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

PH3-BS2

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

17 (Applause.)

18 BILL JENNINGS: Thank you. Bill Jennings.

19 MR. MICHNY: Spell your name.

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

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

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

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

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

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

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

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

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

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

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

PH3-BJ1

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

PH3-BJ2

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

PH3-BJ3

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

PH3-BJ4

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1 that.

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

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

8 Numerous internal inconsistencies in the  
9 document.

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

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

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

19 BOB STRICKLAND: That's fine.

20 MR. MICHNY: 30 second warning.

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

25 It has undermined those in the environmental and

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

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

7 MR. MICHNY: Thank you.

8 (Applause.)

9 MR. MICHNY: Vince Wong.

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

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

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

25 The South Delta Improvement Program, we believe,

PH3-VW1

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

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

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

23 MR. MICHNY: Thank you. Marcus Schroers.

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

PH3-VW1

PH3-MS1

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

PHS-MS1

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

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

PH3-MS1

9 (Applause.)

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

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

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

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

PH3-ME1

16 (Applause.)

17 MR. MICHNY: Thank you for your comments.

18 Dan Mathisen.

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

PH3-DM1

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1 populations decrease.

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

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

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

25           Changing the pumping directions, tidal flows

PH3-DM1

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

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

12 (Applause.)

13 MR. MICHNY: Thank you. Barbara Parrilla.

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

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

PH3-DM1

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

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

PH3-BBP1

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

PH3-BBP2

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

PH3-BBP3

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

PH3-BBP3

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

PH3-BBP4

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

PH3-BBP5

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

PH3-BBP6

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

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

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

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

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

23 (Applause.)

24 MR. MICHNY: Dan Bacher.

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

PH3-BBP6

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

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

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

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

PH3-DB1

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

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

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

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

PH3-DB1

3 (Applause.)

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

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

PH3-LKM1

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

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

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

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

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

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

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

25           THE WITNESS: Thank you. My name is Fiona

PH3-LKM1

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

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

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

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

PH3-FH1

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

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

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

23 Thank you for your time.

24 MR. MICHNY: Thank you.

25 ARA AZHDERIAN: Everybody likes the microphone.

PH3-FH1

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

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

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

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

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

25 The stage one aspect of the program, when we

PH3-AA1

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

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

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

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

PH3-AA1

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

PH3-AA1

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

12 MR. MICHNY: Half-minute warning.

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

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

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

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

PH3-AA1

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

12 Ron Robinson.

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

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

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

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

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

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

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

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

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

25 If there are significant impact to South Delta

PH3-RR1

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

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

PH3-RR2

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

17 (Applause.)

18 MR. MICHNY: David Demtsey.

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

PH3-DD1

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

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

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

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

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

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

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

16 (Applause.)

17 MR. MICHNY: Hiram Sibley.

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

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

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

25 MR. MICHNY: Thank you.

PH3-DD1

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

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

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

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

PH3-HS1

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

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

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

5 MR. MICHNY: That's all right.

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

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

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1 percent back.

2 (Applause.)

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

PH3-HS1

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

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

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

14 MR. MICHNY: Thank you.

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

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

PH3-DD1-1

3 (Applause.)

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

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

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1 REPORTER'S CERTIFICATE

2 State of California )  
 ) ss.  
3 County of Sacramento )

4  
5 I certify that the foregoing proceedings was taken  
6 at the time and place herein named; that the proceedings  
7 were reported by me, a duly Certified Shorthand Reporter  
8 Of the state of California authorized to administer oaths  
9 and affirmations, and that the said proceedings were  
10 thereafter transcribed into typewriting.

11 I further certify that I am not of counsel or  
12 attorney for either or any of the parties to said  
13 proceedings, nor in any way interested in the outcome of  
14 the cause named in said proceedings.

15 IN WITNESS WHEREOF, I have hereunto set my hand  
16 this 13th day of February, 2006.

17  
18  
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\_\_\_\_\_  
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## Responses to Comments

### Greg Zlotnick—Santa Clara County Water District

#### PH3-GZ1

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

### Dale Stocking—Chair, Sierra Club Lodi Chapter

#### PH3 DS1

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

#### PH3-DS2

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

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

#### PH3-DL1

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

### Mike McKenzie

#### PH3-MM1

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

## **Ron Forbes—Delta Fly Fishers**

### **PH3-RF1**

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

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

### **PH3-RM1**

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

## **Roger Difate—Chapter Chairman, Discovery Bay Action Committee**

### **PH3-RD1**

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

## **Ken Fowler—Director, Lower Sherman Island Duck Hunters Association**

### **PH3-KF1**

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

## **Mike Espinola—Bass Classics of Santa Clara Valley**

### **PH3-ME1**

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

### **PH3-ME2**

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

### **PH3-ME3**

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

## **Paul Berry—President, Bass Classics of Santa Clara Valley**

### **PH3-PB1**

Please see response to comment PH3-ME2.

## **Anthony Macaluso**

### **PH3-AM1**

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

### **PH3-AM2**

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

## **Mike Riehl—Black Bass Action Committee, Delta Foothill Region**

### **PH3-MR1 and PH3-MR2**

Please see response to comment PH3-ME2.

## **Dave Hurley—Stockton Chapter, California Striped Bass Association**

### **PH3-DH1**

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

### **PH3-DH2**

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

## **Sandy Delano**

### **PH3-SD1**

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



### **PH3-SD2**

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

### **PH3-SD3**

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

### **PH3-SD4**

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

### **PH3-SD5**

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

## **Gary Ray Adams**

### **PH3-GA1**

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

### **PH3-GA2**

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

## **Bob Strickland—President, United Anglers of California**

### **PH3-BS1**

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

### **PH3-BS2**

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

## **Bill Jennings—California Sportfishing Protection Alliance**

### **PH3-BJ1**

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

### **PH3-BJ2**

Please see response to comment CSPA-11.

### **PH3-BJ3**

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

### **PH3-BJ4**

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

### **PH3-BJ5**

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

### **PH3-BJ6**

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

### **PH3-BJ7**

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

### **PH3-BJ8**

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

## **Vince Wong—Zone 7 of Alameda County**

### **PH3-VW1**

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

## **Marcus Schroers**

### **PH3-MS1**

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

## **Michelle Espinola**

### **PH3-ME1**

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

## **Dan Mathisen**

### **PH3-DM1**

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

## **Barbara Barrigan-Parrilla—Planning and Conservation League**

### **PH3-BBP1**

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

### **PH3-BBP2**

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

### **PH3-BBP3**

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

### **PH3-BB4**

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

### **PH3-BB5**

Please see response to comment PH2-FSW1.

### **PH3-BB6**

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

## **Dan Bacher**

### **PH3-DB1**

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

## **Laura King Moon—State Water Contractors**

### **PH3-LKM1**

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

## **Fiona Hutton—California Water Future**

### **PH3-FH1**

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

## **Ara Azhderian—San Luis and Delta Mendota Water Authority**

### **PH3-AA1**

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

## **Ron Robinson—Rivers End Marina**

### **PH3-RR1**

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

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

### **PH3-RR2**

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

## **David Demtsey**

### **PH3-DD1**

The commenter's opposition to the SDIP is noted.

## **Hiram Sibley**

### **PH3-HS1**

The commenter's opposition to the SDIP is noted.

## **David Delano**

### **PH3-DD1-1**

The commenter's opposition to the SDIP is noted.