

I112 Pasadena transcript

No comments

- n/a -

1/12/2012
Delta Stewardship Meeting

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DELTA STEWARDSHIP COUNCIL

In the Matter of:)
)
California Environmental)
Quality Act (CEQA) Field)
Hearing for the Delta Plan)
Draft Program Environmental)
Impact Report, held January)
12, 2012, at 6:00 p.m.)
)

Meeting Held At: Pasadena Public Library
 Donald Wright Auditorium
 285 East Walnut Street
 Pasadena, California 91101

Reported by: Stephanie Williams, CSR No. 13482

No comments

- n/a -

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I N D E X

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1 Pasadena, California, Thursday, January 12, 2012

2 6:00 p.m. - 7:37 p.m.

3
4 QUESTIONS OF THE DELTA PLAN

5
6 NICK DICROCE: I'm Nick DiCroce with the
7 Environmental Water Caucus. My question is related to
8 the process that you mentioned earlier. There is a
9 sixth draft in the process somewhere; can you explain
10 that and how it fits in, please.

H112-1

11 PHIL ISENBERG: Yes, we've had five drafts of
12 the Delta Plan to date, I think the first one was issued
13 February -- February. And we've gone through
14 iterations. The Delta Plan in total length is about 500
15 pages, if you add the appendix. The first 250 is the
16 plan itself and the second half of it are supporting
17 documents.

18 Of that, as was mentioned, there are about four
19 pages of enforceable ones, we call them policies or
20 regulations. And there are 61 recommendations in
21 addition to that, which do not have regulatory effects.
22 In each of the iterations we've done different things,
23 amplified, revised and edited it. And we have received
24 comments from people all the way along. The
25 Environmental Water Caucus, different water agencies, a

Response to comment I112-1

The Final EIR includes the Recirculated Draft Program EIR, which included an evaluation of the Final Staff Draft Delta Plan.

No comments

- n/a -

1 whole bunch of folks. And what we've tried to do is
2 learn from that. A large part of the comments were
3 directed at the policies, the regulations as we
4 developed them. But increasingly now, the comments seem
5 to be focused on the narrative as much as anything else
6 on the Delta Plan. What may come as a shock to you is,
7 of course, people seem to want to tell us not only what
8 we should say but we shouldn't say and how we should say
9 it. That is kind of a common characteristic in a public
10 processes like this, and we're trying to wind our way
11 through it.

12 The fifth draft Delta Plan was circulated for
13 comment. That was -- the Environmental Impact Report
14 Analysis was on the fifth draft Delta Plan. The
15 comments -- and this anticipates Mr. Stevens'
16 presentation -- but if I'm wrong, correct me, Chris.

17 The comment period ends on February 2nd. After
18 that, we digest and review those comments and we'll
19 respond to them in the Environmental Impact Report. But
20 at the same time, our staff has been digesting all the
21 comments that have been coming in really since the very
22 first time we started it. And working with a lot of
23 people -- Environmental Water Caucus included -- in
24 meetings and discussions on discrete elements,
25 narratives, charts, information, facts, suggestions,

No comments

- n/a -

1 revisions and changes. And we will have a sixth draft
2 Delta Plan out for circulation. But we are -- I think
3 it's fair to say, and, Chris, correct me if I'm wrong --
4 we were approaching the point where at least the
5 regulatory elements of this are in the shape so that the
6 staff feels pretty comfortable. And as you understand,
7 these are staff drafts. The Council has not yet
8 officially adopted these. I think what you're largely
9 going to see on the sixth draft will be a lot of
10 editing, rewriting, fact corrections. People have been
11 very generous on sending in notes on that level. And
12 there will probably be some restructuring of chapters
13 and lengthening of some and editing on all the stuff you
14 go through on the reports.

15 So by the time we get the sixth draft in,
16 you'll have a more clear understanding, and you'll also
17 have an understanding of the environmental process, as
18 Mr. Stevens will explain, because we will start
19 providing in an orderly fashion, as he'll describe, the
20 answers to the environmental comment process.

21 Then you come back and the Council will receive
22 that, digest it and decide what to do. Do we wish to
23 change it further? If we wish to change it further, is
24 it a change of significant magnitude that would require
25 us to recirculate the Environmental Impact Report? And

1 you can't answer that in the abstract, you just have to
2 wait and see.

3 So I'll give you an example. Felicia might
4 suggest the words "the participants" and I would say
5 "the witnesses." And we would argue about that. That's
6 probably not something that requires a recirculation of
7 an official document and additional public comments.
8 There will be a ton of editing. But hopefully we're
9 also trying to integrate the various chapters in a
10 narrative fashion so that it becomes more
11 understandable. That then leads to the final Council
12 vote on if the certification of the Environmental Impact
13 Report is adequate, reflecting whatever changes are
14 found in the responses to the comments that come in.
15 And then once declared as board-adequate, Chris, we then
16 move to the Delta Plan itself and adopt the Delta Plan
17 or reject it. As it happens. And that will be late
18 April, early May, roughly.

19 In one of the handouts here, you've got
20 timetable information. It's not all the details, but
21 it's useful and I would take a look at that.

22 This is Chris Stevens, who our general counsel,
23 chief lawyer.

24 CHRIS STEVENS: Thank you. Good to see
25 everybody.

No comments

- n/a -

No comments

- n/a -

1 And just to -- I feel you were right on the
2 mark and I just wanted to add a few clarifying points to
3 the process. And the first point is just a point of
4 reiteration. And I think it's important that the
5 Council has not made any decisions. They haven't voted
6 yet on anything. And I'll get in my slideshow, which is
7 actually very shortly. And lead into the formal EIR
8 comment period here shortly to talk about that again.
9 But the Council yet has not voted on anything. The
10 fifth staff draft is just that, it's a staff draft.
11 It's an iterative process. As Phil pointed out, when we
12 turn the fifth staff draft into what we are going to
13 call the sixth staff draft, we're going to be presenting
14 to the Council comments that we've received from
15 stakeholders on the sixth staff draft. At the same
16 time, behind the scenes, staff and consultants will be
17 taking a look at all the comments that were submitted on
18 the draft EIR and giving kind of a general impression to
19 the Council on perhaps suggestions for revisions.

20 The fine point is that there won't be responses
21 to the comments -- formal responses to the EIR comments,
22 until what's called the final EIR. And that's going to
23 be a bit later down the road. But the sixth staff draft
24 will reflect substantive policy comments from
25 stakeholders. And the sixth staff draft will reflect

No comments

- n/a -

1 comments on the fifth staff draft, as well as comments
2 from our staff in a general nature on comments we've
3 received on the EIR.

4 Again, the Council hasn't voted on anything,
5 the Council will not vote on anything until, as Phil
6 pointed out, it certifies the final EIR as being
7 adequate under CEQA for informative purposes, complying
8 with the law. It also, at the same time it certifies
9 the EIR, in that same meeting will actually adopt
10 findings -- CEQA findings. And this issue came up --
11 it's come up before, but it was raised last night and is
12 something that in San Diego I failed to mentioned with
13 regard to the process; a few people had pointed out that
14 the draft EIR had what was -- I think they termed "fatal
15 flaw" because it didn't have a comparison of the
16 objectives against what we call the project -- a
17 comparison alternative against the project in the
18 inherent objectives. That will be included as part of
19 the findings that the Board will adopt before it adopts
20 the Delta Plan. So the Board will have in front of it
21 all the information it needs. And that will be later on
22 in the process.

23 For now, the Board hasn't voted on anything.
24 These are staff products known as a draft Environmental
25 Impact Report. I will walk over it in my slides in a

No comments

- n/a -

1 second. It is a staff product.
2 So with that, hopefully that kind of clarifies
3 the process. As Keith alluded to, the actual legal
4 effect of the regulatory provisions in the plan will
5 not -- is subject to what's called the State Lawmaking
6 Process in the Administrative Procedures Act. And
7 that's going to be after the Council adopts the plan, it
8 will be contingent upon those regulatory provisions
9 being approved by what's called the State Office of
10 Administrative Law. And that's part of the State
11 Rulemaking Process where there will be at least a 75-day
12 lag. That's what the State Rulemaking Process usually
13 entails, as a separate process from the CEQA process
14 that we're going through now.
15 So a lot of processes, hopefully not too
16 confusing. But at this point -- people are looking
17 like, Yes, it is confusing. At this point the Council
18 has not voted on anything though. So until it has the
19 document, it will form its decision in place. This is
20 all staff work product, obviously getting direction from
21 the wise Council members.
22 So with that, are there any -- yes, ma'am?
23 PHIL ISENERG: Could you get to the microphone
24 and identify yourself for the record?
25 Noting, carrying a Macintosh with you.

1 EMILY GREEN: My name is Emily Green and I
2 write a water blog called Chance of Rain.

3 I have two questions. One is for Mr. Coolidge.

4 You spoke about the water bills and the water
5 bonds; could you possibly elaborate on what will happen
6 to this whole process if those bonds kind of disappear
7 in the political mist. It's not clear to me what is
8 going to happen to them.

I112-2

9 PHIL ISENBERG: Unlike many legislative
10 packages of multiple bills, the legislative package of
11 2009 was not double joined. Meaning, that if one bill
12 fails to take effect, all of the bills die or some
13 combination of that. So they're stand-alone provisions.

14 The bond bill would, it is true, provide
15 funding for many things that are contemplated in the
16 Delta Plan. But the Delta Plan itself will go into
17 effect at the end of this process and upon the action of
18 the Office of Administrative Law. Whether the bonds
19 pass, fail, continue for another two-year cycle,
20 modified -- you know, there's a lot of public debate
21 going on about that. So all these various laws, one
22 companion bill is about groundwater surveying and
23 elevations. That's in effect now and it would continue
24 in effect whether or not the bond issue passed.

25 There is no doubt about the fact that the bond

Response to comment I112-2

This is a comment on the project, not on the EIR.

1 is fundamentally important for parts of the coequal
2 goal. The Bay Delta Conservation Plan environmental
3 component is likely to be strongly benefited by the,
4 what is it, \$2.6 billion earmarked in the bond for Bay
5 Delta conservation activity. And the consequences of
6 that money not being approved by the voters would be
7 significant.

8 Now, where it would lead, I don't know. But it
9 doesn't bring the process to a halt.

10 EMILY GREEN: Okay. Thank you.

11 Part two. When you talk about -- I forget the
12 exact language -- stakeholders and water receivers being
13 asked to diversify the supplies, where do you see the
14 diversification coming? Are you seeing, quote, unquote,
15 new water, or are you looking for all of this
16 diversification to come --

I112-3

17 PHIL ISENBERG: We didn't bring copies of the
18 legislation, but it's worth noting, and I'll give you
19 the code sections on this for your reference. There are
20 numerous mentions in the bill about multiple activities
21 from conservation to recycling.

22 But let me read to you the language in Water
23 Code Section 85021. The policy of the State of
24 California is to reduce reliance on the Delta in meeting
25 California's future water supply needs through a

Response to comment I112-3

The Delta Plan assumes that water supply agencies would be encouraged to reduce reliance on the Delta water through implementation of local and regional water supplies, including water use efficiency, water recycling, desalination, water transfers, and groundwater conjunctive use programs to meet water demands projected in existing general plans. As discussed in Section 3 of the EIR, such programs should offset reductions in water diverted from the Delta. The potential for secondary impacts associated with the potential for reduced water supplies for some users is discussed in Master Response 5.

1 statewide strategy of investigating proved regional
2 supplies, conservation and water use efficiency. Each
3 region that depends on water from the Delta watershed
4 shall improve its regional self-reliance for water
5 through investments in water use efficiency, water
6 recycling, advanced water technologies, local and
7 regional water supplies, projects and improved regional
8 coordination of local and regional water supply effort.

9 Now, that's just one of other -- one of the
10 inherent goals that the legislature has declared are a
11 part of the coequal goals, this conservation and water
12 use efficiency. As is improved conveyance facilities.

13 Now, they didn't say which facility or which
14 conservation or how much, but one of the other bills
15 that was passed is the much touted urban water
16 conservation reduction of 20 percent per capita by the
17 year 2020. And that -- you now, that has a life of its
18 own and endless committees working on implementation.
19 And the first stages of that are supposed to be
20 announced by the year 2015. And the final steps of that
21 conservation by the year 2020.

22 EMILY GREEN: Thank you.

23 PHIL ISEBERG: Yes, please, Mr. DiCroce. On
24 the Delta Plan.

25 NICK DICROCE: Nick DiCroce, from the Water

Response to comment I112-4

Responses to comments on the Draft Program EIR are included in the Final Program EIR.

1 Caucus again.

2 Continuing my question on the process, and it
3 was partly addressed in what Chris had to say. I think
4 I've concluded that the comments that we submit to you
5 related to the draft EIR will not wind up in the sixth
6 draft, but will wind up in the final EIR. And that's my
7 question.

I112-4

8 PHIL ISENBURG: Chris?

9 CHRIS STEVENS: Formal responses to your
10 comments will not end up in the sixth staff draft;
11 however, what we will do as staff is take a look across
12 the broad universe of all the comments that are sent in
13 on the EIR and make high-level suggestions to the board
14 members as to potential changes in the sixth staff
15 draft.

16 So if you send in a particular EIR comment, you
17 will not see that comment, verbatim, with a response to
18 that comment in the sixth staff draft, but you will,
19 perhaps, and the law doesn't require that we respond to
20 every comment, we can aggregate, but responses to
21 comments, the formal responses, will be in the final
22 EIR. Which will be certified by this Council, again,
23 before it adopts the Delta Plan.

24 NICK DICROCE: So can I then conclude that the
25 sixth draft will really contain responses from the

I112-5

Response to comment I112-5

Please refer to the response to comment I112-4.

1 fifth -- from comments you got to the fifth draft?

2 CHRIS STEVENS: We hope so.

3 PHIL ISENBERG: It is a note, and this is
4 premature, but my experience is kind of like being in
5 college all over again. If you have a test coming up,
6 people tend to turn in their written test or their
7 essays, oh, about three minutes before the absolute
8 deadline; meaning that you have -- the processor has the
9 shortest time possible to review, and you have the
10 maximum time possible to procrastinate. Or at least
11 that's what I used to do.

12 You have until February 2nd to comment
13 officially. The earlier you get detailed comments in,
14 the better. Because the staff -- if everything waits
15 until the 2nd, we are flooded with letters. Many of
16 them I predict will be repeating things that have been
17 said in documents before. We have to go through all of
18 those letters at one time and try to figure out what
19 they say. So early submission allows us to at least
20 organize the material for careful review.

21 CHRIS STEVENS: And just to clarify, I was
22 talking to Keith and maybe I misunderstood your point.
23 If you do make a comment on the EIR, there may be
24 changes resulting from that comment that show up in the
25 sixth draft, but my point was there won't be a formal

No comments

- n/a -

1 response to "Nick DiCroce, Environmental Water Caucus"
2 as a formal EIR response.

3 So again, we're going to be presenting the
4 high-level suggested changes based on comments, one of
5 which may be an Environmental Water Caucus comment. And
6 you may see the result of that in the sixth draft. But
7 this form is not going to be --

8 PHIL ISENBURG: Any other questions on that?

9 Yes, sir, please come forward.

10 Just a note, the folks here at the library have
11 said they need us out at 8:30, for whatever purpose,
12 cleaning up, yelling, screaming, hollering, I don't
13 know.

14 So in short, we're going to move to Mr. Stevens
15 and go into the EIR.

16 Yes, sir?

17 WAYNE LUSVARDI: Wayne Lusvardi, Pasadena
18 resident.

19 PHIL ISENBURG: You spell the name?

20 WAYNE LUSVARDI: I'll give it to you
21 afterwards.

22 PHIL ISENBURG: Okay. Mr. Lumsporti (phonetic)
23 was it?

24 WAYNE LUSVARDI: Lusvardi.

25 Today we get a million acre-feet of water from

I112-6

Response to comment I112-6

Please refer to the response to comment I112-3.

1 the State water project by contract in Southern
2 California. If there are coequal goals, then can we
3 assume that our water entitlement is being cut in half
4 here in Southern California? Since it's coequal goals,
5 we're going to get 500,000 acre-feet?

6 PHIL ISENBERG: No. Can I make a suggestion?
7 Take a look at the actual water contract --

I112-6

8 WAYNE LUSVARDI: I think I know the answer --

9 PHIL ISENBERG: -- because that level is not
10 guaranteed each and every year, it depends upon a host
11 of --

12 WAYNE LUSVARDI: No, I know it varies --

13 PHIL ISENBERG: -- including the availability.

14 WAYNE LUSVARDI: -- I know it varies. But if
15 there is a coequal goal, it sounds to me like our water
16 supply is going to be half.

17 PHIL ISENBERG: We've been wrestling -- and
18 everybody's wrestling with that. But the definition of
19 what that means is not automatically a mathematical
20 calculation taking current usage as either absolutely
21 guaranteed, regardless of anything else or absolutely
22 reversed; it's a much more nuanced balance.

23 WAYNE LUSVARDI: Okay. My second question,
24 I'll just be quick.

25 Do the activities of the Council involve

I112-7

Response to comment I112-7

This is a comment on the project, not on the EIR. In addition, economic impacts are not effects on the environment under CEQA, and are not analyzed in the EIR (CEQA Guidelines §§ 15064(e) and 15131). See also Master Response 2.

1 raising taxes, fees, fines or water rates, will they be
2 referred to the State Legislature or will be you be
3 imposing those?

I112-7

4 PHIL ISENERG: The Council has no authority in
5 our act to impose any rates. We have been asked,
6 however, to do a management plan for the Delta. And
7 part of our recommendations, which you'll find in
8 chapter nine, include suggestions on fees and on
9 stressors to the system, as well as beneficiaries of
10 these actions. And one of the recommendations, not a
11 regulation, we can't enforce this, is the legislature
12 probably should give us the authority to set appropriate
13 fees.

14 WAYNE LUSVARDI: So Pasadenians won't be left
15 with taxation without representation, it will still be
16 the State Legislature?

I112-8

17 PHIL ISENERG: Yeah. The Legislature controls
18 that. They took no action in this bill to give us the
19 authority.

20 WAYNE LUSVARDI: Okay. It seems like the
21 coequal goals don't really determine -- there hasn't
22 been a determination of how much freshwater, how much
23 saltwater, how much brackish water habitat is going to
24 end up. Those all seem to be value judgments, not
25 science judgments. Has there been any policy direction

I112-9

Response to comment I112-8

Please refer to the response to comment I112-7.

Response to comment I112-9

This is a comment on the project, not on the EIR.

I112-9

1 to your Council about what's good values? What are good
2 cultural values to come up with that kind of mix or --

3 PHIL ISENERG: Yeah -- again, you can find the
4 statute on the website and I'd suggest you take a look
5 at it. The statute is pretty elaborate on Delta
6 ecosystems issues. Defining things such as
7 interconnected habitat, species maintenance, adequate
8 water flows -- a host of factors, all of which the
9 scientists tell us contribute to a healthy ecosystem.
10 But that is, of course, one of the coequal goals. And
11 what we're struggling with here is to take the
12 legislative directions on both coequal goals and try to
13 figure out how to balance that. And that, after all, is
14 a pretty fair summary of what California has been
15 struggling with for the last hundred years. Fifty years
16 anyways.

17 WAYNE LUSVARDI: Okay. In your report you have
18 a term called "covered actions" --

19 PHIL ISENERG: Yes.

20 WAYNE LUSVARDI: -- that's somewhat obscured to
21 me as a layman. And I assume that things will be
22 required to be referred to the Council that anywhere in
23 the state have an effect on the Delta. I think that's
24 what that's trying to mean --

I112-10

25 PHIL ISENERG: I'll read the action to you --

Response to comment I112-10

This is a comment on the project, not on the EIR. In addition, please refer to Master Response 1 for a discussion of covered actions.

No comments

- n/a -

1 or the language to you specifically, if you want me to
2 here.

3 Well, it is a complicated piece of legislation
4 and that's why it's not just one of these -- we are not
5 engaged in just a study. Here's what it says, It say
6 that State and local agencies with a covered action
7 shall be consistent with the Delta Plan. That's the
8 thrust. And that they then submit a plan to us. We
9 determine if it's consistent or not. But the plan --
10 I'll read it to you. This is Water Code Section
11 85057.5.

12 Covered action means a plan, program or project
13 as defined pursuant to the Public Resources Code --
14 that's a technical thing -- that meets all of the
15 following conditions. Number one, Will occur in whole
16 or in part within the boundaries of the Delta or the
17 Suisun Marsh. So whole or in part.

18 Number two, Will be carried out, approved or
19 funded by the State or local public agency.

20 Three, Is covered by one or more provisions of
21 the Delta Plan.

22 And four, and perhaps very significant, Will
23 have a significant impact on achievement of one or both
24 of the coequal goals or the implementation of
25 government-sponsored flood control programs to reduce

1 risk to people, property and state interests in the
2 Delta.

3 Now, there are then a host of exclusions. So
4 for example, A covered action does not include a
5 regulatory action of a State agency, routine operations
6 and maintenance of the State Water Project, the Central
7 Valley Project, Regional Transportation Plans,
8 Metropolitan planning documents approved with air
9 quality -- you know, you can see where it's going. And
10 in addition, Routine maintenance and operation of any
11 facility located in whole or in part in the Delta that's
12 owned/operated by a local public agency. And activities
13 that have been fully permitted, prior to certain dates,
14 are also excluded.

15 It's not without great significance, but it's
16 pretty carefully written as a legislative piece and much
17 of the exchange for the water community and particularly
18 the Delta-area counties is, Well, what do all these
19 words mean? We don't like them in some cases and so on
20 and so forth.

21 WAYNE LUSVARDI: You have a large challenge and
22 charge to consolidate and save all the fragmentation of
23 the water policy, but will that include looking at past
24 legislation that may be in conflict now once the plan is
25 adopted and becomes law?

I112-11

Response to comment I112-11

This is a comment on the project, not on the EIR.

1 And let me give you an example. Senate Bill
2 375, the anti-sprawl bill, diverts population growth
3 towards the coast where there are not water basins
4 instead of the inland areas of the state where there
5 are. Will your Council then be making recommendations
6 to the legislature about that kind of legislation that
7 conflicts with --

8 PHIL ISENERG: That's a legal question, but I
9 want to -- and, Chris, weigh in on this.

10 First, the bill contains reference to a number
11 of statutes that are not affected by this legislation.
12 So for example, water rights stuff and area of origin
13 and CEQA. This bill doesn't change CEQA except as
14 otherwise -- there are a host of those kinds of things.
15 I believe it's correct that Senate Bill 375 does not
16 mention the sprawl legislation, nor do I believe --
17 maybe I'm wrong on this, but I cannot find any general
18 authority for us to direct the location of residency of
19 people in the State of California.

20 But we do have some focused land use authority,
21 but within the boundaries of the statutory Delta of the
22 Suisun Marsh. And we can make recommendations to the
23 legislature if activities outside that area are
24 impinging on the coequal goal. And as you might
25 imagine, everybody's been asking us to interpret this

No comments

- n/a -

1 law in a way so that favored or not favored programs are
2 either approved or abolished in some way. And it
3 doesn't give us authority to go back and change the law;
4 only the legislature can change the law.

5 WAYNE LUSVARDI: Thank you. Very good answers.
6 Thank you.

I112-12

7 PHIL ISENBURG: Thank you, sir.

8 Okay. Mr. Stevens, let's do the Environmental
9 Impact Report and get the comments, please.

10
11
12 PUBLIC COMMENTS

13 TERRY SPRAGG: My name is Terry Spragg,
14 S-P-R-A-G-G.

15 Before the meeting started, Phil and Gloria and
16 I were discussing a way to have the emergency fabric
17 pipeline proposal that we've discussed over a period of
18 time included in your report. And we weren't sure how
19 to do that, remember, just a minute ago? And I have
20 found something in the 61 proposed recommendations.
21 Recommendation 37, first sentence says, Delta
22 Stewardship Council should convene a working group to
23 develop and evaluate recommendations to the Department
24 of Water Resources to address the appropriate response
25 actions to both routine and catastrophic Delta levy

I112-13

Response to comment I112-12

Comment noted.

Response to comment I112-13

This is a comment on the project, not on the EIR. Recommendation RR R1 in the Revised Project addresses emergency preparedness and response in the Delta. Please refer to Master Response 3 for a discussion of alternatives.

1 failures.
2 Isn't that something that you could address and
3 insert in the next report, which is my goal, to have the
4 emergency fabric pipeline included as a reference to one
5 of the alternatives, and perhaps even have the
6 Department of Water Resources direct or discuss it or
7 the Delta Protection Commission discuss it? Or whoever
8 is in charge of discussing it. I'm trying to get this
9 -- and here's a way or a document that says, This is how
10 perhaps this should be done.

I112-13

11 PHIL ISENBURG: Mr. Spragg, I'm going to ask
12 Mr. Stevens respond to your question, because we're
13 really in the Environmental Impact Report phase itself
14 and you're referencing part of the Delta Plan.

15 Mr. Stevens?

16 CHRIS STEVENS: That's right. And I know that
17 everybody appreciates the comment and the question and I
18 think that because now we're in the formal EIR comment
19 period, which is part of a legal process, we're asking
20 the board not to comment on the stakeholder comments on
21 the EIR. And we are trying to actually narrow comments
22 to the extent that we can.

23 TERRY SPRAGG: Okay. So this doesn't have any
24 -- that's fine.

I112-14

25 CHRIS STEVENS: But I think they're very

Response to comment I112-14

Comment noted.

1 appreciative of the comment and in letter form or in a
2 comment in another form --

3 TERRY SPRAGG: You have files of Ray Seed
4 submitting information, Gloria submitting information,
5 Joe -- I understand. There's a thick file of -- I just
6 wanted to -- I didn't know whether this was appropriate
7 or I should talk to you afterwards.

8 I'm not trying to conflict with what Rich's
9 group is trying to do as far as development of an
10 alternative to the canal or the tunnel or whatever, but
11 if in fact this emergency occurs and that tunnel or the canal is not developed and that may be 5, 10 or 15 years
12 out, this is an alternative that can be looked at to be
13 implemented within less than a year to deliver anywhere
14 from a 150- to 500,000 acre-feet. And that's a lot of
15 water. Especially if Metropolitan is shut off on that
16 basis. So I just hope it can become part of the
17 discussion and you have the information and I thank you
18 very much.

19 PHIL ISENERG: Thank you, Mr. Spragg.

20 The next speaker is Rich Atwater, who is the
21 executive director of the Southern California Water
22 Committee.

23 Mr. Atwater?

24 RICHARD ATWATER: Thank you very much,
25

Response to comment I112-15

Comment noted. Please refer to the response to comment I112-13.

Response to comment I112-16

Comment noted. Please refer to responses to letter OR121.

1 Chairman. Thank you both, Council members, for being
2 here. I have a written statement and what I'll do is
3 I'll give it to the court reporter so you can submit
4 that and I'll give a brief oral --

1112-16

5 PHIL ISENERG: We appreciate that. We got
6 some comments last night in writing and oral testimony,
7 so you don't have to read it. If you have a written
8 version, we will submit that and add it to the court
9 reporter's record of this meeting. And so if you just
10 want to then summarize and generalize, that would be
11 fine.

12 RICHARD ATWATER: Perfect, I'll do that. And
13 just for the record, my name is Richard Atwater,
14 executive director of the Southern California Water
15 Committee. And I really do want to thank the Council
16 members and the staff, because this had been a long,
17 arduous process for the last year and a half. A lot of
18 work and from that standpoint, we've got a long ways to
19 go, but it's been a very diligent effort.

20 I just have a couple oral comments. And one
21 that I wanted to talk about, because the Southern
22 California Water Committee over the last year and a
23 half, we've spent a lot of time on it. The chairman
24 alluded to it earlier, and that's the SB7XX. And that's
25 requirement of the Urban Water Management Plan. The

1112-17

Response to comment I112-17

This is a comment on the project, not on the EIR.

1 Southern California Water Committee over the last
2 18 months have held four workshops working with the
3 Department of Water of Resources and looking at Urban
4 Water Management Plans, the broader integrated watershed
5 planning programs going on throughout Southern
6 California from Bakersfield to the Mexican border.
7 Millions of people, 300 utilities. It's a complicated
8 subject and I know in your efforts in the Delta
9 Stewardship Council in coming up with a plan you want to
10 looking at this reducing reliance and Delta exports and
11 all that. I'll just tell you, from our experience in
12 working with all the different utilities and agencies
13 throughout Southern California and experience with
14 collaborating with others, one, DWR has a statutory law
15 for making sure those comply with SB7XX. But that
16 process, people have submitted them and I think it's
17 going to take more than a few years to see how -- when
18 you look at the Urban Water Management Plans, I think
19 the chairman said it accurately, our first real
20 benchmark is to review the documents in 2015 and see how
21 we're doing. And then as we go forward, certainly we're
22 going to adapt. But I will say, in general, in Southern
23 California, we will be happy to submit all of that
24 background and work with you, it's on our web page,
25 presentations and such, there's an incredible amount of

1112-17

No comments

- n/a -

1 innovative work going on, lots of success stories, lots
2 of very creative efforts of water use efficiencies,
3 water recycling, recovering contaminated groundwater.
4 And the Southern California Water Committee had embarked
5 over the last year and a half to do a regional storm
6 water task force. And we have some very ambitious goals
7 of how to capture more storm water. So there's a lot of
8 innovation going on. How to measure performance and how
9 to grade how well we're doing. I think I would say that
10 is something that we all need to talk about and how to
11 encourage everybody to do the best they can.

12 So I'll close there. I have some other written
13 comments and will submit them for the record. But
14 again, I want thank the Council and the staff for where
15 you are and hope we can continue to work with you and
16 look at these issues that I think strategically are very
17 important statewide.

18 PHIL ISENERG: Mr. Atwater, thank you very
19 much.

20 Okay. Kim Ohara from the Los Angeles
21 Department of Water and Power.

22 KIM OHARA: Thank you.

23 PHIL ISENERG: You've got to pull that mike
24 down. There you go.

25 KIM OHARA: Thank you for the opportunity to

I112-17

I112-18

Response to comment I112-18

Comment noted.

1 comment on the draft Delta Plan and the EIR.

2 My name is Kim Ohara and I'm here representing

3 the Los Angeles Department of Water and Power. The

4 LADWP is the largest municipal utility in the nation and I112-18

5 is committed to delivering safe and reliable water to

6 over 600,000 customers in the City of Los Angeles.

7 We are a member agency of the Metropolitan

8 Water District of Southern California, and on average,

9 purchase about 52 percent of our water supply from

10 Metropolitan.

11 As such, the LADWP and the City of Los Angeles

12 have a vested interest in the timely achievement of the

13 coequal goals of providing a more reliable water supply

14 for California and protecting, restoring and enhancing

15 the ecosystem of the Sacramento and San Joaquin Delta. I112-19

16 Based on our review of the draft Delta Plan and

17 EIR, we have concerns that some of the approaches and

18 recommendations will detract from or delay the

19 achievement of these goals.

20 LADWP continues to support the Bay Delta

21 Conservation Plan as the appropriate mechanism for the

22 identification and approval of Delta ecosystem

23 restoration activity and conveyance improvements;

24 however, the Delta Plan does not clearly and

25 unambiguously support a key objective of the BDCP, I112-20

Response to comment I112-19

This is a comment on the project, not on the EIR.

Response to comment I112-20

This is a comment on the project, not on the EIR. In addition, the proposed BDCP is a reasonably foreseeable future project that is being evaluated by the Department of Water Resources as the CEQA lead agency. The cumulative impacts of the proposed Delta Plan, in combination with the impact of the proposed BDCP, are described in EIR Sections 22 and 23. The Delta Plan must be reviewed at least once every five years and may be revised as the Council deems appropriate pursuant to Water Code section 85300(c). Hence, the Delta Plan would be amended when the BDCP is ready for incorporation. Please see the response to comment I112-3 regarding water supply reliability.

1 specifically, the recovery of water supplies lost as a
2 result of Delta regulatory restrictions. In fact, the
3 draft Delta Plan and EIR imply that implementation of
4 the Delta Plan will result in lower water exports than a
5 no project alternative. The recovery of these lost
6 water supplies is vital to achieving the coequal goals.

I112-20

7 The timely and cost-efficient implementation of
8 the BDCP is also critical to success in the Delta. The
9 BDCP already requires numerous layers of analysis,
10 including risk analysis, independent cost analysis and
11 environmental review of available alternatives, as well
12 as an approval process that includes six separate State
13 and federal agencies.

14 The Draft Plan's proposal to require each
15 significant future BDCP action to undergo additional
16 review by the Council would add another layer of
17 complexity to an already complicated process and could
18 result in significant delays and additional costs. The
19 LADWP adheres to the viewpoint that once the BDCP is
20 adopted as part of the Delta Plan, it has been deemed
21 consistent with the Delta Plan, and therefore, has been
22 approved, and we urge the Council to take the same view.

I112-21

23 We're also concerned about the Water
24 Reliability Element of the draft Plan that appears to
25 impose additional requirements on water suppliers that

I112-22

Response to comment I112-21

This is a comment on the project, not on the EIR. In addition, the proposed BDCP is a reasonably foreseeable future project that is being evaluated by the Department of Water Resources as the CEQA lead agency. The cumulative impacts of the proposed Delta Plan, in combination with the impact of the proposed BDCP, are described in EIR Sections 22 and 23. The Delta Plan must be reviewed at least once every five years and may be revised as the Council deems appropriate pursuant to Water Code section 85300(c). Hence, the Delta Plan would be amended when the BDCP is ready for incorporation. Please refer to Master Response 1.

Response to comment I112-22

This is a comment on the project, not on the EIR.

1 receive water from the Delta.

2 LADWP fully supports the Council's efforts to
3 promote regional self-reliance, but is concerned that
4 the plan takes a regulatory approach that could result
5 in the Council second-guessing local water management
6 decisions.

7 Maintaining local control of water management
8 decisions in order to meet the unique needs of
9 individual communities is vitally important to water
10 agencies across the state. Even without these
11 requirements, the LADWP and other agencies in Southern
12 California are setting the standard for California on
13 how to reduce reliance on the Delta to meet future
14 needs. For example, Los Angeles is a national leader in
15 water use efficiency due to the City's sustained
16 implementation of water conservation programs since the
17 1990s. Our current water conservation goal, as outlined
18 in our 2010 Urban Water Management Plan, is to further
19 reduce potable water demands by an additional
20 64,000 acre-feet per year by 2035.

21 LADWP has also implemented a water recycling
22 program with a goal of reaching 59,000 acre-feet per
23 year of recycled use by 2035. And we have plans for
24 improving our storm water capture and reuse to provide
25 an additional 25,000 acre-feet per year through

1112-22

No comments

- n/a -

1 groundwater recharge and distributed solutions such as
2 rain barrels and cisterns, also by 2035.

3 As such, LADWP believes the Council should
4 focus its energies on coordinating the many local, State
5 and federal efforts in the Delta. Focusing Council
6 efforts on Delta-specific issues will help ensure that
7 the coequal goals will be achieved as effectively and
8 expediently as possible.

9 LADWP continues to be appreciative of the
10 Council and staff's considerable efforts on the Delta
11 Plan process, and once again, we thank you for this
12 hearing and for the opportunity to provide feedback.
13 Thank you very much.

14 PHIL ISENBERG: Thank you very much.

15 Mr. Stephen Arakawa from the Metropolitan Water
16 District of Southern California.

17 Mr. Arakawa, you must be following us around.
18 We saw you down in San Diego, and I hope you're going to
19 accept our invitation to show up in Ceres, Clarkburg and
20 Willows too.

21 Yes, sir?

22 FELICIA MARCUS: We'll give you a T-shirt.

23 STEPHEN ARAKAWA: Yeah, that would be nice.

24 Thank you very much for coming to Southern
25 California and another location in our service area, we

Response to comment I112-23

Comment noted.

Response to comment I112-24

Comment noted.

1 really appreciate it. And I did submit our statement to
2 staff yesterday, so I don't intend to go through all of
3 the information. There are some people within our
4 service area that are -- have an interest in our -- part
5 of your constituency, so I thought I might summarize a
6 few key points.

I112-24

7 My name is Steve Arakawa, I work for
8 Metropolitan Water District. And in that capacity, I
9 manage over Bay Delta activities and Metropolitan
10 Wholesale Water Agency. So we don't deliver to
11 individual customers or businesses, but we provide water
12 to 26 member agencies. And we serve water to areas
13 within portions of six different counties. We've
14 submitted comments on the draft Plan up until now, and
15 we'll continue to do so. We also are working with a
16 coalition of water agencies and plan to coordinate
17 comments with them as well. In my statement last night,
18 I summarized or provided a description of five key areas
19 that we have an interest in addressing in the Delta
20 Plan. The first is a proposed reliability element that
21 has to do with water management and how that links in
22 with covered actions. I'm going to let the statement
23 from last night stand for itself.

I112-25

24 I think the second issue is the Bay Delta
25 Conservation Plan. And there -- it would be

I112-26

Response to comment I112-25

Comment noted.

Response to comment I112-26

Please refer to the response to comment I112-21.

1 advantageous to find a way in the Delta Plan to allow
2 for a completed Bay Delta Conservation Plan that the
3 Department of Fish and Game approves as a natural
4 community conservation plan to go forward in an
5 efficient way in terms of implementation. So in terms I112-26
6 of developing the procedures and the policies, any way
7 that the Delta Plan can ensure that once that criteria
8 has been met that the Bay Delta Conservation Plan is
9 deemed approved and consistent with the Delta Plan, that
10 the implementation of it moves forward in a systematic
11 way and does not provide for multiple opportunities to
12 oppose individual actions that are part of that plan.
13 The third issue was the levies. And I think
14 it's really key, given the statute, that the Delta Plan
15 addresses a strategic approach to how the levies are I112-27
16 improved in the Delta, looking at a cost-benefit
17 analysis of how to spend the State's money in terms of
18 strengthening the levies.
19 And then fourth is export reliability.
20 Assuring that the Delta Plan is clear as to how the
21 proposed project will address water supply coming from I112-28
22 the Delta, and whether there is an improvement in supply
23 as compared to where we are today in a situation of
24 reduced supply because of the Endangered Species Act.
25 And last, I would say that we will be providing

Response to comment I112-27

This is a comment on the project, not on the EIR. In addition, Section 5 of the EIR addresses flood risk.

Response to comment I112-28

This is a comment on the project, not on the EIR. In addition, Section 3 of the EIR addresses water resources, including water supply reliability.

Response to comment I112-29

Comment noted.

1 written comments on the draft EIR. And we thank you for
2 your efforts; this is a very significant undertaking.
3 And as an original sponsor of the legislation that
4 created the Stewardship Council and called for the
5 creation of the plan, Metropolitan hopes to be an
6 enthusiastic supporter of the final product. And while
7 progress has been made, we look forward to having
8 continued refinements to the Delta Plan and the EIR so
9 that we can assure its success.

I112-29

10 Thank you very much.

11 PHIL ISENBURG: Thank you.

12 The next speaker is Mr. Kirk Howie from the
13 Three Valleys Municipal Water District.

14 Mr. Howie?

15 KIRK HOWIE: Good evening. Again, my name is
16 Kirk Howie, H-O-W-I-E. I'm the assistant general
17 manager with Three Valleys Municipal Water District.
18 And I want to thank you for hosting this hearing tonight
19 and giving us an opportunity to share some of our
20 thoughts and concerns on the draft EIR.

21 Three Valleys is a wholesale treated water
22 agency. And we're one of the direct member agencies of
23 the Metropolitan Water District. We reside in Claremont
24 and we cover an area of about 133 square miles and we
25 deliver water to approximately half a million people

I112-30

Response to comment I112-30

Comment noted.

1 through the Claremont, La Verne, Glendora area in the
2 north, down through Pomona and southward to Walnut
3 Valley, Roland Heights and Diamond Bar. So it's a
4 fairly sizable area right up against San Bernardino
5 County and as far south as Orange County. The Orange
6 County border.

I112-30

7 We receive a hundred percent of our water from
8 Metropolitan Water District, which is about 70,000
9 acre-feet a year in a normal year, and primarily that's
10 made up of water from the Bay Delta in Northern
11 California. I just wanted to share a couple of thoughts
12 and concerns about the draft EIR that we have. We're
13 concerned that the draft EIR falls a bit short on some
14 of the expectations that we had. And it currently is
15 not in complete alignment with the Bay Delta
16 Conservation Plan and we feel it really needs to be.

I112-31

17 Now, in creating the Delta Stewardship Council,
18 the California legislature sought the Council to create
19 the Delta Plan that would promote improved water
20 regional (sic) self-sufficiency, not to fully regulate
21 it, but to promote it. And we strongly feel the
22 advancement of the coequal goals of water supply
23 reliability and ecosystem restoration -- we very much
24 support that and we fully support the regional
25 self-sufficiency concepts of it, but our concern is how

I112-32

Response to comment I112-31

Please refer to the response to comment I112-21 regarding the BDCP.

Response to comment I112-32

This is a comment on the project, not on the EIR.

1 the draft Plan puts the Council in the somewhat
2 difficult position of reviewing local water strategies
3 throughout California and trying to deem if they pass or
4 if they fail.

I112-32

5 And we believe that the efforts of our agency
6 and others in Southern California are setting the
7 standard for California on how to reduce reliance on the
8 Delta to meet future needs. And we need to be free to
9 have the ability to do so.

10 The Delta is an irreplaceable water source,
11 obviously, both in terms of quality and quantity. And
12 it will remain to us the most vital source of Southern
13 California to have reliable water supply. I think that
14 goes without saying. And to that end, Three Valleys
15 will continue to promote water use efficiency, regional
16 benefit projects and capital investment programs as
17 well, to sustain the State's intricate and very delicate
18 water system. We want to be very active and supportive
19 on that.

I112-33

20 So in conclusion, we, again, want to thank you
21 for hosting this local hearing today and for giving us
22 all the opportunity to provide comments and we
23 appreciate the Council and the staff's work that they
24 have done. I know it's a tireless effort and there's
25 much that's been done and much left to do. And we want

Response to comment I112-33

Comment noted.

I112-33

1 to express our appreciation for that.
2 Thank you very much.
3 PHIL ISENERG: Thank you, Mr. Howie.
4 The next speaker is Ms. Angela Kimmey -- I hope
5 I pronounced that correctly -- from the City of Pasadena
6 Water and Power.
7 Going once, going twice -- oh, there you are,
8 I'm sorry.
9 ANGELA KIMMEY: My name is Angela Kimmey and I
10 am here representing the City of Pasadena Water and
11 Power Department. And we appreciate you taking the time
12 to come out to our neighborhood and hear our comments.
13 The Pasadena Water and Power serves over
14 175,000 people in Pasadena, Alta Dena and the
15 San Gabriel area. As a member agency of the
16 Metropolitan Water District -- excuse me, I'm getting I112-34
17 over a cold -- we receive 60 percent of our water supply
18 from MWD. And while we respect and appreciate the
19 Council and the staff's time and considerable efforts in
20 advancing the Delta Plan process, we are concerned that
21 the Plan is overly regulatory. Mandating Urban Water
22 Management Plans for water agencies we feel goes beyond
23 promoting regional self-sufficiency to regulating it.
24 The draft Plan mandates everything from rate
25 structures to recycling targets. As was stated by the

I112-35

Response to comment I112-34

This is a comment on the project, not on the EIR. In addition, the Delta Plan's requirement regarding Urban Water Management Plans reflects the requirement found in section 10620 of the Water Code.

Response to comment I112-35

This is a comment on the project, not on the EIR.

1 representative from Los Angeles Department of Water and
2 Power, it adds an additional layer of bureaucracy to an
3 already complex process. We fully support the regional
4 self-sufficiency concepts that the Stewardship Council
5 is trying to advance -- improved water use efficiencies,
6 expanded recycling, backup plans for service
7 interruptions -- but we feel that these goals would be
8 better served by recommendations, as opposed to
9 mandates.

I112-35

10 We feel that the draft Plan does not fully
11 appreciate how our agency and water districts throughout
12 Southern California have been advancing regional
13 self-sufficiency for many years, prior to the creation
14 of the Stewardship Council and the draft Delta Plan. In
15 the past 25 years, we've invested in local water supply
16 resources, urban water use efficiency, local surface and
17 groundwater storage projects, water recycling.

18 Collectively, these investments have added to
19 operational flexibility and improved our ability to meet
20 demands with our existing supplies.

I112-36

21 Examples of what our agency has been doing to
22 advance regional self-sufficiency for calendar year
23 2011: Per capita water consumption was approximately
24 24 percent less than the United Nations Urban
25 Environmental report's baseline. And PWP is on track to

Response to comment I112-36

This is a comment on the project, not on the EIR.

1 meet the Urban report's and the statewide conservation
2 goal of 20 percent reduction by 2020.

3 We've invested and continue to invest in
4 recycled water projects to increase our local water
5 supply. We spent a lot of money recently in a
6 perchlorate water quality treatment plant so we can make
7 better use of our existing water supply.

8 This year -- or last year we launched our H2O
9 academy, which is an online suite of courses and --
10 educational resources related to water conservation with
11 how-to videos and online garden planner identifying
12 different tools that can be used to reduce irrigation.
13 We've hosted numerous workshops on how to cut your grass
14 and rainwater harvesting and we've expanded our turf I112-36
15 removal program where we have a very good rebate program
16 for our customers to take advantage of. And we offer
17 rebates on everything from efficiency clothes washers
18 and weather-based irrigation controllers for people to
19 make better use of their irrigation.

20 Pasadena is famous for our roses and we
21 recognize that that is kind of a part of the culture
22 here, so in addition to courses on using native plants
23 that use less water, we provide information on tools and
24 equipment that can be used to better utilize irrigation
25 for those people who just can't get rid of their roses.

No comments

- n/a -

1 We believe that the efforts of our agency and
2 others in Southern California are setting the standard
3 for California for how to reduce reliance on the Delta I112-36
4 to meet our future needs. It's our position that the
5 overly regulatory approach in this draft would threaten
6 success of the Stewardship Council and detract from the
7 prospect of a successful collaborative approach.

8 Again, we don't want to add bureaucracy; we
9 stand behind, fully, the goals, but we feel that by
10 mandating them instead of having a recommendation, that
11 it adds additional bureaucracy to a complex process.

12 We hope that these comments and our continued I112-37
13 participation in the process will help advance the Delta
14 Plan that meets the objectives of advancing the coequal
15 goals of water supply reliability for California and
16 ecosystem restoration for the Delta.

17 PHIL ISENERG: Thank you very much, hope
18 you're feeling better.

19 All right. The next speaker is Royall Brown
20 from West Covina.

21 Mr. Brown?

22 ROYALL BROWN: I should introduce myself. I'm
23 a former employee of the Department of Water Resources
24 of the State of California and the old Water Rights
25 Board of the State of California. I date back to the I112-38

Response to comment I112-37

Comment noted.

Response to comment I112-38

Comment noted.

1 '50s. I remember Mr. Isenberg's long involvement with
2 the Delta and am thankful that he's here tonight still
3 participating.

4 PHIL ISENBERG: Still alive.

5 ROYALL BROWN: What I started doing there had
6 to do with the Delta. I was the first guy setting up
7 sampling stations in the Delta for water quality. I set
8 up way over 100 different sampling stations during that
9 first summer I worked for the Water Resources Board.
10 And as I understand, most of those stations are still
11 used for determining what the salt balance is coming out
12 of the Delta and into the State Water Project.

13 Basically, I'm here to talk to you about how to
14 export more water from the Sacramento river system and
15 valley, instead of allowing water to go to the Delta.
16 Specifically, the point that you take water is up at the
17 start of the Yolo Bypass. The only water that gets in
18 the Yolo Bypass is flood water. That means it's water
19 that basically has got to go out the Golden Gate. So
20 you're not robbing the Delta, per se, because all that's
21 coming through, is whatever can get through Carquinez
22 Strait is holding back whatever is in the Delta at flood
23 stage. And that's a big amount of water going to waste
24 in the ocean.

25 Specifically, there are certain things in water

I112-38

I112-39

I112-40

Response to comment I112-39

Comment noted.

Response to comment I112-40

This is a comment on the project, not on the EIR. In addition, Section 3 of the EIR addresses water resources, including water supply reliability.

1 law. It's important for an alternative not to affect
2 the Delta. That is, that flood waters are not being
3 appropriated. You have to have a way to grab the flood
4 waters. That's the Yolo Bypass. Already exists. It
5 takes water around the Delta, basically, and puts it
6 into the San Francisco Bay system and to go out the
7 Golden Gate.

I112-40

8 Second, during the summertime, you can take
9 water from the wells that are around this Yolo Bypass
10 and export water from those wells. Those aren't subject
11 to the water rights on rivers. They're separate under
12 California law. So if you take the water either at
13 flood stage or from wells outside the inflow of the
14 Delta, you're taking water that isn't being utilized
15 today. It's water that -- you're taking essentially
16 from the system before it affects the Delta. And that's
17 the important thing I think should be an alternative to
18 whatever the plan for the Delta is, to get water that
19 isn't going to be part of the Delta question and the
20 complications with wildlife and fish and things. So
21 that's the reason why I'm here today.

I112-41

22 Now, I should point out, this is not the first
23 time people have taken water and bypassed the Delta.
24 There's two pipelines across the Delta, the Mokelumne
25 Project and the San Francisco Project. I had a chance

Response to comment I112-41

This is a comment on the project, not on the EIR. In addition, Section 3 of the EIR addresses water resources, including water supply reliability.

No comments

- n/a -

1 to work as part of the State Water Resources Department
2 on the groundwater situation in the South San Francisco
3 Bay. I was part of the special legislative study that
4 worked on that. And all the work I did and the crew I
5 was with has been upheld ever since. Just to give you a
6 background.

7 Basically, what we did was take Dr. Bradner's
8 theories and prove many of them that were assumptions by
9 him. And he was taking water from -- at that time from
10 below water surface at South San Francisco Bay and
11 pumping it across the bay. And at the same time, before
12 the Mokelumne River Project was built, water was going
13 to the Oakland boot. The great thing about his project
14 is it didn't affect the surface of the bay. He was
15 mining water, essentially, a thousand feet below sea
16 level. That was ancient water. And took it across the
17 coast to serve San Francisco and Oakland.

-1112-41

18 As that area where he was pumping it out, the
19 southeast section of the San Francisco Bay area, the
20 area wanted to develop, so San Francisco went and
21 created the Hetch Hetchy Project and Oakland eventually
22 did the Mokelumne River Project by taking the mountain
23 water way up above the Delta. And taking advantage of
24 what I'm proposing, that the Delta commission should be
25 advocating for export of water. Just like it's exported

1 to the Bay Area right today.

2 The final thing is, if you take the water from
3 the Yolo Bypass, you're reducing the flood risk.
4 Because that facility was designed just to do that. It
5 physically takes the water above Sacramento as a weir
6 that only water comes into it when the river --
7 Sacramento River is at flood.

8 So the groundwater and stuff is recharged by
9 flood water and in the summertime there's flood water
10 that's been recharged in the Yolo Bypass that could be
11 not subject to water rights. It can be exported.

12 So a combined project that both takes the water
13 from falling over the weir and pumping water out of the
14 ground, which was essentially Dr. Bradner's original
15 idea. He figured out a way to serve those two cities by
16 going at the groundwater. And this is back in the I112-42
17 1800s. So he caused no saltwater pollution. Big,
18 significant point.

19 The wells were drilled to bedrock a thousand
20 feet below the surface. That is a significant design
21 feature that you need to consider. So I'm here merely
22 to advocate a major alternative to what you've been
23 talking about on alternatives, like export more water
24 out of the Delta. I think that's not necessary and I
25 think you need to take advantage of the old concepts,

Response to comment I112-42

This is a comment on the project, not on the EIR. In addition, Section 5 of the EIR addresses flood risk.

1 grab this water before it gets to a significant,
2 important facility such as the Delta.

I112-42

3 So I would ask a major modification be made to
4 your alternatives and allow the public to understand
5 there is other alternatives.

6 Thank you.

7 PHIL ISENBERG: Mr. Brown, thank you very much.

8 The next slip of paper is from
9 Mr. Wayne Lusvardi from Pasadena. But he had spoken
10 previously and I believe he submitted this blue form
11 after he had spoken.

12 Mr. Lusvardi? No. So he has already spoken.

13 Mr. DiCroce, you have submitted another form,
14 so why don't you grab the microphone now if you would,
15 please.

16 If there is anyone else that wants to talk,
17 fill out a blue form and ship it up to us, please.

18 NICK DICROCE: Nick DiCroce, again,
19 Environmental Water Caucus.

20 After seeing Chris and Keith's presentations, I
21 want to reinforce two of the points that were made as
22 part of those presentations. And two of the points that
23 we have included in probably all of our responses to the
24 various drafts. We started responding with the scoping
25 documents, as well as four of the five drafts. And

I112-43

Response to comment I112-43

Reliable water supply is defined in the Delta Reform Act to include meeting the needs for reasonable and beneficial uses of water, sustaining the economic vitality of the State, and improving water quality to protect human health and the environment (Water Code § 85302(d)(1)-(3)). Please refer to Final Draft Delta Plan, Chapter 3.

1 certainly in the fifth draft we have these two important
2 points.

3 One is that we feel and we urge you to define I112-43
4 what water supply reliability really means. And I put
5 the word "reliability" in quotes and we are looking for
6 you to define and quantify a level of reliability. We
7 always believe, as Peter Drucker does, that you can't
8 manage what you haven't quantified.

9 The second -- and we feel as though you're
10 getting a lot of help in quantifying and in defining
11 reliability with the flow recommendations from the Fish
12 and Game Department and the State Water Board, who both
13 have urged and recommended increased outflows. And in I112-44
14 our logic process, that could mean nothing more than
15 reduced exports out of the Delta. So you have it right,
16 our alternative looks for reduced exports out of the
17 Delta.

18 Secondly, we still look for a balancing of
19 public trust values. We wouldn't be an environmental
20 group if we weren't urging that. And that's to include
21 an economic balance in the public trust values. That I112-45
22 may be dangerous for a lot of interests because we feel
23 strongly that if economic values are put on some of the
24 public trust components that we will come out with a
25 very better balance on our alternatives.

Response to comment I112-44

Comment noted.

Response to comment I112-45

Compliance with the public trust doctrine is required by the Delta Reform Act, as recognized in Water Code sections 85022(c)(3) and 85032(h). Please see DEIR Sections 2A and 2B. Economic impacts are not effects on the environment under CEQA, however, and are not analyzed in the EIR (CEQA Guidelines §§ 15064(e) and 15131). See also Master Response 2.

1 The last thing I want to say is that as an
2 environmental group, we appreciate your inclusions of
3 our environmental alternatives to be considered. And we
4 hope by the time we get to the final EIR, we have
5 convinced you that ours is the superior alternative. I112-46
6 Thanks.
7 PHIL ISENBERG: Thank you very much.
8 Is there anyone else who wishes to talk to us
9 on the Environmental Impact Report? Anyone else?
10 Okay. Ladies and gentlemen, seeing no one else
11 and people staring blankly at me from the audience, we
12 are going to thank you very much for coming. We
13 encourage you to follow us around to our next three
14 hearings in the Central Valley and Northern California
15 and talk up there.
16 So thank you very much and the meeting is
17 adjourned.
18 (Proceedings concluded at 7:37 p.m.)
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Response to comment I112-46
Comment noted.

No comments

- n/a -

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CERTIFICATION
OF
CERTIFIED SHORTHAND REPORTER

I, STEPHANIE WILLIAMS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further declare that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

In witness whereof, I have this date subscribed my name _____.

Dated: January 23, 2012

Certificate Number 13482