

PH3—Stockton, CA, January 26, 2006

PH3
<p>PUBLIC HEARING ON SOUTH DELTA IMPROVEMENTS PROGRAM DRAFT/ENVIRONMENTAL IMPACT STATEMENT</p>
<p>January 26, 2006</p>
<p>Held at: Department of General Services 31 East Channel Street Stockton, California</p>
<p>Reported by: Thresha Spencer, CSR No. 11788</p>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 this one.

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

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

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

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

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

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

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

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

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

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

25 When I call you to the microphone, clearly state

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 develop that could offset water quality impacts.

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

PH3-GZ-1

8 MR. MICHNY: Thank you.

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

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

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

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

PH3-DS1

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

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

PH3-DS2

19 (Applause.)

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

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

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

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

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

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

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

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

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

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

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

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

17 (Applause.)

18 That's about 4,000 cards.

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

22 Mike McKenzie.

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

PH3-DL1

PH3-MM1

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

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

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

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

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

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

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

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

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

24 MR. MICHNY: 30-second warning.

25 MIKE MCKENZIE: Okay. About the only thing they

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

PH3-MM1

8 (Applause.)

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

13 Mr. Forbes, go ahead.

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

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

25 The thing that concerns me about this particular

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

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

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

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

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

15 (Applause.)

16 MR. MICHNY: Thank you.

17 Roger Mammon.

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

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

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

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

PH3-RM1

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1 (Applause.)

2 MR. MICHNY: Thank you. Roger Difate.

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

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

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

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

PH3 RD1

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

PHS-RD1

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

14 (Applause.)

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

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

PH3-RD1

7 (Applause.)

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

16 (Applause.)

17 MR. MICHNY: Thank you for your comments.

18 Ken Fowler.

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

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

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

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

PH3-KF1

9 (Applause.)

10 MR. MICHNY: Thank you.

11 Mike Espinola.

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

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

PH3-ME1

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

PH3-ME2

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

PH3-ME2

PH3-ME3

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

22 (Applause.)

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

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1 Adams.

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

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

PH3-PB1

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

PH3-BPB1

6 (Applause.)

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

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

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

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

PH3-AM1

PH3-AM2

25 (Applause.)

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1 MR. MICHNY: Thank you. Mike Riehl.

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

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

PHS-MR1

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

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

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

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

PH3-MR2

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

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

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

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

13 MR. MICHNY: Half of minute warning.

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

19 (Applause.)

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

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

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

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

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

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

1 100 years?

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

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

PH3-DH1

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

PH3-DH2

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1 improvement.

2 (Applause.)

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

14 MR. MICHNY: Half-minute warning.

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

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

PH3-DH2

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

4 MR. MICHNY: Sandy Delano.

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

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

PH3-SD1

PH3-SD2

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

PH3-SD2

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

PH3-SD3

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

PH3-SD4

PH3-SD5

18 (Applause.)

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

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

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

13 Gary Adams.

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

17 MR. MICHNY: Your name, please.

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

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

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

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

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

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

PH3-GA1

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

11 GARY ADAMS: Bag your pardon?

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

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

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

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

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

PH3-GA2

17 (Applause.)

18 MR. MICHNY: Thank you.

19 Bob Strickland.

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

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

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

25 MR. MICHNY: Thank you.

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

PH3-BS1

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

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