

No. 40

Public Meeting Transcript, Continued

0004

1 rest room located in the back. It's to the right-hand
2 corner of the building sitting from where I am. And if you
3 have anything else you need, please see Lou at the back
4 desk and I'm sure he'll try and help you.

5 There was an error in Attachment C of the draft EIS.
6 That draft contains contract -- a sample contract form.
7 The second contract form that was put out in Exhibit C,
8 Attachment C, was not correct. We have, however, been
9 accessing our website. The correct version was listed on
10 the website but regrettably was not included in this
11 document. If you did not get a copy of that and you would
12 like a corrected version, that is also over on the side
13 table for you.

14 Okay. What do we do after we end today with these
15 comments? Well, we will look at all your comments that you
16 gave to us in writing, the comments that the court reporter
17 is taking down, any other written comments that you submit
18 to us -- we will review them. And we will prepare
19 responses to all of the comments. The intent is for us to
20 use your comments to finalize the EIS. The responses to
21 the comments will be included in that document.
22 Reclamation will, a little bit later, prepare a record of
23 decision with regard to the written notice of any action to
24 be implemented or contract to be proposed for execution.
25 At this time we anticipate that the revised EIS, the
26 final EIS, will be available in December and then the

No. 40

Public Meeting Transcript, Continued

0005

1 record decision will be targeted to be done by mid January
2 of 2005.

3 Here's how the hearing will work today for us. I
4 have a list in the order in which you have signed up. I
5 will call each speaker in the order. I do have several
6 that have asked to be interchangeable in their sequence, so
7 that probably will be a little bit of an exception.

8 If I call your name and you're not available at that
9 moment, you'll be moved to the end of the speakers' list.
10 If you have signed up and then you feel your comments have
11 been addressed or you no longer wish to comment, that's
12 fine, too. There's nothing compulsory about having to
13 speak.

14 In view of the number of people we have signed up so
15 far, we've elected to go with a ten-minute limit today.
16 Don will be attempting to monitor that and we'll -- if
17 someone gets to the ninth minute or so, we're going to try
18 and get your attention and let you know that your time is
19 coming to the end.

20 If, for whatever reason, there is a large number of
21 people who come in later and Lou advises me that we have a
22 lot more people sign up who do want to speak, I have the
23 discretion to revisit whether the ten-minute time period is
24 appropriate. Perhaps it should be something a little less,
25 and we'll broach that as the need may be.

26 Again, if you have extensive questions, you can -- or

No. 40

Public Meeting Transcript, Continued

0006

1 comments you cannot address, it really is helpful to have
2 them in writing. Writing is very handy because you've had
3 time to prepare those comments. And then, of course, we
4 have time to look very carefully at your prepared comments.

5 So when you get called up, it would be great if you
6 could come up and state your name clearly for us. Spell
7 your first and last name. Tell us if you have an
8 affiliation; what your affiliation is. Again, this is a
9 formal hearing, and that is the reason why Jacque is with
10 us today to insure she captures all your comments. It's
11 important that you speak clearly and loudly for Jacque to
12 capture this. I'm sure the rest of the people in the
13 attendance here also want to share in what you have to say.

14 Again, Mr. Bultema will attempt to keep time and
15 he'll try to indicate to you when your time is coming to a
16 close. I don't believe we have any public officials today.

17 PERSON IN AUDIENCE: You have a supervisor.

18 MS. TEGELMAN: Pardon me?

19 PERSON IN AUDIENCE: You have a supervisor.

20 MS. TEGELMAN: We have a supervisor? Okay. And
21 who is that?

22 (Pause)

23 MS. TEGELMAN: Okay. I'm sorry.

24 MR. HANSEN: Fourth line on the list.

25 MS. TEGELMAN: Mr. Hansen?

26 MR. HANSEN: Yes.

No. 40

Public Meeting Transcript, Continued

40-1 Individual SRSCs are responsible for CEQA compliance, as applicable under state law.

0007

1 MS. TEGELMAN: Would you like to be our first
 2 speaker?
 3 MR. HANSEN: No, I'd like to come a little
 4 later. I'd like to pass.
 5 MS. TEGELMAN: That will be fine. Okay. If
 6 there are no other public officials or representatives of
 7 tribes, I'd like to call Mr. David Behar, who is our first
 8 speaker.
 9 MR. BEHAR: Thank you. Can I ask a question?
 10 Am I allowed to ask questions?
 11 MS. TEGELMAN: Our intent today is to really get
 12 comments from you.
 13 MR. BEHAR: I have lots of comments. The only
 14 time I can make comments is within the time limit?
 15 MS. TEGELMAN: Probably.
 16 MR. BEHAR: Okay. I'll be brief then.
 17 MR. TEGELMAN: If it's related to the process
 18 today.
 19 (Reporter interrupted proceedings.)
 20 MR. BEHAR: Okay. David, first name, D-a-v-i-d,
 21 Behar. The last name is spelled B-e-h-a-r. I'm with NRDC,
 22 which stands for Natural Resources Defense Council. Can
 23 you just talk briefly what the plan is for Sequa
 24 (phonetic), compliance with these contracts; who the lead
 25 agency will be and what the schedule for that will be? We
 26 haven't heard about that yet.

} 40-1

No. 40

Public Meeting Transcript, Continued

0008

1 MS. TEGELMAN: To my knowledge, the Sequa
 2 compliance is the responsibility of the individual
 3 interests that have Sequa compliance and responsibility.
 4 MR. BEHAR: And so each district will be subject
 5 to Sequa compliance?
 6 MS. TEGELMAN: If they're subject to that
 7 requirement.
 8 MR. BEHAR: And so no lead agency has been
 9 identified yet to your knowledge for that compliance?
 10 MS. TEGELMAN: For contract renewal not to my
 11 knowledge.
 12 MR. BEHAR: Okay. Thank you. My name is David
 13 Behar and I'm a consultant with the Natural Resources
 14 Defense Council. I'm here on behalf of NRDC, 500,000
 15 members, including 100,000 of whom live in California.
 16 We need technical and balanced management of our
 17 valuable and overcommitted water supply in California. The
 18 Bureau of Reclamation's proposed renewal of settlement
 19 contracts in our communities is neither sensible, nor
 20 balanced; and in addition, threatens to plunge the state
 21 into yet another irrigation species crisis while gravely
 22 harming the livelihood of the families throughout the state
 23 dependent on the recreational and commercial fishing
 24 industries.
 25 Here's what has occurred in our view. The bureau
 26 conducted what it acknowledged to be a cursory and what we

} 40-1,
cont'd

} 40-2

40-2

Reclamation does not concur with the commentor's assertion regarding beneficial use. Publicly available diversion records maintained by Reclamation indicate that the SRSCs have used their full contract allotments in the past, and the water needs assessment conducted by Reclamation demonstrates water demand at full contract amounts in the future. Existing contract quantities are consistent with historical use and rights to use. Contract quantities under the Preferred Alternative are decreased compared to the no action condition. See Thematic Response No. 3 for an overview of Reclamation's needs assessments.

No. 40

Public Meeting Transcript, Continued

40-3

The Draft EIS contains a range of alternatives that were developed to disclose a range of potential impacts. See Chapter 2 of the Draft EIS for a discussion of alternatives considered but eliminated.

0009

1 believe to be a technically flawed needs assessment for
 2 water use in the Sacramento valley. This analysis found
 3 that over 230,000 acre feet of water was not being
 4 beneficially used by Sacramento -- by settlement
 5 contractors.

6 In fact, independent analysis of actual water use
 7 that NRDC conducted for the years 1997 through 2001
 8 demonstrates that over 500,000 acre feet of the full
 9 contract supply was not put to beneficial use by settlement
 10 contractors. Nevertheless, the bureau did not produce
 11 contract quantities by anything close to these figures.

12 The preferred alternative to CAF produces contract
 13 quantities to just two districts by a tiny fraction of the
 14 2.2 million acre feet subject to these contracts despite
 15 its own finding that six districts have not historically
 16 used their contract amounts. No alternative to the CAF
 17 considered reducing contract quantities in line with
 18 historic use by any significant amount.

19 When you include the Delta export contract, the
 20 Colusa-Tehama contract and others up for renewal right now
 21 -- up for renewal now, something actually, positively eerie
 22 becomes clear. By the time these contracts the bureau
 23 proposes renewing for up to 40 years are finished,
 24 California will have endured nearly 100 years of virtually
 25 identical water policies.

26 From World War II to the middle of the 21st century

} 40-2,
 cont'd

} 40-3

No. 40

Public Meeting Transcript, Continued

0010

1 there will have been essentially no change in how the
2 United States manages or views the need for managing water
3 in California. We call this kind of policy making building
4 a bridge to the 19th century, and it represents a vision
5 from Department of Interior that California cannot afford.

6 In addition, the bureau's regional criteria for water
7 management in the Sacramento valley are the weakest in the
8 federal system; appear to exempt settlement contractors
9 from measuring their water use as other recipients of
10 federal water are required to do and gives lip service only
11 to water conservation and efficiency.

12 Meanwhile the scientific consensus is that endangered
13 populations of winter-run salmon, spring-run salmon,
14 steelhead and other species desperately need additional
15 habitat protection if they are to recover from the neglect
16 of recent decades that has caused serial listings under the
17 State and Federal Endangered Species Act.

18 Yet in order to preserve the ancient and discriminate
19 way of doing business in managing our water in California,
20 the bureau proposed relaxing a number of habitat
21 improvements and protections that have been critical over
22 the past decade to create conditions over which endangered
23 salmon species have at least begun to recover.

24 These habitat protection rollbacks are contrary to
25 the Endangered Species Act and will make it more difficult
26 to protect and recover these species in the future. As

} 40-4

} 40-5

40-4

Article 29 of the Settlement Contracts requires SRSCs to develop and implement a water conservation plan that has been determined by Reclamation to meet the conservation and efficiency criteria for evaluating water conservation plans established under federal law. Such conservation and efficiency criteria include water measurement requirements. The final Basinwide Water Management Plan was transmitted to Reclamation in October 2004. Many of the larger SRSCs are currently developing a Regional Water Management Plan to comply with Reclamation's regional criteria for evaluating water management plans.

40-5

See the 2004 Biological Opinion on the CVP-OCAP, included as Appendix B to this Final EIS. That document provides an analysis of the CVP and SWP system's effect on threatened and listed species in the Central Valley. That document concluded that the proposed operations of the CVP and SWP - including renewal of the Settlement Contracts - would not likely jeopardize the continued existence of threatened or endangered species. Indeed, the Biological Opinions prepared as part of that effort documented the continuing improvements of some species, notably winter-run salmon. Also see Thematic Response No. 7 for a discussion of OCAP and the Settlement Contracts.

No. 40

Public Meeting Transcript, Continued

0011

1 important, this degradation in habitat protection threatens
 2 to return us to the crisis-based management of the 1980s
 3 and 1990s which short-sighted water management regimes
 4 which benefited only water contractors while ignoring the
 5 needs of the environment causing the endangered species
 6 crisis.

} 40-5,
 cont'd

7 In the 1990s this crisis disrupted water operations,
 8 reduced delivery to farms and cities in an unpredictable
 9 fashion, and decimated fish and wildlife populations. In
 10 short, these contractors in DEIS represents a striking and
 11 reckless return to the water wars that so polarized the
 12 state and paralyzed sound water management in years gone
 13 by.

14 I want to just focus for a moment on winter run
 15 salmon alone. This once numbered in the hundreds of
 16 thousands of individuals. Some hundred and eighteen
 17 thousand were counted spawning in the Sacramento River as
 18 recently as 1969. In subsequent years excessive water
 19 diversion and careless operations gradually drove the
 20 species to the brink of extinction.

21 By the late 1980s the Delta spawning populations
 22 numbered on average about 2600 fish and in 1989 just 654
 23 adults returned to spawn. That year the winter run was
 24 listed under the Federal Endangered Species Act. The
 25 following year 460 winter run returned and then a hundred
 26 and seventy-eight in 1991.

No. 40

Public Meeting Transcript, Continued

40-6 See Response 40-5 and Thematic Response No. 7 for a discussion of OCAP and the Settlement Contracts.

0012

1 It took another two years before the federal
 2 government got its act together and began to impose
 3 significant habitat improvements, take restrictions in the
 4 Delta and other measures, and so began a slow climb back
 5 for the winter run. That's not to say that there have not
 6 been bumps in the road, and the environmental fishing
 7 community has been critical at times of how this federal
 8 and state project have done this work in saving the salmon
 9 from extinction.

10 We believe today that more needs to be done, not
 11 less. It is undeniable, however, that progress has been
 12 made as a result of these actions under the ESA. Since the
 13 first significant measures were introduced in 1993 adult
 14 populations have averaged 3500 adult spawners. And since
 15 1998 an average of 5,683 winter run adults have returned
 16 reaching a high of 8133 in 2003.

17 This is real progress but these contracts threaten to
 18 reverse this progress, and they do so against the best
 19 advice of the federal government's own scientists. In
 20 analyzing the CVP operation in the summer natural main
 21 fishery service biologists found that operation plans
 22 needed to deliver 2.2 million acre feet of water to the
 23 settlement contractors among other CVP deliveries; would
 24 put the endangered winter run Chinook salmon in jeopardy.
 25 Under pressure, however, the filed abuse and the jeopardy
 26 findings were silenced by superiors within the Interior and

} 40-6

No. 40

Public Meeting Transcript, Continued

0013

1 Commerce Departments. Again, bad politics won out over
2 good science.

3 Nineteen members of Congress asked the inspector
4 general to investigate this action. And the public
5 deserves to hear the results of the IG's investigation
6 before the bureau moves forward on any new contracts.

7 The Bureau of Reclamation has now imported into the
8 Sacramento River system an approach that overrules the
9 needs of the endangered salmon population on the Klamath
10 River and permitted dam operations that resulted in the
11 largest fish kill on record in September of 2002.

12 These actions have since been ruled arbitrary and
13 capricious in violation of the ESA by a federal judge. Yet
14 for some reason the Interior Department seems bent on
15 repeating these same mistakes. We will be supplementing
16 these remarks and written comments prior to the comment
17 deadline, and we thank you for your consideration of these
18 views.

19 MS. TEGELMAN: Gary Adams.

20 PERSON IN AUDIENCE: May I make a suggestion?
21 Can we move the podium there so we can hear the projection
22 of the speakers?

23 MS. TEGELMAN: It might be better to move it
24 over here to insure that you hear. Is that a little bit
25 better?

26 PERSON IN AUDIENCE: Yes.

} 40-6,
cont'd

No. 40

Public Meeting Transcript, Continued

0014

1 MS. TEGELMAN: The next speaker is Mr. Gary
 2 Adams. Mr. Adams, if you would give your first and last
 3 name and spell it and your affiliation.
 4 MR. ADAMS: I'm Gary Adams, G-a-r-y, A-d-a-m-s.
 5 THE REPORTER: And who are you with?
 6 MR. ADAMS: I'm with the California Striped Bass
 7 Association and president of the West Delta chapter. Our
 8 concerns are many. Our membership includes a number of
 9 other fishing organizations. We are at the south end of
 10 the flow from the Sacramento where it comingles with the
 11 San Joaquin River. We've finally gained a bit of a
 12 coalition with some of our farming groups in the San
 13 Joaquin valley, the San Joaquin County, and have finally
 14 gained some support from Contra Costa County and the water
 15 district.
 16 Our concerns are the methods and the amount of water
 17 that is being transported with the new contracts; with the
 18 new contracts and the old contracts. We're having high --
 19 large problems with salmonization. The water wells now in
 20 San Joaquin County east of Highway 5 -- a large number of
 21 them have run out of service because of salmonization
 22 problems. High flows themselves and the management of the
 23 water when the water releases are available have effect on
 24 other species beyond salmon and still have negative
 25 impacts.
 26 Some of these species, which are top game fish in the

40-7 As noted in Chapter 2 of the Draft EIS, the Preferred Alternative include a reduction in the total contract quantity based on the results of Reclamation's needs assessment. See Thematic Response No. 3 for a discussion of the needs assessment.

40-8 See Response to Comment 40-5 and Thematic Response No. 7 for a discussion of OCAP and the Settlement Contracts.

} 40-7

} 40-8

No. 40

Public Meeting Transcript, Continued

0015

1 Bay Area and bring in high economic impacts to the state
 2 are suffering, and the fishery itself will continue to
 3 decline largely because of temperature, amount of water
 4 flow and the timing of the water flows.

} 40-8,
 cont'd

5 While many of us realize in our communities the
 6 economic impacts planned through OCAP -- Sequa, OCAP and
 7 through the -- sorry -- will be the CALFED plan -- we've
 8 noticed a number of studies that are really in question
 9 especially the NOAA studies on the health and how the fish
 10 get in the system.

11 We know that they do not do adequate studies within
 12 the Delta system at all. Those that are done on the
 13 quantity of fish on the returns are also jaded because of
 14 the locations and the amount of fish they actually take
 15 from the total population.

16 We are very concerned. Well, actually, in addition
 17 to the problems with health to our communities, we're
 18 finding that recreational users within the communities
 19 themselves now are having problems due to the exposure of
 20 the water. That's because of water quality.

21 The City of Stockton -- you go to the City of
 22 Stockton's Port. They have a showcase, a multi-million
 23 dollar city project. Those water falls -- they're green.
 24 It's all because of temperature, the amount of water flow,
 25 the timing on the flow, and the additional exports belong
 26 to the south land, the CVP projects.

No. 40

Public Meeting Transcript, Continued

0016

1 We are embarrassed and really up in arms those of us
 2 that are in the general public and that are affected by
 3 these actions. We understand everybody needs water but we
 4 see an awful lot of waste, and we're very concerned with
 5 the amount of waste and the excess flow and the amount of
 6 water that you're proposing. Thank you.

} 40-9

7 MS. TEGELMAN: Mr. Adams, thank you. Mr. David
 8 Nesmith.

9 MR. NESMITH: David Nesmith, N-e-s-m-i-t-h. I
 10 represent the California Environmental Water Caucus, which
 11 is a group of 23 environmental and fishery organizations,
 12 commercial fishermen, recreational fishermen and
 13 environmental groups.

14 I want to speak briefly today about the new world
 15 that we're living in as of the last 40 years. The world
 16 has changed in some very significant ways in California,
 17 especially as it relates to water. We've had tremendous
 18 population growth in the state and urbanization.

19 The Central Valley Project Improvement Act was passed
 20 in the early 90s, a law that the bureau is subject to and
 21 there -- recently there has been a big change in agreements
 22 around how California's water will be managed. These
 23 agreements were reached in secret by the bureau and
 24 Department of Water Resources and four south of Delta water
 25 users of the federal and state projects.

26 And when you take the changes in the -- that are

} 40-10

40-9 See Thematic Response No. 1 for a discussion of the history of the Settlement Contracts. Also see Thematic Response No. 5 for a discussion of the incremental impacts outlined in the EIS.

40-10 See Thematic Response No. 1 for a discussion of the history of the Settlement Contracts. Also see Thematic Response No. 5 for a discussion of the incremental impacts outlined in the EIS. Reclamation disagrees with the commentor's assertion of unused water. See Thematic Response No. 3 for a discussion of Reclamation's water needs assessment.

No. 40

Public Meeting Transcript, Continued

0017

1 proposed in the Napa agreement along with the lack of
 2 changes that are proposed in the recycling of the bureau
 3 contracts in the "Sac" valley, I think there is a
 4 tremendous potential for disaster, both economic distress
 5 in the Sac valley and endangered species disasters in the
 6 aquatic ecosystems of the Sac valley and the Delta.
 7 Let me just be a little more specific. I'm not going
 8 to take the ten minutes. The bureau studies indicated that
 9 there were -- in the Sac valley contract there's about
 10 259,000 acre feet of unused water. And the other site
 11 referenced by David Behar showed that 561,000 acre feet
 12 were unused in the Sac valley.

13 We are not -- the environmental community that I
 14 represent is not out after water, which is being
 15 economically used in the Sac valley. You all got a lot
 16 longer to go than any of us had any involvement in this
 17 system.

18 But there is a large amount of unused water and the
 19 bureau has not studied, in this document, the potential
 20 uses for that water which are, in some cases, required by
 21 Central Valley Project Improvement Act or by the Endangered
 22 Species Act or are foreseen in the California -- in the
 23 CALFED program of which the bureau is part.

24 We have requirements for water which are going to be
 25 -- are going to have to come from somewhere if the -- if
 26 the laws are to be -- to be obeyed including the Endangered

40-10,
 cont'd

40-11

40-12

40-11 Again, Reclamation disagrees with the commentor's assertion of unused water. See Response to Comment 40-10. Also, see Thematic Response No. 3 for a discussion of Reclamation's water needs assessment. Renewal of the Settlement Contracts is consistent with the programs cited by the commentor.

40-12 See Thematic Response No. 7 for a description of the CVP-OCAP and its relationship to the SRSCs. Also see Appendix C to this Final EIS for a full description of CVP-OCAP, including Delta operations.

No. 40

Public Meeting Transcript, Continued

0018

1 Species Act and the Central Valley Project Improvement Act.
 2 The amount of -- and the final thing I want to say is
 3 that there are a million acre feet of additional water
 4 proposed to be exported in the south Delta. And this is
 5 federal and state water which is proposed to be exported in
 6 the delta, so called Delta improvement package.

} 40-12,
 cont'd

7 Of that, six to 800,000 acre feet, depending on the
 8 year, are proposed to be water transfers, water transfers
 9 from north of the Delta to south of the Delta water users,
 10 including agricultural water users on the west side of the
 11 San Joaquin valley and huge new urban development in
 12 Southern California south of the Tahachapi and some in the
 13 Tahachapi now, which would -- would want to get long-term
 14 reliable water from this additional export. There is
 15 tremendous potential here for a loss of water and a loss of
 16 flexibility in use of water in the Sac valley. I don't
 17 believe that this was adequately studied in the -- in this
 18 environmental document.

} 40-13

19 I do want to say that it's a privilege to be here.
 20 This is the only official bureau sponsored hearing on an
 21 environmental document on any of the activities that the
 22 bureau has undertaken in the last two years or proposes to
 23 take in the next few years, and that includes the
 24 biological opinions, the operations criteria and plan, and
 25 -- and the long-term water -- change-the-water operation as
 26 proposed in the Napa accord.

} 40-14

- 40-13 See Thematic Response No. 6 for a description of the water transfers, with special emphasis on the SRSCs.
- 40-14 See Thematic Response No. 4, Administrative Process, for a discussion of the length of the comment period.

No. 40

Public Meeting Transcript, Continued

40-15 Comment noted. For a discussion of biological impacts, see Chapter 3 of the Draft EIS.

0019

1 So it's -- this hearing -- there's a lot of freight
 2 on this hearing. And I'm sorry it's the only one, but I
 3 appreciate you conducting this hearing, and we will be
 4 submitting written comments. Our organization will be
 5 submitting written comments. Thank you.

} 40-14,
 cont'd

6 MS. TEGELMAN: Mr. Keith Hansen. Keith Hansen.

7 MR. HANSEN: Keith Hansen, K-e-i-t-h,
 8 H-a-n-s-e-n. Thank you for having this hearing here today.
 9 As you can see, water is very vital to everything. We, in
 10 this county, appreciate the resource, and we try and
 11 protect it and preserve it as dearly as we can. And I
 12 think that's important.

13 We recognize the value on the horticultural sector
 14 with the urban sector in our county, and also we're blessed
 15 in this county with much wildlife. And it's very
 16 important, those wildlife. In fact, a lot of the water
 17 that agriculture uses is reused again and again for
 18 wildlife in this area. And so it's very, very important to
 19 us.

20 Some of the gentlemen that talked, I think, focused
 21 entirely on the salmon. We have salmon in the -- as you
 22 know, through the Sacramento valley; in this county, too.
 23 But there's a lot of other species that, I think, should
 24 get some of the attention as salmon do. It seems like it's
 25 used as a crutch and not -- and sways a lot of emotion.
 26 And I think we ought to focus on the resources, what's best

} 40-15

No. 40

Public Meeting Transcript, Continued

0020

1 for the resources.

2 In this county we've gone to great lengths to monitor
 3 our water, not only surface water but ground water and
 4 we're trying to identify it as much as we can now; know
 5 what we have; know how it works in this county; how our
 6 ground water resource works. And it's a very complex
 7 issue.

} 40-15,
 cont'd

8 And I know that where you people sit it's not an easy
 9 answer. And there's probably no one answer, but I would
 10 just like to say that in this county we're very much aware
 11 of the water problem. And many people have their lives or
 12 generations have been focused on the use of water.

13 And I know that -- and I was born on the ranch where
 14 I live today, and we've learned a lot of new ways of
 15 conserving water and better use of water. We've changed
 16 crop patterns. We've changed varieties of crops to shorten
 17 the length of time that we utilize the water. So there are
 18 many, many things that we're doing.

19 And those things that -- it's a slow process but it's
 20 the one we've come to reckon with. So it's important that
 21 we all manage it. So again, I thank you for coming to
 22 Glenn County. Thank you.

23 MS. TEGELMAN: Mr. Henry Richard, Jr.

24 MR. RICHARD: Not at this time.

25 MS. TEGELMAN: Okay. Mr. Peterson, Daniel

26 Peterson.

No. 40

Public Meeting Transcript, Continued

40-16 Comment noted. For a discussion of biological impacts, see Chapter 3 of the Draft EIS.

0021

1 MR. PETERSON: My name is Daniel Peterson,
2 P-e-t-e-r-s-o-n. I work for Natomas Mutual Water Company.
3 Natomas Mutual is one of the large contractors that's up
4 for contract renewal. And I wanted to just state for the
5 record what Natomas Mutual actually does with this water.
6 We've been in existence since 1921, and we provide water to
7 roughly 33,000 acres of land that's either in farming
8 production or it's wildlife conservation.

9 So as far as being a good steward of the water,
10 putting it to a beneficial use and protecting the
11 environment, we feel that these contracts are very
12 important. Without this water, a firm, reliable source of
13 water, agriculture as we know it would disappear. And we
14 would also be losing viable habitat for our species here,
15 endangered or threatened besides salmon such as the giant
16 gardner snake and the burrowing owl. So I wanted to state
17 that for the record. Thank you.

} 40-16

18 MS. TEGELMAN: Thank you. Mark Atlas.

19 MR. ATLAS: I'm Mark Atlas. I'm a lawyer here
20 in Willows. And I'm here today on behalf of
21 Princeton-Cordora-Glenn Irrigation District, the Provident
22 Irrigation District, the Davis Ranches and the Natomas
23 Basin Conservancy. And I guess my comment's appropriate
24 coming after Dan's because what I wanted to talk about a
25 little bit is who are those settlement contractors.
26 Let me focus first on the Princeton-Cordora-Glenn and

No. 40

Public Meeting Transcript, Continued

0022

1 the Provident Irrigation Districts. These two districts
2 were formed about 1914 or 1915. They actually were the
3 successors to some irrigation companies that had been
4 formed in the late 19th century in an effort to develop
5 water and land in the Sacramento valley, particularly out
6 by the Sacramento River.

7 And in part those districts succeeded to irrigation
8 distribution systems that those private companies had
9 developed earlier. They have water rights that date from
10 1915 and 1916 filed under California law, developed into
11 licenses. They irrigate together about 25 or 26,000 acres,
12 most of it rice, although a lot of the land close to the
13 river in Princeton-Cordora-Glenn Irrigation District --
14 they develop the walnuts and other field crops and
15 orchards.

16 About five or six years ago the district dedicated an
17 11 million dollar fish screen project. And what was
18 interesting about the project is a number of things. First
19 of all, it was done voluntarily by the district. They were
20 not under any order, any constraint, any restriction, any
21 requirement that they screen their pumping plan, but they
22 decided to do it. Most of the money that they used for it
23 was contributed by state and federal agencies.

24 What's particularly interesting is that every single
25 conservation agency supported the project and, in fact,
26 humorously enough, one of their names was on the sign on

No. 40

Public Meeting Transcript, Continued

0023

1 the highway during construction of the project. The
 2 Provident Irrigation District in particular delivers a
 3 substantial amount of water to private duck clubs and for
 4 refuge water use and so not only do they provide that water
 5 but also they provide habitat within their own boundaries.
 6 As the farmers' agricultural practices have changed
 7 over the years, many of you know that farming practices
 8 have changed dramatically such that most of the farming in
 9 the Sacramento valley now is waterfowl friendly if not also
 10 fish and other species friendly.

} 40-17

11 Those are kind of traditional irrigation districts.
 12 But there are other settlement contractors like the Davis
 13 Ranch, which was founded by three brothers who drove a herd
 14 of cattle from Indiana after the Civil War -- actually,
 15 probably, if I remember correctly, before the Civil War --
 16 in an effort to provide cattle for gold miners in the Yuba
 17 River Basin after the original Forty-niners further down in
 18 the American River.

19 They had a dry goods store in Marysville and saw that
 20 they could make more money farming, believe it or not.
 21 They moved across the river and bought land in Colusa
 22 County that is still farmed today by 36 family members who
 23 are their direct descendants. About six months ago they
 24 dedicated a fish screen project that they volunteered to
 25 put on their diversion plan on the river.

26 The other settlement contractor that I'm here to talk

} 40-18

- 40-17 Comment noted. For a discussion of biological impacts, see Chapter 3 of the Draft EIS. Also see Thematic Response No. 8 for a discussion of fish screen efforts of the SRSCs.
- 40-18 Comment noted. For a discussion of biological impacts, see Chapter 3 of the Draft EIS. Also see Thematic Response No. 8 for a discussion of fish screen efforts of the SRSCs.

No. 40

Public Meeting Transcript, Continued

40-19 Comment noted. See Thematic Response No. 1 for a discussion of the history of the SRSCs. Also see Thematic Response No. 4, Administrative Process, for a discussion of the length of the comment period.

0024

1 about today is the Natomas Basin Conservancy, which is a
 2 nonprofit corporation that manages several thousand acres
 3 in the Natomas Basin supplied by the Natomas Mutual Water
 4 Company. They manage it for -- primarily for upland
 5 species and waterfowl. And that habitat that they manage,
 6 if they weren't managing it, would probably be under acres
 7 of blacktop by now.

40-18,
 cont'd

8 They have at least one settlement contract, maybe
 9 more, coming soon as planned and transferred to them for
 10 the management purpose. Those are the kinds of agencies
 11 and people who need these settlement contracts. What they
 12 need is the certainty of contracts. That forms the basis
 13 for the stewardship that I've talked about.

14 I've been doing this work for about 25 years, maybe
 15 more than that, actually. My office has represented one of
 16 these irrigation districts since 1893 or the people who
 17 formed it since 1893.

18 I have yet to hear the critics of the Central Valley
 19 Project say that any environmental impact statement was
 20 good enough, that any contract was good enough and we've
 21 heard it again today. The reality is that we're already a
 22 year late with these contracts. They've been the subject
 23 of enormous public scrutiny. Every single negotiating
 24 session was a public session with public comment allowed at
 25 the end of the session.

40-19

26 They were the subject of long letters from critics of

No. 40

Public Meeting Transcript, Continued

0025

1 the project even while the contracts were undeveloped.
2 They've been the subject of contract language itself. It's
3 been the subject of public comment. We anticipate that
4 they will be the subject of litigation. The point is we
5 need to get on with it. Thank you.

} 40-19,
cont'd

6 MS. TEGELMAN: Thank you. Mr. Jackson, Mike
7 Jackson.

8 MR. JACKSON: Yes. My name is Michael Jackson.
9 I represent the -- I'm here today representing the
10 Sacramento Valley Environmental Water Caucus which is a --
11 the usual suspects in the Sacramento valley. I've been
12 coming to these meetings for about the same 25 years as
13 Mark talked about. And I think we both enjoy doing it. My
14 favorite was the 800 farmers across the street from the
15 Glenn-Colusa Irrigation District that I got to talk to
16 about the absence of screens in about 1991.

17 And all of the same environmental groups that are now
18 here today and represented by different members of us came
19 to that meeting and basically said, you know, in 1936 the
20 United States Supreme Court said there ought to be a
21 screen. And it's now 1991. "And we don't want to cut off
22 your water. That's not the purpose of what we're doing
23 here. We want to save the fish and the earth because we're
24 kind of whacko that way."

25 And that's sort of what's happening here. One of the
26 reasons we're all here to talk about these contracts is

No. 40

Public Meeting Transcript, Continued

0026

1 that there is a very large process going on called OCAP.
2 And it is connected to these contracts and it will decide
3 what happens for the next 40 years.

4 So I love coming to the Monday Afternoon Club even on
5 Wednesday because this is ground zero. This town is ground
6 zero for a way of life that's very important to the
7 Sacramento valley.

8 And so I want to start tearing apart this document
9 after I say that when we're done, there will be enough
10 water to farm because what you're doing is a good thing.
11 And we environmentalists need to spend a little more time
12 putting in context what our problems are. And so I'm going
13 to try to do that right now.

14 You can believe or not after the 25 years of dealing
15 with me whether or not what I'm telling you about wanting
16 to end up with all of these counties in the Sacramento
17 valley in good shape for the next 40 years, to have open
18 space and agriculture and wildlife -- and I do want to
19 thank you for the birds. They taught me a lot. I want to
20 thank you for a day I spent with the Suttons and Allen
21 Garcia. Finding out what happens in a rice field is not
22 eco death. And Mark Riseman was standing right beside me
23 when we realized it.

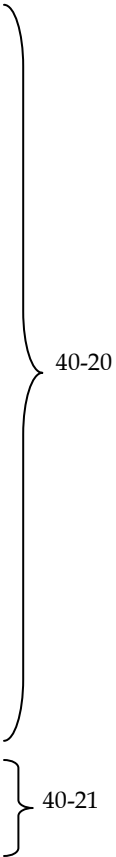
24 But there are still very real ecological issues. And
25 because of the way the bureau has gone forward these
26 contracts are the only mechanism that the environmental

No. 40

Public Meeting Transcript, Continued

0027

1 community has to talk about.
2 The OCAP is a huge federal change. It's a merger of
3 the state system, the state water project, and the Central
4 Valley Project. It's a sharing of storage. And it's going
5 to result in massive damage to the Sacramento valley in my
6 opinion. That damage is going to come not only to those of
7 us who care about the environment of the Sacramento valley,
8 and I include the farmers in that, but it's going to come
9 to the farmers and the way of life and to the future
10 economy of these counties. And I truly believe that or I
11 probably wouldn't be here today.
12 What's happening is that we are guaranteeing more
13 water out of the Delta than the Delta can stand. It's not
14 that necessarily we're harming the environment here by
15 what's happening. But we're harming it in the Delta. And
16 the only way to fix it if we allow continual export to
17 urban areas for sprawl ever more water -- whether they pay
18 us for it or whether they don't, whether they pay some of
19 us for it or whether they don't, the water is leaving.
20 They're becoming dependent on it. And encouraging that by
21 granting contracts for more water than we actually need
22 here creates an incentive for the Bass brothers to be here
23 next.
24 And as somebody who represents farmers in Imperial
25 Valley, I can tell you that setting up the potential for
26 export by creating paid for water is a bad idea in any



- 40-20 See Thematic Response No. 7 for a discussion of the relationship of the SRSCs to CVP-OCAP. Also see Thematic Response No. 3 for a discussion of the water needs assessment.
- 40-21 See Thematic Response No. 6 for a discussion of potential water transfers.

No. 40

Public Meeting Transcript, Continued

0028

1 event. The logs in this document are listed on the paper I
 2 turned in. We will be filing a broader statement. I may
 3 not hit them all in this statement.

} 40-21
 cont'd

4 First of all, this document is tiered to the CVPIA
 5 document and it's incorrectly tiered. It does not deal
 6 with the project level impacts of the contract renewal, the
 7 way the CVPIA told us in the programmatic document it would
 8 do. That's not the fault of the farmers. That's the fault
 9 of the government.

} 40-22

10 I think the farmers in this room understand that the
 11 government does not always perfectly execute even good
 12 ideas. And this is one that is not being perfectly
 13 executed for you. And it's going to cause troubles that
 14 you didn't earn but that are unavoidable under the system.

15 Secondly, this document is not linked to the OCAP as
 16 it exists today. Mr. Behar mentioned biological opinions
 17 that have just been released. I would presume that this
 18 document will deal with each individual project impact at
 19 some point or it will be defective.

} 40-23

20 The third issue that I'd like to talk to you about is
 21 the issue of future water use. If there is water that's
 22 available that isn't being used now, there are other people
 23 in the Sacramento valley who need water. On occasion there
 24 are other people -- my mother wanted me to bring this up.
 25 She asked me to ask you why the water district in the
 26 Anderson-Cottonwood Irrigation District where she lives are

} 40-24

40-22 See Thematic Response No. 2 for a discussion of the project's
 relationship to CVPIA. See page 1-10 of the Draft EIS for a
 description of the relationship to the CVPIA PEIS. Also see
 Appendix C for a detailed description of CVP operations.

40-23 See Thematic Response No. 7 for a discussion of the relationship of
 the SRSCs to CVP-OCAP. Appendix B of this document presents the
 full NOAA-Fisheries CVP-OCAP Biological Opinion.

40-24 See Thematic Response No. 3 for a discussion of the water needs
 assessments. Also see Chapter 4 of the Draft EIS for a discussion of
 the cumulative condition.

No. 40

Public Meeting Transcript, Continued

0029

1 the only ones who are losing water in these contracts.
 2 What criteria caused them to use water? What criteria
 3 causes us to find that in 40 years there hasn't been a new
 4 water need.

} 40-24,
 cont'd

5 If water that has not been used in the past in the
 6 Sacramento valley is available, there are new people who
 7 would like to make contracts with the Bureau of Reclamation
 8 under the area of the origin law. There are cities who
 9 could make contracts under the area of the origin law. And
 10 yet this presumes that the water is going to go to exactly
 11 the same people that it's gone to for 40 years. And as I
 12 read the law, that's not fair. And it's not discussed in
 13 this document.

} 40-25

14 The fifth thing I'd like to talk about is that if you
 15 read this document except for a very small section that
 16 sort of is totally inadequate, you would not know that
 17 underneath the ground here in the counties that we're
 18 talking about is probably 50 million acre feet of usable
 19 water. There is no reference to conjunctive use projects
 20 that are going on all over the valley.

} 40-26

21 There's no reference to the Sites Reservoir in
 22 connection -- of how the contract would be used with or
 23 without a Sites Reservoir or whether a Sites Reservoir
 24 would be helpful to executing the contract. I suspect not
 25 but I don't know that because there's no linkage in this
 26 document. In fact, there's no linkage between this

} 40-27

- 40-25 See Thematic Response No. 3 for a discussion of the water needs assessments. The Settlement Contracts are consistent with state and federal law.
- 40-26 Conjunctive use projects are not part of the Settlement Contract renewal process. Therefore, they were not considered as part of the groundwater analysis in Chapter 3 of the Draft EIS.
- 40-27 See Table V-1 of the Draft EIS for a discussion of possible new storage projects, particularly as they relate to CVPIA. At this time, there are no plans to develop Sites Reservoir. Execution of Settlement Contracts is independent of any potential storage project that may be considered in the future.

No. 40

Public Meeting Transcript, Continued

0030

1 document and anything else going on in the bureau's realm
2 that I could find.

3 So in that regard I think your cumulative impact
4 analysis is defective in that it does not address all of
5 the relationships that are taking place and the changes
6 that are expected for the next 40 years.

7 The last issue that I'd like to bring up is that I --
8 I live in the mountains; within the water shed but in the
9 mountains. And during the Clinton administration we were
10 trying to find the solution to the timber crisis, the
11 spotted owl instead of the salmon. You folks wanted us to
12 talk about something besides salmon. So I'll talk to you
13 about the spotted owl.

14 We sat down and reached an agreement and people got
15 -- and it was a good one. And then we got into partisan
16 problems. And those partisan problems were not driven by
17 our community, but they divided our community. They were
18 driven by a deadline. And that deadline was to solve the
19 problem before January 21st in an election year.

20 And what I find is when I walked into this room --
21 that instead of being on a Clinton deadline, I'm on a Bush
22 deadline so Bush can sign it. And I would just like to
23 speak through you folks. I mean I know Mr. Holt and admire
24 him greatly. And so I'd like to speak through you folks to
25 your leadership which is don't schedule a train wreck that
26 harms these farmers and the attempt to work together across

} 40-27,
cont'd

} 40-28

} 40-29

40-28

The cumulative analysis included in the Draft EIS references a number of projects and processes. See Table V-1 in the Draft EIS for a complete list. See page 1-10 for a list of projects included in the CVP-OCAP. Notably, the Draft EIS found that the reduction in total contract quantities in the Preferred Alternative relative to the No Action Alternative would increase the flexibility of the CVP in meeting future obligations.

40-29

Comment noted. See Thematic Response No. 4, Administrative Process, for a discussion of the length of the comment period.

No. 40

Public Meeting Transcript, Continued

40-30 See Thematic Response No. 6 regarding water transfers.

0031

1 the valley to satisfy every interest because we can do it
 2 here. There's enough water that their families can farm
 3 for another three generations, and we can save these fish
 4 and the egret and everything else that we're working on.
 5 So don't jam a deadline down our throats unless people
 6 truly believe that you can base an economy on a four-year
 7 election cycle.

} 40-29,
 cont'd

8 MS. TEGELMAN: Thank you.

9 MR. JACKSON: Thank you very much.

10 MS. TEGELMAN: Mr. John Merz.

11 MR. MERZ: I'd like someone else to go first.

12 MS. TEGELMAN: All right. Steve Evans.

13 (Reporter interrupted proceedings.)

14 MR. EVANS: My name is Steve Evans. I'm the
 15 conservation director of Friends of the River with
 16 California's Statewide River Conservation Organization.
 17 Friends of the River would like to support renewal of the
 18 Sacramento valley settlement contracts. However, we can
 19 find no alternative in this document that proposed renewal
 20 that we could support.

21 Despite the width of this document it is lacking in
 22 many areas. Perhaps the greatest one and the greatest
 23 concern we have is the failure of this document to consider
 24 the impacts of water export settlement -- settlement
 25 contract water out of the Sacramento valley for exports out
 26 from San Joaquin valley and Southern California.

} 40-30

No. 40

Public Meeting Transcript, Continued

0032

1 There are no limitations in these contracts to do so.
 2 And the very fact that the bureau needs assessment found
 3 that there was something like 259,000 acre feet of water
 4 never historically used by the contractors almost certainly
 5 assures that that amount of water could be sold as well as
 6 water that's currently used by the settlement contractors.
 7 And we're very concerned about the potential transfer
 8 and export of the settlement contract water on the economy
 9 in the Sacramento valley, the communities of the Sacramento
 10 valley and the environment of the Sacramento valley. And
 11 this document completely fails to assess the potential
 12 impact of that with the extent of water transfers and
 13 exports.
 14 We're also concerned about the failure of this
 15 document to consider the site specific impact of the
 16 operation of bureau facilities and diversion facilities on
 17 the environment. Just a couple of examples as noted
 18 previously by a couple of speakers, the bureau proposes to
 19 change operation of the CVP facility to meet these
 20 contracts to provide more export south. And the results of
 21 those changes include fairly dramatic impact on the
 22 endangered winter run Chinook salmon of the Sacramento
 23 River.
 24 The bureau is proposing to eliminate the carryover of
 25 storage of cold water behind Shasta Dam, which has been
 26 regularly used to sustain the winter run, particularly

40-30,
cont'd

40-31

40-32

- 40-31 See Thematic Response No. 5 regarding incremental impacts in the EIS. Also, please see Thematic Response No. 7 for a description of the OCAP process. That document provides an analysis of the CVP and SWP system's effect on threatened and listed species in the Central Valley. That document concluded that the proposed operations of the CVP and SWP - including renewal of the Settlement Contracts - would not likely jeopardize the continued existence of threatened or endangered species. Indeed the Biological Opinions prepared as part of that effort documented the continuing improvements of some species, notably winter-run salmon.
- 40-32 See Thematic Response No. 5 regarding incremental impacts in the EIS. Also, see Thematic Response No. 7 for a description of the OCAP process. That document provides an analysis of the CVP and SWP system's effect on threatened and listed species in the Central Valley. That document concluded that the proposed operations of the CVP and SWP - including renewal of the Settlement Contracts - would not likely jeopardize the continued existence of threatened or endangered species. Indeed the Biological Opinions prepared as part of that effort documented the continuing improvements of some species, notably winter-run salmon. Operations of Shasta Reservoir with regard to carryover storage requirements and temperature management in the Sacramento River are outlined on page 219 of the NOAA-Fisheries BO for CVP-OCAP.

No. 40

Public Meeting Transcript, Continued

0033

1 during drought years. And as a result of your proposal
 2 they want to make it every 20 miles of critical habitat for
 3 the winter run in the Sacramento River between Red Bluff
 4 and Balls Ferry. That's a huge impact on a species that
 5 has barely clawed its way back from a run of less than 200
 6 fish to annual runs that number less than 10,000. And
 7 that's not very many considering it used to be 200,000 or
 8 more winter runs every year.

40-32,
 cont'd

9 There's numerous other issues that this document
 10 fails to consider. The bureau is obligated under the
 11 Central Valley Project Improvement Act to -- and the
 12 Anadromous Fish Repatriation Plan to double populations of
 13 salmon, steelhead in the Sacramento valley. There's no
 14 clue in this document as to how renewal contracts will, in
 15 fact, deal with that goal or not.

40-33

16 The bureau again, under the AFRP, is obligated to
 17 establish minimum flows of pure creek of 200 to 150 CFS
 18 which average about 40. There's no clue in this document
 19 as to how that will be achieved with these contract
 20 renewals.

40-34

21 The bureau also obligated, along with the districts,
 22 to restore the environment of Stony Creek, both the
 23 riparian environment and the former anadromous fishery.
 24 And, in fact, the law that created the Red Bluff diversion
 25 dam that became the Colusa Canal included the facility
 26 where the canal crosses Stony Creek. And that facility now

40-35

40-33

Commentor notes that certain restoration elements of CVPIA have not been fully implemented, specifically including fish populations under AFRP. As noted in Chapter 3 of the Draft EIS, there would be no impact under the Preferred Alternative compared to the No Action Alternative. Analyses in the Draft EIS that concluded there were no adverse impacts from the Preferred Alternative were not dependent on potential future improvements under CVPIA or any other restoration program. see Thematic Response No. 2 for a discussion of the relationship between CVPIA and the SRSCs. For an assessment of risk to fish in the Sacramento River, please see the BO on the CVP-OCAP. That document found that the proposed operations of the CVP and SWP - including renewal of the Settlement Contracts - would not likely jeopardize the continued existence of threatened or endangered species.

40-34

Renewal of the Settlement Contracts is unrelated to minimum flows in Clear Creek. For a description of overall operations, see Appendix C of this Final EIS. Page 221 outlines requirements for Clear Creek.

40-35

Renewal of the Settlement Contracts is unrelated to operation of RBDD and delivery of water via the Tehama-Colusa Canal. Likewise, potential fishery restoration on Stony Creek is unrelated to the renewal of Settlement Contracts. For a description of overall operations, see Appendix C of this Final EIS. Page 155 of Appendix C describes operations at Stony Creek in relation to the Tehama-Colusa Canal.

No. 40

Public Meeting Transcript, Continued

0034

1 is used actually to take water out the creek, not put water
 2 back into the creek the way that it was intended. Again,
 3 this document doesn't even address that.

} 40-35,
 cont'd

4 There's a very critical need to establish an American
 5 River flow standard for salmon. The bureau at least said
 6 they are willing to sit down and try to figure that out.
 7 We don't have a flow standard yet. And yet we're going to
 8 renew contracts before that flow standard is adopted.

9 So there's huge environmental issues here and not the
 10 least of speaking personally is the issue of the Colusa
 11 drain. Much of the water -- much of the settlement
 12 contract water that is applied to the fields in the
 13 Sacramento valley flows into the Colusa drain. It's
 14 heavily polluted the drain; fails to meet the federal water
 15 quality standard; flows into the Sacramento River; flows
 16 into the Sac -- City of Sacramento water intake pumps. And
 17 I get to drink it every fall and last summer. And that's a
 18 problem.

} 40-36

19 And, again, you've created this huge system in this
 20 valley that's dependent on these water contracts, and
 21 that's important. But we're -- and we're taking steps to
 22 renew the contracts without first solving these problems
 23 and first considering what the needs of both the Sacramento
 24 valley's economy and its communities and the environment
 25 are first.

} 40-37

26 I'm appalled that this document says there's no

} 40-38

- 40-36 Given water use would not change between the No Action Alternative and the action alternatives, agricultural drainage water quantity and quality within the Colusa Basin Drain would not be different whether the No Action Alternative or one of the action alternatives were adopted. See Response to Comment 6-16 for a more detailed consideration of the Colusa Basin Drain.
- 40-37 Contrary to the commentor's assertion, consideration has been given to economies, communities, and the environment, consistent with the requirements of NEPA. See Chapter 3 of the Draft EIS for a discussion of these topics.
- 40-38 See Thematic Response No. 5 for a discussion of the difference between the No Action Alternative and the Preferred Alternative. Also see Thematic Resposne No. 6 for a discussion of water transfers.

No. 40

Public Meeting Transcript, Continued

40-39 Comment noted. Reclamation maintains that the Draft and Final EIS comply with NEPA.

0035

1 significant impacts on aquatic resources, on wildlife, on
 2 economic -- you name it. This document simply says there's
 3 no impact because there's very little change. And yet
 4 these contracts have had huge impacts in the potential way
 5 of how this can be used in the future, particularly in
 6 terms of exporting water -- could have even more impact.

} 40-38,
 cont'd

7 I would urge you to start over; not be rushed into
 8 any decision to finalize these contracts just because
 9 there's an election coming. And this document itself is
 10 completely inadequate under federal law. Thank you.

} 40-39

11 MS. TEGELMAN: Thank you. Mr. Merz, did you
 12 want to go next?

13 PERSON IN AUDIENCE: He's stepped outside.

14 MS. TEGELMAN: That's okay.

15 PERSON IN AUDIENCE: He's coming back.

16 MS. TEGELMAN: Okay.

17 MR. MERZ: I'm John Merz, president of the
 18 Sacramento River Preservation Trust. A number of speakers
 19 before me, pretty much representing my own feelings, pretty
 20 much covered a lot of our issues. Especially what I want
 21 to talk about today is really more of, maybe, the tenor of
 22 the conversation. And we're, unfortunately, involved in
 23 this room and oftentimes talked about the us versus them
 24 mentality. I think that's unfortunate.

25 Part of it -- the association attempted to rewrite
 26 this. We might as well have our own perspective on it. I

No. 40

Public Meeting Transcript, Continued

40-40

Comment noted. See Thematic Response No. 4, Administrative Process, for a discussion of the length of the comment period.

0036

1 appreciate that Mark Atlas thinks that Provident Irrigation
2 District and others put in pumps in one, replacing three
3 others out of the best of intentions, but the reality is
4 that, in fact, the spring run was endangered and there are
5 a number of things in play. This also happened on the MMT
6 Ranch and so on and so forth.

7 And I guess what's missing -- we have a little -- we
8 have an ongoing issue of push and pull. And maybe it's
9 partly because we don't always agree with certain laws,
10 whether they can be in existence. Maybe the Endangered
11 Species Act is one. And that's really an issue. And I
12 think the one that -- I don't know if we're ever going to
13 resolve.

14 But what it comes down to is it really gets in the
15 way of our conversation, I think, in terms of what we are
16 trying to accomplish in the community. And that is to
17 determine how best to use the resource that's critical for
18 all of us. And that's water.

19 As it's been mentioned before. One of the problems
20 we get into in these kinds of environments is that we have,
21 in many ways, artificial deadlines. There's deadlines that
22 are created that often then lead us to have to make
23 decisions that, maybe, if we had more time we would take a
24 little bit different approach.

25 The reality is the environmental community, and I
26 truly believe this, has been working very hard to put in

} 40-40

No. 40

Public Meeting Transcript, Continued

40-41

See Thematic Response No. 5 regarding incremental impacts in the EIS. Also, see Thematic Response No. 7 for a description of the OCAP process. That document provides an analysis of the CVP and SWP system's effect on threatened and listed species in the Central Valley. That document concluded that the proposed operations of the CVP and SWP - including renewal of the Settlement Contracts - would not likely jeopardize the continued existence of threatened or endangered species. Indeed, the Biological Opinions prepared as part of that effort documented the continuing improvements of some species, notably winter-run salmon. Operations of Shasta Reservoir with regard to carryover storage requirements and temperature management in the Sacramento River are outlined on page 219 of the NOAA-Fisheries BO for CVP-OCAP.

0037

1 place lots of programs to assist the farming community in
2 meeting the mandates of federal and state law, the law as
3 to how it affects the environment. And we will continue to
4 do that because we think -- because we know the kind of
5 work that's done by the farming community. We know where
6 they are on the landscape. We know how important they are
7 to be involved in that mix.

8 At the same time we can't -- we cannot stand aside
9 and let things like what Steve just talked about in terms
10 of literally the potential draining of Shasta Lake. I mean
11 this is the kind of thing that could very well happen. I
12 mean that's 900,000 acre feet that was put in place by a
13 biological opinion. The winter run is now in jeopardy.
14 That's just one of a number of things that are being
15 discussed in the control context of a change in how water
16 is going to be moot supposedly in the State of California
17 and it's taking us back. It's not taking us forward.

18 I've been doing this for a long time. You all see me
19 at lots of meetings. And the message, I think, has been
20 consistent all the time. And that is we will -- we want to
21 work together but we will fight for those things that we
22 think are important.

23 The thing that hurts or is difficult for us is that
24 we think that the farming community and the environmental
25 community, in many ways, are one and the same and that, in
26 fact, this particular issue is really being driven, quite

} 40-41

No. 40

Public Meeting Transcript, Continued

0038

1 frankly, out of Northern California. It's being driven by
2 demand basically, not only in the Bay Area but more
3 importantly by, frankly, the San Joaquin valley and
4 Southern California.

5 And what we need to talk about is our shared interest
6 and what our future looks like, and we're not doing a real
7 good job of that. We're picking at each other when, in
8 fact, we've got -- there are bigger fish to be fried so to
9 speak -- whoa -- be it salmon or whatever. And we have to
10 be paying attention to where that's coming from.

11 Mike mentioned the Delta. It's a key issue. The
12 health of the Delta has driven the entire CALFED Program.
13 It will continue to be a major point of contention. We
14 have to be real about that. We're also being real about
15 the things we're not doing.

16 I mean -- and I got to tell you. In Glenn County I
17 still drive across the landscape and see fields being
18 flooded, flood irrigated. Okay. Now maybe the answer to
19 that is that water's going to be reused by the next farmer
20 down the way, whatever. And oftentimes that is the case.
21 But it's fact that we have all the conservation principles
22 in play that we have talked about, you know.

23 And are we really doing the best job we can be doing?
24 And if not, how do we get there? The reality is also do it
25 -- are all our systems metered? I mean really. It's only
26 fair. We're going to be all put on the same playing field

No. 40

Public Meeting Transcript, Continued

0039

1 and we should be basically playing by the same rules. And
2 a metered system helps us do that.

3 We're only allowed so much water. And we should be
4 paying for a certain amount of water. And I personally
5 think a metered system across the board is called for; not
6 just for ag but for the city. The City of Sacramento
7 should be ashamed of fighting the meter.

8 It's those kinds of issues and I've always thought
9 the level playing field should be part of the dictate as
10 well. Larger issues, not necessarily part of what you're
11 dealing with in terms of the actual document in front of
12 you -- but we really feel that we have to change the nature
13 of the dialogue.

14 We're not going to give up the things that we've
15 gotten to already. And it is pretty incredible the winter
16 runs have come back as well as they have. We're not going
17 to step back from that. In fact, there's a proposal to,
18 quite frankly, take it from endangered to threatened status
19 partly because of what's occurred though the reality is
20 we're running on a low burden motivation. It's unfortunate
21 we have to look at it in that way, but that has been part
22 of history also.

23 So my thoughts today are really more somewhat
24 philosophical. And we'll be submitting lots of comments,
25 taking you to task page after page. But I would suggest
26 that you make provisions for the long haul, and let us have

No. 40

Public Meeting Transcript, Continued

0040

1 the opportunity to work more of this out.

2 Mark again -- and I've heard this from others -- Mark
3 was in the room but also Mark gets paid a lot of money to
4 say -- he gets paid a lot of money to be in that room. But
5 I'm not saying that's a bad thing. I'm just saying that we
6 have the same problems with CALFED and just run through the
7 list.

8 There's only -- there's not a whole lot of us roaming
9 around. A lot of us actually have other things we'd rather
10 be doing or have to do, especially the farming community.
11 And so if -- we have to pick and choose our times and our
12 places to have these conversations because we can't be in
13 the room all the time. We try to be but we -- oftentimes
14 that's just a hard thing to do. And quite frankly, I take
15 my hat off to NRDC, and I appreciate their engagement and
16 there will be others.

17 But we need now to get really to the essence of what
18 this EIS is speaking to. And I don't think we -- and to
19 force it is just going to lead us to where it's going to be
20 predicted we're going to go. And maybe that is going to be
21 litigation. I hope not.

22 But I think for one thing the valley -- the
23 Sacramento valley has to get its discussion in order, the
24 things that we want to have in place, because if we don't
25 take care of it ourselves, somebody else will take care of
26 it for us, and I think that's actually kind of the plan

No. 40

Public Meeting Transcript, Continued

0041

1 anyway. Thank you.

2 MS. TEGELMAN: Thank you. Gary Mulcahy.

3 MR. MULCAHY: Gary Mulcahy, M-u-l-c-a-h-y. All

4 right. I want to talk mostly to these guys first. I'm not

5 an environmentalist. And I'm not a farmer. I'm just a

6 person. I'm a member of the Winnemem Wintu Tribe of

7 Northern California whose issues, homeland and cultural

8 resources, has not been addressed in any one of the forms.

9 The Bureau of Reclamation project is ongoing right at the

10 moment. And that's why we're here now.

11 First off, I want to tell you that we want you to

12 farm. We like seeing the geese in some of the fields that

13 you've been flooding, the ducks and everything else. We

14 appreciate what you're doing. We don't want to take your

15 water away, but we don't want to disappear as a culture

16 either.

17 This thing that we're talking about today is only a

18 small piece of a really big thing that's happening here in

19 California right now. It's called the CALFED, the Central

20 Valley Improvement Act and all that stuff. There's a whole

21 bunch of pieces to this puzzle that's going on and it

22 affects a lot of areas here.

23 And I know right now as a farmer you're thinking,

24 "Well, I'm interested in water and I'm interested in

25 contacts that I've had before. Why can't we just get on

26 with it and just give me what I was given before." But

} 40-42

} 40-43

40-42

Reclamation inadvertently omitted the identification of Indian trust assets within the SRSC study area on page 5-3 of the Draft EIS. This has been corrected in the redline version of the corrected EIS available in Chapter 4 to this Final EIS. However, Reclamation correctly identified all six tribes on page 3-143 of the Draft EIS. Indian trust assets exist on the trust lands of the following:

- Redding Rancheria in Shasta County
- Paskenta Band of Nomlaki Indians in Tehama County
- Grindstone Rancheria in Glenn County
- Cachil Dehe Band of Wintun Indians of the Colusa Indian Community in Colusa County
- Cortina Band of Wintun Indians of the Cortina Rancheria in Colusa County
- Rumsey Indian Rancheria of Wintun Indians in Yolo County

However, Reclamation concludes that future execution of the SRSCs does not adversely affect the use, quality, character, or nature of the six tribes' trust assets located in the SRSC study area. Therefore, Reclamation concludes there are no impacts to the Indian trust assets of the Redding, Paskenta, Grindstone Colusa, Cortina, or Rumsey Tribes as a result of SRSC execution.

40-43

See Thematic Response No. 2 for a discussion of the relationship between the Settlement Contracts and CALFED.

No. 40

Public Meeting Transcript, Continued

40-44 Comment noted. Consideration of potential congressional action is beyond the scope of this document.

0042

1 it's not that easy right now. And it's not going to be
2 that easy for the next couple of years because there's some
3 major things that are happening here.

4 This project or this settlement contract ties into
5 several pieces of that other project. They're affected in
6 one way or the other. Water that's being promised or
7 additional water being promised is going to be affected by
8 other pieces of the project that you don't know about.
9 That's why these guys have been up here telling you -- this
10 isn't good right at the moment. They're not after you.
11 We're not after you. The Indians aren't after you. We're
12 not coming.

13 So listen; listen real carefully. I see in here that
14 Congress authorized an extension of the contract here about
15 a year or so ago. They can do that again so you don't lose
16 your water until we sort all this stuff out. And we want
17 you to help us. We really do want you to help us because
18 there's some big interests that are happening down the
19 state.

20 There's a lot of pieces of this contract or this
21 puzzle and this project that's going on now that affect --
22 where it's being pushed by what's happening down state.
23 And I know you've heard this over the 25 or 30 years. You
24 know that Southern California is a mess. Hey, man. It's
25 serious this time. And it's a big issue.

26 I appreciate the guy that says that they had -- an

} 40-44

No. 40

Public Meeting Transcript, Continued

0043

1 attorney up here that says one of them irrigation districts
 2 -- you know it was formed in 1893. You know what? The
 3 Winnemem Wintu Irrigational District on the McCloud River
 4 was formed about 10,000 years ago. Beat that one.

5 What has happened is pieces of those projects are
 6 going to affect Shasta Dam. They're going to affect the
 7 McCloud River. Even though it doesn't say it right in
 8 here, there's other pieces of the project that are
 9 affecting those areas. Shasta Dam is going to raise
 10 because in this contract also, by the way -- those proposed
 11 settlement contracts here, Section 6, basically says that
 12 -- where did it go here?

13 Let's see. Part of the settlement contract is
 14 integrated water management and partnership that you guys,
 15 the contractors and the Bureau of Reclamation, will work
 16 together in order to better manage the irrigation and
 17 surface and ground water. That's a good thing. But you're
 18 also going to work together in order to build or increase
 19 water storage.

20 What the increasing water storage part comes from in
 21 here is the water storage increased piece of the CALFED
 22 Project. That's Sites Dam. That's Shasta Dam. Shasta Dam
 23 being raised 18-and-a-half feet is the proposed level.
 24 It's going to flood the rest of my tribe's cultural
 25 resources. It's going to kill us. It's going to take away
 26 our heritage.

40-45

40-46

40-45 See Table V-1 of the Draft EIS for a discussion of possible new storage projects, particularly as they relate to the CVPIA. At this time, there are no plans to raise Shasta Dam, although some consideration of the potential costs and benefits of such a raise are under consideration. Execution of Settlement Contracts is independent of any potential storage project that may be considered in the future.

40-46 Any potential increase to Shasta Dam would be the subject of a separate NEPA process. There is no causal relationship between renewal of the Settlement Contracts and potential raise of Shasta Dam or potential construction of Sites Reservoir.

No. 40

Public Meeting Transcript, Continued

40-47 See Response to Comment 40-42.

40-48 See Response to Comment 40-42. Reclamation contends that it has met its obligation to consider Indian trust assets in this case.

0044

1 Now a lot of people say, "Well, Let's go talk about
 2 species." Water, you know -- you know, are the fish more
 3 important than a person? I'm a person. And so are the
 4 other small hundred and twenty-five members of my tribe and
 5 the 600 other members of the Winnemem Wintu Nation that's
 6 up there on the Sacramento and Pit River and the Pit River
 7 Indians.

8 But in this little thing here -- I think this is
 9 really interesting. I want to address this to you folks --
 10 is you know, you've got a tribal asset section -- Indian
 11 trust asset section, cultural resources impact -- says no
 12 impact on any of this.

13 Well, it doesn't take into consideration what you've
 14 already impacted already. And sit here and vote the legal
 15 process -- the advice of counsel -- let me give you a card
 16 here because this is directly from Washington D.C. who we
 17 talked to. Valerie Houser, the Native American Program
 18 Coordinator for the Advisory Council of the Yurok
 19 Reservation says that all of their departments, Bureau of
 20 Reclamation, Bureau of Land Management -- anytime that you
 21 folks get into a project that invokes the legal process and
 22 the 106 process in the State of California, you were
 23 advised to not only talk to federally recognized tribes but
 24 nonfederally recognized tribes because of the mess the
 25 Indian tribes are in California.

26 You have not consulted the Winnemem Wintu. We can

} 40-47

} 40-48

No. 40

Public Meeting Transcript, Continued

4-49

See Thematic Response No. 1 for a discussion of the history of the Settlement Contracts. Also see Thematic Response No. 2 for a discussion of the Settlement Contracts as they relate to CALFED. See Thematic Response No. 5 for a discussion of the incremental effects of contract renewal.

0045

1 put an embargo on this whole project from Washington. We
 2 don't want to do that but we will. You need to talk to us.
 3 You need to address our issues. We want these guys to have
 4 their water. I like the food I get in California. I buy
 5 California grown, by the way, because you guys do a great
 6 job. We can trust you.

} 40-48,
 cont'd

7 So what I would like to suggest -- you do have a
 8 related project here which is interesting. Some of the
 9 gentlemen talked about -- there's no comments in here about
 10 the other pieces of the project that are going on that are
 11 actually getting effect -- these settlement contracts on
 12 where that water is going to come from. The issue is where
 13 the water's going to come from to fulfill these contracts.

14 That's the big issue and how they're going to get that
 15 water to fulfill the contracts. That's the issue.

16 We need your help in making them define where it's
 17 going to come from because this is all related to other
 18 projects, the other projects in the CALFED project.
 19 There's a big mess happening, folks. We need your help.
 20 You need to make them look at it. You need to make them
 21 stop, sit back and go it through a little bit.

} 40-49

22 And what they're saying here is you don't really talk
 23 about all these other projects in here and how they affect
 24 these waters so much as where the delivery is going to come
 25 from. Is it going to come out of this fork? Is it going
 26 to come out of that fork? Is it going to come from Sites?

No. 40

Public Meeting Transcript, Continued

0046

1 Is it going to come from Shasta? Are we going to use
 2 ground water? Are we going to use this? Are we going to
 3 use that? There's nothing in here that talks about that.
 4 It basically says no impact.
 5 Well, you can't have a "no impact statement" in here
 6 because the whole water system is getting ready to change.
 7 That's what the CALFED -- that's what the project is. The
 8 whole water system here is getting ready to change, how
 9 it's managed, how it's distributed and how it's used.
 10 Thank you.

} 40-50

11 MS. TEGELMAN: Thank you. Anjanette Martin.
 12 MS. MARTIN: Anjanette, A-n-j-a-n-e-t-t-e.
 13 Martin is M-a-r-t-i-n. I'm here as a farmer right outside
 14 here in Willows and I'm here as a mother of three boys and
 15 23 nieces and nephews that are all related and have food
 16 and shelter put over their heads by farming and agriculture
 17 in this community. My father was the sheriff of Glenn
 18 County. The way we have police protection is through
 19 taxes. Water is based on land values and those land values
 20 are directly related to water and farming.

} 40-51

21 Most of my -- I'm not here being paid by anybody.
 22 I'm here to argue that a lot of people here are deriving
 23 their income one way or another from agricultural water, so
 24 we're all getting paid one way or another.
 25 I feel really passionate. And I wasn't -- I didn't
 26 grow up in a farming family. I actually grew up in a law

- 40-50 Comment noted. See Chapter 3 of the Draft EIS for a discussion of the socioeconomic resources and impacts affected by the alternatives.
- 40-51 See Thematic Response No. 2 for a discussion of the Settlement Contracts as they relate to CVPIA and CALFED.

No. 40

Public Meeting Transcript, Continued

40-52 Comment noted. Related projects and activities are also outlined on page 1-9 of the Draft EIS.

0047

1 enforcement family, and then I left, and I wanted to get
 2 the heck out of Northern California. And I went to
 3 Southern California and lived during the drought in San
 4 Diego where I -- everybody had to keep like a sink full of
 5 water and use that all day to wash your dishes. And that
 6 wasn't really any fun. But the cost of living down there
 7 was too high, and my parents wanted me home and I moved
 8 home and I fell in love with a farmer.

9 It's the best thing I ever did in my life because
 10 farming is and provides the best value to raising children.
 11 And I want to keep that. And the only way is to renew
 12 these contracts. Everybody says, "Well, it's related to
 13 everything else." I, probably, more than anybody, realize
 14 that because I've been the chair of the technical advisory
 15 committee for the Sacramento River Conservation for the
 16 last four-and-a-half years.

17 And I've watched them convert it into agricultural
 18 land. It's been eaten up month after month after month
 19 after month because of the funding and the propositions
 20 that the voters of California have passed. And that hasn't
 21 been balanced either. Has CVPIA been balanced? Probably
 22 not. Has CALFED been balanced? They're trying but it's
 23 pretty much eaten up our agricultural land and picking away
 24 at our economic base.

25 There's been studies done, studies done in the
 26 Sacramento River Conservation area that has shown the

} 40-52

No. 40

Public Meeting Transcript, Continued

40-53 See Thematic Response No. 7 for a description of the Settlement Contracts as they relate to OCAP.

0048

1 impact, and it was decided at the end -- of the conclusion
 2 that it was going to be replaced with environmental tourism
 3 on facilities that haven't necessarily been developed or
 4 figured out a way to pay for them.

5 To say that that document -- this document, this
 6 project, has to consider everything else, we would never
 7 renew these contracts. We would just -- we would never
 8 review them. And is the water community completely happy
 9 with the contractor goals? No, we're not. By the
 10 inclusion of Chapter 6 that you previously mentioned, the
 11 Integrated Water Management Partnership, I think that is
 12 actually what opens up the door to look at and include
 13 everything else that's happening in the state and with the
 14 federal government. Integrated, and that is the key word.

15 Nothing should be looked at on its own. Everything
 16 else is connected and we have to continue to develop and
 17 work on partnerships that can make everything that's
 18 connected work together. And that does include storage.
 19 Whether it includes sewage in the Shasta Dam, I don't know.

20 It means that we have to look to the hills. There's
 21 no water in the hills. We have to manage our ground water
 22 resources. And we have to look at what's best for those
 23 people that are mostly affected in the settlement
 24 contractors, the settlement contractors and the farmers.
 25 And I'm not just going to be affected. It means me and my
 26 kids. And I got involved in this because I want there to

} 40-53

No. 40

Public Meeting Transcript, Continued

0049

1 be a future for them if they so choose to be farmers. And
2 so that's why I got up here today to speak. So good luck
3 with you. And I hope that we can settle this once and for
4 all.

5 MS. TEGELMAN: Mark Rockwell.

6 MR. ROCKWELL: I'm Mark Rockwell. I'm here
7 representing the Northern California Council Federation of
8 Fly Fishers, and probably like everybody who's in the room
9 I come with somewhat of an agenda of things I was going to
10 talk about. In the process, I think, of listening to
11 everybody who's spoken before me makes me reflect a little
12 bit on some of my comments.

13 And I think, you know, a couple of things that were
14 talked about that caught my interest -- one of them was the
15 winter run Sacramento River salmon. That is always a topic
16 of conversation at these meetings it seems. And I think my
17 impression on that is relative to ducks and geese and other
18 wildlife species that were talked about living on the farm
19 lands here in the valley.

20 I think the distinct difference is that those ducks
21 and geese and other wildlife species, for the most part,
22 are not on the endangered species list and did not have
23 levels of adults in their species that numbered in the
24 hundreds.

25 And I think the changes that occurred in the water
26 management program having to do with Shasta Dam and the

No. 40

Public Meeting Transcript, Continued

0050

1 upper or the lower Sacramento River around Redding and Red
 2 Bluff that were implemented some years ago to try to save
 3 the winter run salmon were an effective change that
 4 occurred that allowed the winter run salmon to go from a
 5 few hundred fish that were on the threshold of extinction
 6 to move to a level that now at least allows us to, maybe,
 7 take a breath and say, "Well, maybe they will survive."

8 And I think extinction is a different process than
 9 just not very many of them. Extinction is gone forever.
 10 They're never going to be here. And there's lots of
 11 species of fish in the state that are extinct at this time.
 12 So that is what brought about the Endangered Species Act in
 13 situations where species went extinct.

14 And I think when we talk about the contracts and of
 15 the OCAP and the Sacramento valley contract as well as the
 16 interrelationship that Gary talked about and other people
 17 have talked about having to do with water here in this
 18 state, we see now changes on the Sacramento River that
 19 relate to these contracts and relate to the OCAP and relate
 20 to the water export issue out of the Delta where we're
 21 backing up.

22 We're going to say -- we're going to take a program
 23 that works to help the endangered run of winter salmon that
 24 took them from a few hundred to a few thousand, not the
 25 hundreds of thousands that there were but a few thousand --
 26 we're going to say, "Okay. We're going to change the

} 40-54

} 40-55

- 40-54 See the 2004 Biological Opinion on the CVP-OCAP, included as Appendix B to this Final EIS. That document provides an analysis of the CVP and SWP system's effect on threatened and listed species in the Central Valley. That document concluded that the proposed operations of the CVP and SWP - including renewal of the Settlement Contracts - would not likely jeopardize the continued existence of threatened or endangered species. Indeed, the Biological Opinions prepared as part of that effort documented the continuing improvements of some species, notably winter-run salmon. Also see Thematic Response No. 7 for a discussion of OCAP and the Settlement Contracts.
- 40-55 See page 1-10 of the Draft EIS for a summary of the future actions included in the OCAP consultation.

No. 40

Public Meeting Transcript, Continued

40-56 Comment noted. See Thematic Response No. 5 for a discussion of the incremental impacts of implementing the Preferred Alternative.

0051

1 structure and what we did on the Sacramento River and the
 2 cold water supply in Shasta Reservoir, and we're now going
 3 to change what works."

4 That program is effective. We're at a few thousand
 5 fish. It doesn't make any sense to us, the Federation of
 6 Fly Fishers and most of us in the environmental community,
 7 to take a successful program and back it up; to do away
 8 with the cold water pool in Shasta Reservoir so we can
 9 export more water down the Sacramento River and to move the
 10 cold water measuring point from Red Bluff nearly 20 miles
 11 up river to reduce the habitat for those fish by 20 miles.

12 If you understand a group of fish -- as that group
 13 grows, gets more and more adult spawning fish, they need
 14 more room in which to spawn. So even though the fish --
 15 the wildlife service has known in the past few years -- 97
 16 percent of the salmon use the upper part of the river to
 17 spawn in. Just wait till we get to 10,000 fish, God forbid
 18 if they grow that large -- that they might need some extra
 19 river to spawn in like the area between the ferry and Red
 20 Bluff. So I think it makes no sense, frankly, to back up a
 21 system that works.

22 One of the other issues that Gary talked about was
 23 the interrelationship of a lot of these programs that are
 24 going on, the Central Valley Project, state water project,
 25 storage facility, etcetera. All of it relates to trying to
 26 increase export out of the Delta between a million and a

} 40-55,
 cont'd

} 40-56

No. 40

Public Meeting Transcript, Continued

0052

1 million and a half acre feet of water a year. I don't care
2 how you cut the pie up. That is going to negatively
3 influence this valley, the Sacramento valley, because
4 almost all of that water comes from here. It passes
5 through here for sure.

} 40-56,
cont'd

6 The Westland Water District in the San Joaquin -- on
7 the west side of the San Joaquin valley, is requesting in
8 these contracts or in this water process -- is requesting a
9 substantial increase in their water commitment while at the
10 same time they are retiring approximately a quarter of a
11 million acres of farm land because of pollution. And
12 there's significant discussion, quite frankly, that they
13 may have to quit farming that entire area because of
14 pollution.

15 If you thought about it just from a general point of
16 view, it doesn't make any sense for a water district to
17 request substantial increases in water when they're
18 retiring their farm land. The only thing we know about the
19 Westland Water District is they get water -- they buy water
20 at a fairly low rate, you know, from 15 to \$40 an acre
21 foot, and they sell it downstream for sometimes thousands
22 of dollars an acre foot.

23 But you know when you do that kind of thing, you
24 don't need farm land because you're making money in other
25 forms. You're making money by buying and selling public
26 water, water that was delivered to you through canals that

No. 40

Public Meeting Transcript, Continued

0053

1 were built by taxpayers' money that is not being paid back
 2 because the water contracts that we're talking about, not
 3 just yours but everybody in the state, does not address the
 4 repayment of the federal costs for the Central Valley
 5 Project, which was incurred over 50 years ago of which over
 6 \$2,000,000 is still yet to be paid.

7 And there's no -- there's no provision in this as to
 8 how that's ever going to happen other than there's a
 9 promise that it will be done by 2003. And that's a promise
 10 to pay them back. If I don't sign the contract and tell
 11 them how I'm going to do it, I don't know that there's a
 12 bank in this world that would sign that contract for me.

13 So anyway, those are the things that have hit me
 14 here. I think what I came to say was that we in the
 15 Federation of Fly Fishers in Northern California disagree
 16 with the current proposal to sign the Sacramento valley
 17 division contracts as they exist in this proposal. It
 18 isn't that we have anything against farmers. We don't. We
 19 don't have anything against people here in this valley who
 20 provide great service to all of us as well as the wildlife
 21 in this valley, the farming work that you do.

22 However, what we do disagree with is the Bureau of
 23 Reclamation's interpretation of needs and what the Bureau
 24 of Reclamation wants to allow to occur over the next 40
 25 years. These contracts provide for water beyond what has
 26 been historically shown to be used or what is needed.

} 40-57
 }
 } 40-58

- 40-57 Please see Thematic Response No. 3 for a discussion of the water needs analysis and the historical use of water. Renewal of the Settlement Contracts is unrelated to studies evaluating the potential raising of Shasta Dam.
- 40-58 See Thematic Response No. 2 for a discussion of the term of the contracts. See Thematic Response No. 7 for a discussion of the relationship between OCAP and the Settlement Contracts.

No. 40

Public Meeting Transcript, Continued

0054

1 And their own evaluations that have been spoken to
 2 before show that there's almost 260,000 acre feet of water
 3 in excess of what's needed. That's a lot of water. If you
 4 were to add a pipe to Shasta Reservoir -- they certainly
 5 refer to -- that would flood the Wintu Tribe plan, it would
 6 count up on average in the years where you have enough
 7 rainfall -- to add to Shasta about 200,000 acre feet of
 8 water. That's what was testified to at the CALFED meeting
 9 of two weeks in Sacramento by the U.S. Fish and Wildlife
 10 biologists and water experts.

11 If we just say 260,000 acre feet of excess water out
 12 there, we don't need to flood the Wintu Tribe. But we have
 13 the water every year except -- rather than in just the
 14 years where we have enough adequate rainfall.

15 So 40-year contracts are way too long. They're
 16 unrealistic, and they permit the Bureau of Reclamation to
 17 levels of water that may not be realistic. We all know
 18 from dealing with the government that getting changes in
 19 long-term agreements is very difficult and arduous; many
 20 times involve legal action and it takes years to occur.
 21 Sometimes endangered species don't have years to wait for a
 22 decision. These contracts do not reflect accurate prices
 23 of water, as I've said before, nor is there any due
 24 payments for CVP costs that are still \$2,000,000 unpaid.

25 And the questionable -- the other issue is the
 26 question of biological opinions and the environmental

40-58,
 cont'd

40-59

40-60

40-59

The NOAA-Fisheries Biological Opinion is included as Appendix B to this document. That document concluded that the proposed operations of the CVP and SWP - including renewal of the Settlement Contracts - would not likely jeopardize the continued existence of threatened or endangered species. Indeed, the Biological Opinions prepared as part of that effort documented the continuing improvements of some species, notably winter-run salmon.

40-60

Comment noted. Reclamation takes seriously its obligation to involve the public in its decisionmaking process. For this project, every comment on the EIS has been considered for its content and possible effect on the EIS and the ultimate decision regarding implementation of an alternative.

No. 40

Public Meeting Transcript, Continued

40-61

Contrary to the commentor's assertion, the entire contract renewal process has been open to the public. Consideration of public comments on the Draft EIS has been consistent with the requirements of NEPA. Comment noted. Information about future projects is available on the Mid-Pacific website, at <http://www.usbr.gov/mp/>.

0055

1 assessments that have been done by the U.S. Fish and
 2 Wildlife Service. We need to do an independent review to
 3 confirm their accuracy. Why do we feel that way? It's
 4 because the Sacramento office -- the original biological
 5 opinion that was given on the effects of these contracts on
 6 the fish and wildlife was that there would be harm.

7 That opinion was held back and not released to the
 8 public during the public comment period on these contracts;
 9 was sent to Southern California for a rewrite of which we
 10 now know the rewrite says there won't be any harm. Now how
 11 suspicious. How can one group of biologists -- and they're
 12 very credible in Sacramento -- said there was going to be
 13 harm and then they're going to somebody else in Southern
 14 California that has nothing to do with it, nor did any of
 15 the discussions -- they come up with the fact that, "Oh,
 16 no. There won't be any harm."

17 It seems to us to be politically motivated. We would
 18 request that those have been separate peer reviews. I also
 19 think that one meeting in Willows is not adequate public
 20 input. I think there ought to be more than one meeting in
 21 various locations.

22 And one other comment that I have and that is I've
 23 been to several meetings with the bureau and CALFED and
 24 those kinds of things. And we've all been told that there
 25 are numerous meetings with lots of opportunity for public
 26 comment. My opinion is that there's a difference between

} 40-60,
 cont'd

} 40-61

No. 40

Public Meeting Transcript, Continued

40-62 Comment noted. Please also see Response 40-61.

40-63 See Chapter 3 of the Draft EIS for a discussion of communities in the study area.

0056

1 public comment and public involvement in the decision
 2 making process. Just because I get to come up here and
 3 stand at the podium and make a comment doesn't mean I have
 4 anything to do with the decision making process.

} 40-61,
 cont'd

5 In our opinion, the Federation of Fly Fishers, many
 6 of the decisions have been made in private. They're now
 7 being put out to us as the final decision based on good
 8 evidence. We don't know anything about it. We were not
 9 involved in it. We weren't asked to take part in it. We
 10 were only allowed to make comments. We would like to be
 11 involved in the decision making process. Thank you.

} 40-62

12 MS. TEGELMAN: Thank you. Amelia Berol.
 13 (Reporter interrupted proceedings.)

14 MS. BEROL: Amelia Berol, B-e-r-o-l. Good
 15 afternoon. I drove here from Humboldt County. I live in
 16 Willow Creek, a small town off of Highway 299. For the
 17 past four years I've been working on a document, a video
 18 called, "The Trail of Water." Because I live on the
 19 Trinity River I'm obviously biased about what happens to
 20 the Trinity River.

21 But what I wanted to research in the course of doing
 22 this video is who gains from the diversion of water and who
 23 loses. And what I found is that the communities in the
 24 area of origin have been completely overlooked in these
 25 large water group projects. There's no consideration to
 26 the people that live in those small communities and the

} 40-63

No. 40

Public Meeting Transcript, Continued

0057

} 40-63,
cont'd

1 impacts to these communities.

2 Most of all where I live the Hoopa tribes have been

3 severely impacted by the diversion on the Klamath and the

4 Trinity River. And they do have under federal law a first

5 right. The treaty right gives them first priority legally.

6 Trinity County has only 13,000 people. Several years ago a

7 grad student from Chico State did his Master's thesis on

8 what the negative economic impact was in the Trinity

9 County. He came to the conclusion that it would cost them

10 over a hundred million dollars. That's a county of 13,000

11 people.

12 They flooded the largest flat farmland in the Trinity

13 County. Trinity County is mostly homogenous. The ranchers

14 who lived on that flat land still talk, when you talk to

15 them, about the loss of their farm land. And the other

16 side of the story that I found is that with these contract

17 renewals the Sacramento valley is, in my opinion, the most

18 valuable farm land in California. And it should be set

19 aside so that there is no question about the future of

20 farming in the Sacramento valley.

21 The place that we should be considering not funding

22 it anymore is the desert lands of the western San Joaquin

23 valley. I've met people who grew up in the San Joaquin

24 valley who say that when they were kids, their father took

25 them fishing on the San Joaquin River. They would say,

26 "What is that land over there across the river?" And the

No. 40

Public Meeting Transcript, Continued

0058

1 father would say, "Oh, that's just the waste land. Nobody
2 can live there and nobody can farm there. The land is
3 bad."

4 And right now that area is hogging the bulk of the
5 water for farming. So I don't think that, really, the
6 issue is between Indians and farmers or fishermen and
7 farmers. It really is the Sacramento valley going to get
8 that water or is Westlands going to keep getting that
9 water.

10 And as the gentleman who just spoke before me pointed
11 out, the Westlands is -- they're being forced to retire
12 their land because of the geology of the western San
13 Joaquin valley. It's not the fault of the farmers in the
14 Westlands. But they are sold land very cheap that they've
15 been farming only through extreme subsidies; that the water
16 is subsidized. The power is subsidized. And a large
17 percentage of their crops is subsidized. Is that really
18 farming? They don't live on their farms. I've driven out
19 there. I've been studying this for four years.

20 And I do not see the value of arguing about whether
21 the Sacramento valley is going to continue getting water
22 while we're looking at contracts to not only renew the
23 Westlands water but to increase their water. It's very
24 clear they're not going to use that water for farming.
25 They're going to sell it to Southern California cities. So
26 are we going to give up farming in the Sacramento valley so

No. 40

Public Meeting Transcript, Continued

40-64

0059

1 that that can occur?

2 So that's what I have to say. If I offended anyone,
3 I'm sorry. I just felt like I had to speak out because I
4 don't like that those contracts are all bound together so
5 that the Sacramento valley farmers have to side with
6 contract renewal but it's actually going to be detrimental
7 to them. There are other ways to work this out. I hope
8 that we can reconsider this whole process before
9 continuing. Thank you.

} 40-64

10 MS. TEGELMAN: Thank you. Mr. Richard.

11 MR. RICHARD: Pass.

12 MS. TEGELMAN: Okay. I believe we've gone
13 through everyone that is currently on my list. I do want
14 to caution you -- and that we will be -- we will be here
15 until six o'clock in case anyone does want to speak, and
16 you're certainly welcome to stay.

17 Please remember that if you have a conversation with
18 somebody from reclamation outside this hearing beforehand
19 or after we just started that -- if you have comments that
20 you feel very strongly about, you have to understand
21 they're not a part of the official record, and they will
22 not be carried forward. So it's just a cautionary that if
23 you feel very strongly about something, you still have an
24 opportunity to comment and that, of course, will require
25 you to fill out the form that we discussed earlier. So I
26 just wanted to caution you about that. I think that is

No. 40

Public Meeting Transcript, Continued

0060

1 important because we've had confusion on those items in the
2 past.

3 At this time in the absence of anyone else to talk,
4 we will dispense with the hearing and we will reconvene
5 prior to six o'clock should someone elect to speak. Okay?
6 And so thank you.

7 (4:35 p.m., the proceedings were concluded.)

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

No. 40

Public Meeting Transcript, Continued

0061

1 CERTIFICATE OF REPORTER

2 STATE OF CALIFORNIA)

)

3 COUNTY OF BUTTE)

4

5 I, JACQUELYN A. FRINK, do hereby certify:

6 That said hearing was taken down in stenographic
7 shorthand by me, a Certified Shorthand Reporter, at the
8 time and place therein stated, and was thereafter reduced
9 to typewritten form using computer-aided transcription.

10 I further certify that I am not of counsel or
11 attorney for either or any of the parties to the said
12 hearing, not in any way interested in the event of this
13 cause, and that I am not related to any of the parties
14 hereto.

15 WITNESS MY HAND THIS 11th day of November, 2004.

16

17

18

19

JACQUELYN A. FRINK, CSR No. 10054

20

21

22

23

24

25

26