain a better understanding of what the  
23 project impacts are on those salmonids.

24 That concludes my comments. Again, we will  
25 follow up with a comment letter before the deadline.

1 Thank you.

2 MR. LUCERO: Thank you, Mr. Miyamoto.

3 Is there anyone else who would like to make  
4 comments this afternoon?

5 Anyone? Anyone?

6 Okay. I tell you what we will do. We have  
7 about 55 minutes left in our public hearing, and we  
8 will go into recess right now. And at the end of  
9 that 55 minutes, we will come back on the record to  
10 adjourn. If anyone feels that they would like to  
11 make a comment verbally between now and then, just  
12 let me know and we will go back on the record and  
13 allow you to make your comment and then recess again  
14 unless others are in line to make comment.

15 With that, we are in recess.

16 Thank you.

17 (Break taken.)

18 MR. LUCERO: Thank you for attending  
19 today's public hearing. With no one desiring to  
20 speak longer, we will adjourn.

21 Thank you.

22 (Public hearing concluded at 3:35 p.m.)

23 ---oOo---

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4 STATE OF CALIFORNIA )

5 COUNTY OF SACRAMENTO ) ss.

6

7

8 I, ESTHER F. SCHWARTZ, certify that I was the

9 official Court Reporter for the proceedings named

10 herein, and that as such reporter, I reported in

11 verbatim shorthand writing those proceedings;

12 That I thereafter caused my shorthand writing

13 to be reduced to printed format, and the pages

14 numbered 3 through 28 herein constitute a complete,

15 true and correct record of the proceedings.

16

17 IN WITNESS WHEREOF, I have subscribed this

18 certificate at Sacramento, California, on this 27th

19 day of May, 2011.

20

21

22

23 \_\_\_\_\_

24 ESTHER F. SCHWARTZ

25 CSR NO. 1564

**Responses to Comments from Joe Miyamoto, Provided on Behalf of East Bay Municipal Utility District**

**EBMUD2-SA-1:** The operational modeling conducted in support of the Draft PEIS/R analyses was sufficient to support the qualitative evaluation of potential impacts to fish in the Delta, including salmonids, as described in Chapter 5.0, “Biological Resources – Fisheries,” of the Draft PEIS/R. As described on page 5-63 of the Draft PEIS/R, the action alternatives are expected to affect distributions of Delta fish and, thus, the environmental conditions to which they are exposed. Within the Delta, fish distributions would be most directly affected by the program alternatives in the south Delta because changes in both San Joaquin River flow and diversions at Jones and Banks pumping plants would occur in the south Delta. Therefore, the qualitative analysis of potential impacts to fish in the Delta focuses on the south Delta.

As described on pages 5-101 through 5-104 of the Draft PEIS/R, increased reverse flows in upper Old and Middle rivers and higher levels of pumping to recapture the increased inflow would potentially increase entrainment and predation risks and delay migration for fish, including fish originating from the central Delta. These impacts are addressed through evaluation of the south Delta where fish impacts would be greatest. As described in FSH-35 (page 5-101) and FSH-39 (page 5-107), it is anticipated that the increased San Joaquin River inflow due to Interim and Restoration flows would offset the impact by reducing the number of fish that are likely to migrate through the south Delta, resulting in a less-than-significant impact. When impacts to special-status fish species from pumping threaten to exceed the limits set by the USFWS 2008 CVP/SWP Operations BO and the NMFS 2009 CVP/SWP Operations BO (2009a) or other regulations in effect at the time, Reclamation would implement actions to reduce pumping and/or inflow.

Accordingly, the qualitative analysis of potential impacts to fish in the Delta largely focuses on relative changes in exports, San Joaquin River inflows, and Old and Middle river reverse flows, similar to the discussions presented in the comment, as well as X2 position. This includes analysis of changes in:

- Water temperatures and dissolved oxygen concentrations (Impact FSH-31 beginning on page 5-98)
- Pollutant discharge and mobilization (Impact FSH-32 on page 5-100)
- Sediment discharge and turbidity (Impact FSH-33 beginning on page 5-100)
- Fish habitat conditions (Impact FSH-34 on page 5-101)
- Diversions and entrainment (Impact FSH-35 beginning on page 5-101)
- Predation levels (Impact FSH-36 beginning on page 5-104)
- Food web support (Impact FSH-37 beginning on page 5-106)
- Salinity (Impact FSH-37 on page 5-107)

- Inflow and flow patterns (Impact FSH-39 beginning on page 5-107)

While the simulated system operations serve as a sufficient representation of expected system response to allow evaluation of potential impacts in the Draft PEIS/R, the simulations do not represent interior Delta operations with sufficient detail and certainty to support a more detailed analysis of Delta flow or water sources, or particle tracking modeling. More importantly, more detailed Delta flow, water source, and/or particle tracking modeling is not necessary to support the evaluation of impacts of the alternatives on fish in the Delta, as discussed above.

Reclamation is in the process of developing a Recapture and Recirculation Plan, pursuant to Paragraph 16 of the Settlement, in consultation with the Settling Parties, Third Parties, and the State, and will conduct a subsequent site-specific evaluation of implementing the Recapture and Recirculation Plan, in compliance with NEPA and CEQA, as appropriate. The Draft PEIS/R provides a description and analysis of the recapture of Interim and Restoration flows at a project level of detail and recirculation of recaptured flows at a program level of detail. Consistent with the purpose of the PEIS/R, as described in Section 1.2, "Purpose and Uses of PEIS/R," in the Draft PEIS/R, all subsequent site-specific evaluations, including the evaluation of recapture and recirculation, will be developed based in part on the information presented in the PEIS/R.

Text has not been revised.

**EBMUD2-SA-2:** Impacts to steelhead with respect to Delta flows are defined in Impact FSH-35, on page 5-101 of the Draft PEIS/R. See also response to comment EBMUD2-SA-1 for additional detail regarding the analyses of increased risk of entrainment in the Delta, and the basis for and level of detail in modeling conducted in support of these analyses. Text has not been revised.

**EBMUD2-SA-3:** The analysis of potential impacts related to entrainment in the Delta is based on the best information available at the time the assessment was developed. As described in greater detail in response to comment EBMUD2-SA-1, the CalSim-II simulated system operations serve as a sufficient representation of expected system response to allow evaluation of potential impacts in the Draft PEIS/R. However, the simulations do not represent interior Delta operations with sufficient detail and certainty to support a more detailed analysis of Delta flow or water sources, or the application of particle tracking modeling. The CalSim-II modeling output did support the application of DSM2, a hydrodynamic model of the Delta that provides mean monthly flow and salinity values for locations within the Delta at a level of detail and certainty consistent with that of the CalSim-II output. See response to comment EBMUD2-SA-1 for additional information relevant to this comment. Text has not been revised.

**EBMUD2-SA-4:** The SJRRP management process involves a broad range of strategies to guide implementation of the Settlement consistent with the Act and incorporate a continuously growing set of historical data, specifically through the Interim Flows program, which facilitates collection of information, including water temperature. Data collected during the release and recapture of Interim Flows will be compiled annually

into the Annual Technical Report, which presents the results of analyses performed using those data, and identifies information needs. These data help to provide more specific information on the scope and magnitude of water temperature changes, and informs adaptive management of implementation that would include reducing adverse effects on aquatic habitats and species, if any. The Annual Technical Report is published each year at [www.restoresjr.net](http://www.restoresjr.net). Text has not been revised.

### 3.11.4 Transcript of Visalia, California Public Hearing – May 24, 2011

This transcript was prepared for you by:  
Fresno Court Reporters & Legal Videography

SAN JOAQUIN RIVER RESTORATION PROGRAM  
DRAFT PROGRAM ENVIRONMENTAL  
IMPACT STATEMENT/REPORT  
PUBLIC HEARING

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MAY 24, 2011  
VISALIA, CALIFORNIA

Reported by: Andrea G. Banks, CSR No. 13479

San Joaquin River Restoration Program - Fresno  
559-224-9700

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1	INDEX	
2	TOPIC	PAGE
3	Presentation by Alicia Forsythe	5
4	Presentation by Kevin Faulkenberry	13
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

Page 2

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1 SAN JOAQUIN RIVER RESTORATION PROGRAM

2 -oOo-

3 SPEAKER RANDELL: We're going to get started  
4 here. Thank you for coming out today. My name is  
5 Patty Ransdell and I'll be helping facilitate this  
6 public hearing today. This is the first of four  
7 identical public hearings for the San Joaquin River  
8 Restoration Programs Draft Environmental Impact  
9 Statement and Environmental Impact Report.

10 I just want to go over the meeting format with  
11 you. But first, quick housekeeping; the restroom  
12 facilities are just outside the door on the right, if  
13 you haven't already noticed them when you walked in and  
14 signed in. If you didn't sign in and think you should,  
15 please do before you leave. We would appreciate it.

16 We have speaker cards that you would have  
17 picked up at the registration table. If you would like  
18 to speak during the oral portion of this hearing,  
19 please make sure you fill this out. And there's a  
20 basket on the table, drop it in there and we will make  
21 sure we get this going.

22 The meeting -- can everyone hear okay? Okay.  
23 The meeting format, we're going to have a brief  
24 presentation on providing you with a history of the  
25 Restoration Program and an overview of the

Page 3

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1 environmental document. The presentation is going to  
2 be delivered by Alicia Forsythe with Reclamation and  
3 Kevin Faulkenberry with the California Department of  
4 Water Resources.

5           And we're going to break into a short open  
6 house where we have subject matter experts that will be  
7 around the room. You see, we have stations set up, and  
8 they can answer your specific questions. We're going  
9 to ask that you hold questions during the presentation.  
10 We want to make sure that the appropriate people are  
11 available for you to ask your specific questions.  
12 After the brief open house, we're going to reconvene  
13 into the formal public hearing.

14           We have a court reporter over here as you can  
15 see and she will be taking an oral record of all oral  
16 comments. We also have a comment station in the back.  
17 If you would like to provide us with written comments,  
18 we have comment cards there you can fill out and drop  
19 in the box or ultimately take them home and mail them  
20 back. They have an address on the back you can mail  
21 them to.

22           And I think we're ready. Oh, also, we do have  
23 copies of the executive summary over at this table,  
24 here at station one, if you didn't get one and would  
25 like one. And I think that I am ready to turn this

Page 4

San Joaquin River Restoration Program - Fresno  
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1 over to Alicia and Kevin.

2 SPEAKER FORSYTHE: All right. Thanks Patty.  
3 I'm Allie Forsythe. I'm the program manager for the  
4 San Joaquin River Restoration Program.

5 A quick overview of our presentation here  
6 today. We're going to talk about the settlement, the  
7 history of the settlement, goals in the settlement  
8 along with major milestones. We're going to talk about  
9 the environmental review process that we're going  
10 through right now. And then, from there we're going to  
11 talk about alternatives that are in the draft document  
12 you have before you. And then talk about the public  
13 comment process and where we're going with public  
14 comments.

15 So overview of the settlements. And a little  
16 bit of history here, in 1942 Reclamation completed the  
17 construction of Friant Dam on the San Joaquin River  
18 near Fresno. In 1988 the Bureau of Reclamation was  
19 sued on it's renewal of a long term contract from the  
20 Friant Distribution. That lawsuit went on about 18  
21 years. There were a series of judgments during that  
22 time. The most significant of which happened in 2004  
23 when the Federal Government ruled that Reclamation had  
24 violated California Fish and Game Code.

25 2005 all the parties to the litigation began a

Page 5

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1 second round of negotiations on a settlement and a  
2 settlement was reached in 2006. And then, in 2009  
3 Congress passed a Public Law 111-11 and the  
4 secretary -- or excuse me -- the President signed it  
5 into law. And the -- it requires the secretary -- or  
6 it directs the Secretary to implement the settlement.  
7 So the settlement has two goals. The first is  
8 the restoration goal that really mimics that Fish and  
9 Game Code. So it's to restore, maintain fish  
10 populations in good condition in the main stem of the  
11 San Joaquin River and for naturally reproducing and  
12 self-sustaining salmon and other fish.  
13 The second goal is the water management goal,  
14 which is to reduce or avoid adverse water supply impact  
15 to the Friant water users or the Friant division  
16 long-term contractors that may result from the  
17 settlement.  
18 Those goals are -- I call them the first and  
19 second, but there is no priority between those two  
20 goals. There's -- the settling parties include about  
21 14 environmental organizations primarily led by the  
22 National Resource Defense Counsel, the Friant Water  
23 Authority, and the member districts, along with some of  
24 the separate Friant contractors and also the Federal  
25 Government, the Department of the Interior throughout

Page 6

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1 the Bureau Reclamation, and the Fish and Wildlife  
2 Service and the Department of Commerce through National  
3 Fishery Services.

4 The agencies that are actually implementing  
5 the settlement are those three federal agencies,  
6 Reclamation Fish and Wildlife Service, along with the  
7 State of California Department of Water Resources and  
8 Department of Fish and Game.

9 The settlement also set up a unique -- a  
10 unique role for what we call restoration administrator.  
11 It is an outside individual that provides  
12 recommendations to the Secretary of the Interior on  
13 certain key points of how to implement a settlement.

14 So major milestones for implementing the  
15 settlement, in 2006 we began working on planning  
16 environmental design to implement the settlement. In  
17 2009 we began our first interim close, down the river  
18 to our initial release and San Joaquin.

19 Earlier this year in April we released that  
20 draft program document that we're here today taking  
21 about. We hope to have our final draft done in early  
22 '12, 2012, along with the record of decision and those  
23 of determinations shortly thereafter.

24 In late 2012 the settlement directs us to  
25 introduce salmon into the river settlement. And then

Page 7

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1 in 2013 we are to begin our -- we are to  
2 complete -- excuse me -- our channel, our first face of  
3 channel structural improvement project. And in 2014 we  
4 are to begin initiating restoration flows.

5 Now, some of you guys have been tracking the  
6 settlement and know there are a few projects, a few of  
7 the key channel structural improvement projects, that  
8 are behind schedule. Some of the those projects may be  
9 necessary. Some of those projects may be necessary for  
10 the reintroduction of fish into the San Joaquin River  
11 Channel. So we are working with the parties to the  
12 settlement at this time to reevaluate the schedule in  
13 terms of where we are today and what the future may  
14 look like for implementing the settlement.

15 There are a few key funding resources that's  
16 were outlined in the settlement and the public law to  
17 fund implementation to the settlement. Those include  
18 water sales, so sales of water through the Friant  
19 surcharge through the recovered water accounts, and  
20 also through the CVPIA restoration funds.

21 Friant is also -- we also worked to -- to  
22 reform some of the Friant contracts into what we call  
23 repayment contracts, which allows Friant to repay the  
24 capital of the project and that money goes towards  
25 implementing the settlement also. We have up to 300

Page 8

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1 million in federal appropriations along with up to 200  
2 million that the State had committed in bond funds.

3           So we look at a wide study area in the program  
4 document. The settlement has the potential to have  
5 some far reaching effects when we implement both  
6 restoration and the water management goal.

7           So we looked up the San Joaquin River upstream  
8 to Friant Dam and how the reservoir helps within the  
9 reservoirs. From Friant to the Merced River Compost  
10 where we anticipate most our construction projects and  
11 river channel. We've looked from the Merced River down  
12 to the Delta where we can be changing flows in those  
13 lower regions. We've also looked within the Delta  
14 itself.

15           So in the program document that we're here to  
16 talk about tonight, we look at a wide study area  
17 because the settlement does have potential to have some  
18 far reaching effects. We look from the San Joaquin  
19 River, upstream of Friant Dam. So what's going to  
20 happen in Millerton Reservoir and up stream there. We  
21 look from Friant Dam to the Merced River Complex as we  
22 rewrite that channel, what's going to happen to the  
23 river channel there. We look from Merced to the Delta,  
24 and in the Delta itself. As we increase flows down the  
25 San Joaquin River, that water will move down to the

Page 9

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1 Delta. We're going to try to pick some of that up and  
2 bring that back to the Friant water users. So we  
3 analyze that area in our document.

4 The also analyze the CVP and State water  
5 project contractor service areas. So we look at a good  
6 portion of California to make sure that we're covering  
7 all the impacts written within the restoration. So  
8 within the area from Merced down to the Friant  
9 compound, we've broken that down into five separate  
10 reaches, which you'll see in your document. We look at  
11 each Reach, the changes and the impacts within those  
12 reaches and then we also look at the flood control  
13 system. The east side of Mariposa bypasses.

14 So the NEPA/CEQA review process, Reclamation  
15 is the lead agency for the document under the National  
16 Environmental Policy Act, so the federal law. The  
17 Department of Water Resources is the lead agency under  
18 the California Environmental Quality Act.

19 We began preparing the document in 2007  
20 through public scoping at that time. And the purpose  
21 of CEQA is to analyze and disclose the impacts of the  
22 project, which in our case is implementing settlements  
23 on the human and natural environment. We really want  
24 to get information out there so that you as the public,  
25 and agencies who will need to give us authorizations

Page 10

San Joaquin River Restoration Program - Fresno  
559-224-9700



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1 and permits to implement the settlement, understand  
2 what they're -- what's going to happen as an open and  
3 transparent process.

4           They understand the process and what we're  
5 looking at, along with the mitigation measures we've  
6 committed to. It also provides a technically sound  
7 information to decision makers as we move forward in  
8 implementing the settlement. So we all -- the idea is  
9 that we all have a common basis and understanding of  
10 the impacts and mitigation measures we're committing to  
11 as we implement the settlement.

12           So the Draft Program document looks at a  
13 variety of resource areas. We look at everything from  
14 air quality to flood management, groundwater, socio  
15 economics, cultural resources. There's a whole slew of  
16 research areas that we look at in the document.

17           After we're done with the presentation and we  
18 have the breakout session, there will be technical  
19 experts that can talk to you about the analysis for  
20 each of these resource areas if you have specific  
21 questions on resource areas.

22           So in the document, we look at two levels of  
23 analysis. We look at a program level analysis for the  
24 future construction projects. These are the projects  
25 that we don't know a lot of detail on. We know that

Page 11

San Joaquin River Restoration Program - Fresno  
559-224-9700

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1 they will happen sometime in the future and we  
2 anticipate they will happen sometimes in the future.  
3 We just don't know exactly what is going to happen,  
4 where those levies are going to be. So we look at  
5 those at our program level. It provides a broad  
6 overview of the impacts and mitigation measures that  
7 will be needed for those projects.

8 We will be back out doing another public  
9 review and public input process as we are going to  
10 implement these future projects. But the program  
11 document does provide the framework for these, so it  
12 looks at measures that we would incorporate into these  
13 future documents.

14 We also have a project level analysis in the  
15 document. We look primarily at our changes in  
16 operation at Friant Dam, our increase in flow down the  
17 river at a project level analysis. So this will  
18 be -- this is the detailed site specific analysis. It  
19 will be the one and only document that looks at our  
20 changes at Friant Dam and moving this water down the  
21 San Joaquin River.

22 As your flipping through your executive  
23 summaries you probably notice that we have an  
24 identified preferred alternatives alternative in the  
25 document. We felt it would be best to identify that in

Page 12

San Joaquin River Restoration Program - Fresno  
559-224-9700

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1 the final after we've gotten all the input and public  
2 comments back on the document, to make sure we really  
3 understand the impacts, we really understand the  
4 mitigation measure and see where we're going within the  
5 settlement. So we do anticipate to have a specific  
6 alternative identified in the final based on your  
7 comments and review.

8 And with that, I'm going to hand the mic over  
9 to Kevin Faulkenberry from the Department of Water  
10 Resources. He's going to give an overview of  
11 alternatives and we will talk about the comment  
12 process.

13 SPEAKER FAULKENBERRY: Thank you. My name is  
14 Kevin Faulkenberry. I work for the Department of Water  
15 Resources. I am the chief of the south central  
16 regional office, I help run the program. And  
17 previously I was a program manager, but that's changed  
18 since I changed roles. But I still work in the  
19 program.

20 We're going to start -- we're going to give  
21 you an overview of six action alternatives and no  
22 action alternative. But the information we're going to  
23 give you right now is the overview alternatives. And  
24 then we will start to go through and explain each in a  
25 little more detail, at least what the differences are

Page 13

San Joaquin River Restoration Program - Fresno  
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1 between the two so you have a better understanding of  
2 what each one of the alternatives offer.

3 All of the alternatives seek to implement  
4 the -- to implement the settlement and be consistent  
5 with Public Law 111-11. All of the alternatives  
6 include implementing improved channels, construction  
7 flows and improve fish passage and habitat through the  
8 project area, and modify Friant Dam operations to  
9 release interim and restoration flows. We also plan to  
10 reintroduce spring-run and fall-run Chinook salmon. As  
11 well, as it covers recapture, reuse, exchange and  
12 transfer of interim and restoration flows.

13 The common project level actions are to, as we  
14 said earlier, are modify Friant Dam operations to  
15 release interim restoration flows. We want to reduce  
16 or avoid increase in flood risk as a result of  
17 restoration releases, convey interim and restoration  
18 flows down stream, make sure they are getting through  
19 the project area, and implement the short-term physical  
20 monitoring and management plan actions related to the  
21 program.

22 We also plan to recapture interim and  
23 restoration flows in the restoration area and at  
24 Mendota pool and wildlife refuges, in the Delta at  
25 existing CVP and State water project facilities, and

Page 14

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1 implement a recovered water account program.

2           The PEIS/R provides that the complete NEPA and  
3 CEQA compliance for these actions, as well as it will  
4 support Reclamation's request to the State Board to  
5 modify the water rights at Friant Dam.

6           The common level restoration actions that are  
7 dealt with in the document are to reintroduce  
8 spring-run and fall-run Chinook salmon; recirculate  
9 recaptured interim and restoration flows, recirculation  
10 of improved channel and structures to provide fish  
11 passage and habitat.

12           We plan on constructing Mendota Pool Bypass  
13 and modify Reach 2B to convey at least 4500 CFS, modify  
14 4B1 to convey at least 475 CFS, and modify San Joaquin  
15 River Headgate Structure to enable 4B1.

16           We also plan to modify Sand Slough Control  
17 Structure to enable fish passage and screen Arroyo  
18 Canal to prevent entrainment and provide fish passage  
19 at Sack Dam. Modify structures and establish low-flow  
20 channel in east side of Mariposa bypasses to provide  
21 fish passage. Enable deployment of seasonal barriers  
22 at mud and salt sloughs. It also covers modify  
23 Chowchilla Bypass bifurcation structures to provide  
24 fish passage and prevent entrainment. And we also want  
25 to fill in our and/or isolate highest priority gravel

Page 15

San Joaquin River Restoration Program - Fresno  
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1 pits. Those will be identified later on in the  
2 process.

3 Common Program-level Restoration Actions  
4 continued, we would have additional channel and  
5 structural actions, enhanced spawning gravel. Prevent  
6 potential -- potential for redd superimposition and/or  
7 hybridization. Supplement the salmon population.  
8 Modify flood plain and side channel habitat. Enhance  
9 in-channel habitat. Reduce potential for aquatic  
10 predation of juvenile salmonids and reduce potential  
11 for fish entrainment. Enable fish passage at  
12 additional locations.

13 Other actions include implement long-term  
14 management actions under the physical monitoring and  
15 management plan.

16 Now, the alternatives as I pointed out earlier  
17 when we first started, they're basically one no action  
18 alternative and six action alternatives. And this  
19 slide will give you some key -- it helps to define the  
20 key differences between the six action alternatives.

21 Basically, the six action alternatives differ  
22 in two basic ways. The first one is A1, B1 and C1.  
23 All are included in 475 CFS and Reach 4B1. A2 and C2  
24 include at least 4500 CFS and Reach 4B1. And, then,  
25 the additional difference is where the water is

Page 16

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1 captured, or recaptured after release. And in A1 and  
2 A2 there is a Delta recapture. B1 and B2 is San  
3 Joaquin capture. And then C1 and C2, we have the new  
4 pumping plant recapture.

5 Okay. This is the alternative. Once again  
6 with a little more detail, and you'll see a lot of  
7 replication as we go through, but it's important for  
8 you to understand the difference between these because  
9 it's a key to understanding the document and what  
10 alternatives we will select later on.

11 The A1 alternative includes all common program  
12 and project-level actions, which we discussed earlier.  
13 Conveyance of at least 475 CFS through Reach 4B1;  
14 remaining interim and restoration flows are conveyed  
15 through the east side and Mariposa bypasses. The  
16 potential for recapture is in the restoration area and  
17 the Delta using existing facilities.

18 Okay. An alternative A2 is the same, except  
19 that it has a maximum flow of 4B1 or at least 4500 CFS  
20 for 4B1.

21 Okay. Alternative B1 and B2 is a -- it says  
22 all common program -- again, all common program and  
23 project level actions, conveyance of at least 475.  
24 Remember, it's one of the -- it's one of the -- it's  
25 the first full one. It's B1, so it's a 475 to Reach

Page 17

San Joaquin River Restoration Program - Fresno  
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1 4B1. And the difference is that we have -- we had  
2 added on another area where we can possibly put water  
3 out, which is additional to the restoration area and  
4 Delta using existing facilities, but we also added  
5 between the Merced River and the Delta using existing  
6 facilities. And again, B2 is the same as B1, except  
7 that we could convey at least 4500 CFS through 4B1.

8 Okay. And so we're down to the last two  
9 alternatives, which is C1 and C2. Again, all common  
10 program and project level actions. We must convey at  
11 least 475 to Reach 4B1. Potential recapture of interim  
12 and restoration flows, again, in the restoration area,  
13 Delta using existing facilities, along the San Joaquin  
14 River between the Merced River and the Delta using  
15 existing facilities, and additionally at a new pumping  
16 plant on the San Joaquin River below the confluence of  
17 the Merced River.

18 And, then, the C2 is at -- everything is the  
19 same as C1, except that in 4B1 you'll have at least  
20 4500 CFS.

21 So that concludes the basic difference of the  
22 alternatives.

23 SPEAKER FORSYTHE: All right. So those are  
24 the alternatives we consider in the program document.  
25 The program document is really out there for you to

Page 18

San Joaquin River Restoration Program - Fresno  
559-224-9700



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1 provide comments on and you to provide your  
2 recommendation to DWR on the program itself and how we  
3 should implement the program. The public participation  
4 is an essential process, essential component of the  
5 NEPA/CEQA process. It requires that we actually  
6 respond in writing to all the comments we receive on  
7 the document.

8           Comments -- it would be very helpful for us if  
9 your comments focus on sufficiency of the document and  
10 identifying possible impacts along with the adequacy of  
11 the mitigation measures. Have we covered everything in  
12 the document, have we looked at all the possible  
13 impacts, possible mitigation measures, does it make  
14 sense, are there things we're missing. Those are the  
15 types of comments that are very helpful to us, if your  
16 comments can be very specific and very detailed. If we  
17 get very general comments it's sometimes very difficult  
18 for us to determine how we make changes to the  
19 document. But if you're comments are very specific and  
20 detailed it becomes much easier and much more clear how  
21 we should make changes, what we should incorporate into  
22 the document, and tell me how we should address those  
23 comments.

24           So the comment period, we started with the  
25 60-day public comment period. We have extended that

Page 19

San Joaquin River Restoration Program - Fresno  
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1 upon request for the additional 30 days, so your  
2 comments are now due July 21st.

3 In moving forward we do anticipate, as I  
4 mentioned earlier, releasing the final program document  
5 in early 2012. That final will include responses to  
6 all of the comments that we received on the draft. It  
7 will include changes, if any are necessary, to the  
8 draft.

9 If for some reason we add an alternative or  
10 make mitigation measures or impacts, it will include  
11 all of that in the final. It will also include  
12 preferred alternative. So your comments will be very  
13 helpful in helping us identify and select a preferred  
14 alternative that will be included in the final. We do  
15 anticipate signing a record of decision for Reclamation  
16 and releasing a notice of determination for the State  
17 component shortly after release of the final in early  
18 2012.

19 So just a reminder, we are taking verbal  
20 comments today for the record during the public hearing  
21 portion of this. You can also provide your written  
22 comments to us today at the meeting. If you would like  
23 to take some time to develop your comments and send  
24 those in, you can. Send them to Reclamation or WDR,  
25 the address provided on the screen here, provided on

Page 20

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1 your handout. Just don't forget they're due by 5:00  
2 p.m. on July 21st.

3 And with that I'm going to turn it over to  
4 Patty who's going to describe where we go from here in  
5 our hearing today.

6 SPEAKER RANSDELL: Okay. Thank you Kevin and  
7 Allie.

8 Now, we're going to open up the open house.  
9 It's going to be a brief open house. So we're going to  
10 have subject matter experts, as I mentioned, around  
11 each of the different stations: the resource area  
12 study, the alternatives and -- excuse me -- the  
13 overview.

14 After the open house portion we're going to  
15 reconvene and begin the public hearing -- the official  
16 public hearing process. We have Pete Lucero over there  
17 with Reclamation. We also have a court reporter that  
18 will be recording the oral comments. So, please, if  
19 you would like to speak just fill out the speaker card  
20 and drop it off in the -- at the table in the basket.  
21 And with that, let's open up the open house. Thank  
22 you.

23 (Break for Open House.)

24 SPEAKER RANSDELL: Good morning. Can you all  
25 take a seat, please. We're going to start

Page 21

San Joaquin River Restoration Program - Fresno  
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1 the -- thank you. Good morning, again. We are now  
2 going to the first speaker of our meeting. The court  
3 reporter has requested that speakers just state their  
4 first and last name and we will get the proper spelling  
5 of your name from the comment speaker card, please. At  
6 this point if you haven't turned your speaker card in,  
7 could you please provide it to Pete here, our formal  
8 hearing officer. And I think we're ready to go.

9 HEARING OFFICER LUCERO: Okay. Can you hear  
10 me okay?

11 THE AUDIENCE: Yes.

12 HEARING OFFICER LUCERO: Welcome to the public  
13 hearing on the San Joaquin River Restoration Programs,  
14 Draft Program Environmental Impact Statement and  
15 Environmental Report. This is one of the four hearings  
16 being held in the requirement -- of the requirements of  
17 the National Environmental Policy Act and the  
18 California Environmental Policy Quality Act -- excuse  
19 me.

20 My name is Pete Lucero; I'm the public affairs  
21 officer for the Region of Reclamation in Sacramento,  
22 the region. I will be serving as the hearing officer  
23 and the court reporter, of course, will be recording  
24 the proceedings.

25 Today we're accepting verbal and written

Page 22

San Joaquin River Restoration Program - Fresno  
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1 comments to the draft. To provide verbal comments you  
2 should have completed a speaker card, which looks like  
3 this, and given it to someone in the front or you can  
4 bring it up to me right now. If you have not completed  
5 the speaker card and would like to provide comments,  
6 please, grab one from the registration table. And if  
7 you have already completed one, but you haven't turned  
8 it in, please, turn it in now.

9           You may also provide written comments today  
10 and the comment cards are over here, fill that out.  
11 They're also available at the registration table. And  
12 if you're speaking from your written comment card and  
13 would like to submit them to us, please, fill out the  
14 top portion of the comment card, attach your comments  
15 and provide them before you leave. Written comments  
16 can be submitted to this hearing or be addressed, faxed  
17 or e-mail addressed. Your comments must be received by  
18 5:00 p.m. on Thursday, July 21st, 2011. Please be  
19 assured that written and verbal comments receive equal  
20 consideration.

21           So I want to take a moment to explain what  
22 happens next with the process. All of the comments  
23 will be reviewed and responses to comments will be  
24 prepared. Assuming all major issues can be addressed a  
25 final PBIS will be prepared that will include responses

Page 23

San Joaquin River Restoration Program - Fresno  
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1 to comments. The final PBIS will be available for a  
2 30-day review, after which Reclamation and Department  
3 of Water Resources will make a decision on the project.  
4 Reclamation will prepare a record of decision to  
5 document that decision. The Department of Water  
6 Resources will prepare findings and a notice of  
7 determination.

8 Today we will proceed in this matter. I will  
9 call speakers to the front in the order in which you  
10 turned in your cards. If I call your name and you're  
11 not present, you'll be moved to the end of the speaker  
12 list. Since we have about one person and about one  
13 hour to speak, Ron, you have 45 minutes to say what you  
14 want to say and then I'm cutting you off.

15 SPEAKER JACOBSMA: Perfect.

16 HEARING OFFICER LUCERO: If you have extensive  
17 comments they should also be submitted in writing.  
18 When it's your turn, please, approach the microphone,  
19 clearly state your name and affiliation. And, please,  
20 remember this is a formal hearing and the court  
21 reporter is recording your comments. Speak clearly so  
22 your comments can be captured accurately.

23 I'll be the timekeeper and will indicate when  
24 your time is up.

25 Today we have with us Mr. Allen Ishida

Page 24

San Joaquin River Restoration Program - Fresno  
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1 representing District I, the Vice Chair of the Tulare  
2 County Board of Supervisors. And, Mr. Ishida, if  
3 you're interested in speaking first you may come up  
4 now. Welcome.

5 So we will just proceed in the order in which  
6 we received the cards. Again, if you want to provide  
7 comments, but have not submitted a speaker card, please  
8 go to the registration table now. And now we're ready  
9 to start. So, Ron, please.

10 SPEAKER JACOBSMA: Can you all hear me okay?  
11 Really I have some questions we're going to be  
12 submitting, probably extensive comments by the July  
13 21st timeframe.

JACO-VI-1

14 But going to the alternatives, it somewhat  
15 strikes me that given all of the challenges we have in  
16 the Delta and recirculating our water, why we would not  
17 keep as many opportunities open as we can as evidence  
18 in Alternative C. So just wanted to make that comment  
19 where we can. Alternative C provides much greater  
20 opportunities.

JACO-VI-2

21 The other question that I have is on the  
22 alternatives funding and other -- other activities may  
23 delay implementation of the program. And it would seem  
24 like when we move from the 1-series to the 2-series,  
25 having to do with registration of the 4B area, is an

Page 25

San Joaquin River Restoration Program - Fresno  
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JACO-VI-2  
cont'd

1 alternative to transition from one alternative to the  
2 other until those -- those improvements can be made.  
3           So in other words, if you do want the two  
4 alternatives where you're going to restore the 4B  
5 section, but it's ten years down the road because of  
6 funding issues, how do you deal with that if that's the  
7 preferred alternative? I suspect you're not going to  
8 want to shut the river off.

9           So I guess one of the questions I have, is  
10 there a transitional period to move from one preferred  
11 alternative to another?

JACO-VI-3

12           I guess the other comment I would have  
13 relative to recirculation is: Is this document going  
14 to address all the other factors that are make taking  
15 place in the Delta?

16           We have obviously lawsuits, biological  
17 opinions, we have the State Water Resource Control  
18 Board looking at the San Joaquin River Basin Plan, an  
19 extension of that with licensing along on the river.  
20 How are those all going to be incorporated in future  
21 contemplations in the Delta?

22           Again, in hopes to get additional flexibility  
23 and recirculation, I think those are the primary  
24 comments I have at this time.

25           HEARING OFFICER LUCERO: Thank you.

Page 26

San Joaquin River Restoration Program - Fresno  
559-224-9700



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TULA-VI-1

1 Mr. Ishida.

2 SPEAKER ISHIDA: I changed my mind.

3 HEARING OFFICER LUCERO: Can you please  
4 identify yourself, sir.

5 SPEAKER ISHIDA: My name is Allen Ishida,  
6 Tulare County Board of Supervisors. When the  
7 settlement went through, the eight counties responded  
8 with a comment about the restoration and the  
9 settlement. And I imagine that several of the counties  
10 will respond from the Board of Supervisors level and we  
11 will be -- I will be meeting with Ron and my different  
12 district manager's and formulate a response. So -- and  
13 I'm sure that some of the other counties will also.  
14 Thank you.

15 HEARING OFFICER LUCERO: Thank you, sir. I  
16 have no more cards in front of me. So does anyone else  
17 want to stand up and make a presentation or comment?

18 Okay. With that, what we will do right now is  
19 we will suspend the public hearing until one hour or  
20 about 45 minutes from now. We will reconvene and if  
21 anyone decides they want to speak, let me know, we will  
22 open up the record again. We'll go back on record, you  
23 can make your comment and then we will shut down again  
24 until someone else decides. We remain in the suspended  
25 public hearing for one hour. With that -- with that

Page 27

San Joaquin River Restoration Program - Fresno  
559-224-9700

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1 we'll shut down right now and suspend at this moment.  
2 (Whereupon, the public hearing was  
3 suspended.)  
4 HEARING OFFICER LUCERO: Back on record. Is  
5 there anybody who still wants to make a comment today?  
6 Okay. Then, on behalf of the Bureau of  
7 Department of Water Resources, I would like to thank  
8 you for taking the time to attend this hearing. Please  
9 provide your comments. And remember, if you plan to  
10 provide written comments they must be received by 5:00  
11 p.m., Thursday, July 21st.  
12 This closes the hearing on the San Joaquin  
13 River Restoration Program Draft PEIS. Thank you.  
14 (Whereupon, the meeting concluded at  
15 approximately 12:03 p.m.)  
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1 STATE OF CALIFORNIA )  
2 COUNTY OF TULARE ) ss  
3  
4 I, ANDREA G. BANKS, a Certified Shorthand Reporter  
5 in and for the State of California, do hereby certify:  
6 That the foregoing proceedings were taken at the  
7 time and place herein set forth; that any witnesses in  
8 the foregoing proceedings, prior to testifying, were  
9 duly sworn; that a record of the proceedings was made  
10 by me using machine shorthand which was thereafter  
11 transcribed under my direction; that the foregoing  
12 transcript is a true record of the testimony given.  
13 Further, that if the foregoing pertains to the  
14 original transcript of a deposition in a Federal Case,  
15 before completion of the proceedings, review of the  
16 transcript [ ] was [ ] was not requested.  
17 I further certify that I am neither financially  
18 interested in the action nor a relative or employee of  
19 any attorney or party to this action.  
20 IN WITNESS WHEREOF, I have this date subscribed my  
21 name.  
22 Dated: \_\_\_\_\_  
23 \_\_\_\_\_  
24 ANDREA G. BANKS, CSR NO. 13479  
25

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**Responses to Comments from Ron Jacobsma, Provided on Behalf of Friant Water Authority**

**JACO-VI-1:** Comment noted. As described in Section 1.5, “Preferred Alternative,” of this Final PEIS/R, Reclamation has identified Alternative C1 as the preferred alternative. Text has not been revised.

**JACO-VI-2:** As described in MCR-2, “SJRRP Funding Availability, Sources, and Cost Estimates,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the Settling Parties have also recently developed a Third-Party working draft *Framework for Implementation* for the SJRRP (SJRRP 2012b). The *Framework for Implementation* outlines actions to be taken to implement the Settlement, and presents a schedule and budget for these actions. The *Framework for Implementation* also provides an accounting of the remaining funds available to implement the SJRRP. While the *Framework for Implementation* presents a revised schedule for implementing the SJRRP, it does not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts identified in the PEIS/R. The *Framework for Implementation* can be found on the SJRRP Web site at [www.restoresjr.net](http://www.restoresjr.net). See also MCR-3, “Order and Schedule of Implementing Settlement Actions,” in Chapter 2.0 of this Final PEIS/R, for additional information relevant to this comment. Text has not been revised.

**JACO-VI-3:** As described on page 2-32 of the Draft PEIS/R, Interim and Restoration flows reaching the Delta would be recaptured at existing facilities within the Delta consistent with applicable laws, regulations, BOs, and court orders in place at the time the water is recaptured. The analyses and impact assessment presented in the Draft PEIS/R were completed using the best available modeling tools and information. The modeling tools used in the Draft PEIS/R analyses were selected because they are publicly available, have a knowledgeable user community, and are widely accepted for use in similar systemwide analysis of resources in the California Central Valley. The modeling assumptions, modeling analyses and results, and baseline conditions used to support the environmental analysis in the Draft PEIS/R were based on the best available information and modeling tools at the time the Draft PEIS/R was prepared. The sensitivity analyses contained in Appendix C to this Final PEIS/R were completed using the same set of tools and information, as modified only to reflect an interim representation of the RPAs set forth in the 2008 USFWS CVP/SWP Operations BO and 2009 NMFS CVP/SWP Operations BO (2009a).

The analyses presented in the Draft PEIS/R were based, in part, on a water supply operations modeling tool, CalSim-II. The CalSim-II model is widely accepted as the standard for simulating the long-term effects of operational changes to CVP and SWP facilities. At the time evaluations were completed in support of the Draft PEIS/R, there was no representation of the full set of RPAs set forth in the 2008 USFWS CVP/SWP Operations BO and 2009 NMFS CVP/SWP Operations BO (2009a) available for use in the CalSim-II model. Therefore, the baseline for analyses presented in the Draft PEIS/R was developed using the best available information, remains the most defensible baseline, and is not revised in the Final PEIS/R. At the time the sensitivity analyses were

completed in support of the Final PEIS/R, Reclamation and NMFS continued to discuss and work toward the representation of the 2008 and 2009 RPAs into a singular CalSim-II baseline. However, a representation that sufficiently captures the range of potential RPA implementation scenarios was available at the time the sensitivity analyses were developed, allowing for an evaluation of the potential for the 2008 and 2009 RPAs to change the anticipated effects of the program alternatives from those presented in the Draft PEIS/R.

The sensitivity analyses presented in Appendix C of this Final PEIS/R were performed to represent a comprehensive range of RPA implementation scenarios and evaluate the potential for the 2008 and 2009 RPAs to change the anticipated effects of the program alternatives from those presented in the Draft PEIS/R, which are based on the conditions evaluated in the 2005 USFWS and 2004 NMFS BOs. The CalSim-II simulations for the sensitivity analyses presented in Appendix C to the Final PEIS/R were developed to identify the range of potential operation changes that could occur under any RPA implementation scenario. CalSim-II output from these simulations was then used in analyzing the potential for the RPAs to change the anticipated effects to related resources using the same set of tools and information used in the Draft PEIS/R, including Delta hydrodynamics (using DSM2), groundwater (using the Schmidt Tool and mass balance method), agricultural economics (using CVPM), regional economics (using IMPLAN), and long-term power system power generation to reflect the updated surface water model. The sensitivity analyses results demonstrate that the overall impact mechanisms and significance determinations presented in the Draft PEIS/R would not change under a baseline that includes the RPAs set forth in the 2008 USFWS CVP/SWP Operations BO and 2009 NMFS CVP/SWP Operations BO (2009a).

In comparison to the results presented in the Draft PEIS/R, the results of the sensitivity analyses presented in Appendix C to the Final PEIS/R do not identify new significant environmental impacts or a substantial increase in the severity of an environmental impact, and do not create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts of the action alternatives (including the proposed project). Therefore, inclusion of the sensitivity analyses in the Final PEIS/R does not trigger a need to recirculate a revised Draft PEIS/R under either NEPA or CEQA. Rather, the sensitivity analyses demonstrate that the overall impact mechanisms and significance determinations presented in the Draft PEIS/R would not change under a baseline that includes the RPAs set forth in the 2008 USFWS CVP/SWP Operations BO and 2009 NMFS CVP/SWP Operations BO (2009a), confirming that the analyses and conclusions presented in the Draft PEIS/R are thorough, accurate, and unlikely to change in light of the RPAs. For the reasons set forth above, Reclamation and DWR believe that the PEIS/R provides a thorough, appropriate analysis of all relevant impacts of the action alternatives (including the proposed project) and the alternatives as required by NEPA and CEQA.

As described in Chapter 1.0, "Introduction," of the Draft PEIS/R, Interim and Restoration flows would contribute a relatively small amount of water to the Delta compared to contributions of the San Joaquin and Sacramento rivers and other tributaries. Therefore, effects of the SJRRP would be negligible downstream from the Delta (in Suisun, San

Pablo, or San Francisco bays, or in the Pacific Ocean). For this reason, the Delta was identified as the downstream extent of the study area, and no modeling was performed to evaluate impacts downstream from the Delta. Chapter 26.0, "Cumulative Impacts," of the Draft PEIS/R provides an analysis of overall cumulative effects of the action alternatives taken together with other past, present, and reasonably foreseeable probable future projects (or actions), as required by NEPA implementing regulations and State CEQA Guidelines.

Text has not been revised.

***Response to Comment from Allen Ishida, Provided on Behalf of Tulare Board of Supervisors***

**TULA-VI-1:** Comment noted. Text has not been revised.

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