

I114 Clarksburg transcript

No comments

- n/a -

1/18/2012
Delta Stewardship Meeting

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STATE OF CALIFORNIA
DELTA STEWARDSHIP COUNCIL

MEETING OF THE DELTA STEWARDSHIP COUNCIL

Yolo County
Clarksburg Middle School
52870 Netherland Road
Clarksburg, California 95611
JANUARY 18, 2012
6:00 P.M.

Reported By: Skylar M. Hall, CSR No. 13615

Northern California Court Reporters
(916) 485-4949 * Toll Free (888) 600-6227

No comments

- n/a -

1 APPEARANCES:
2
3 PHIL ISENBERG
4 Chairman
5
6 RANDY FIORINI
7 Council Member
8
9 DON NOTTOLI
10 Council Member
11
12 KEITH COOLIDGE
13 Executive Manager
14
15 JOE GRINDSTAFF
16 Executive Officer
17
18
19 Public Speakers:
20 Al Wolf
21 Dave Sterling
22 Bill Wells
23 Wally Baumgartner
24 Russell van Loben Sels
25 Eugene Phillips
Dan Whaley
Robert Pike
Nicki Suard
John Woodling
Mr. Ingleberg
Mr. Pruner
Yolo Jarvis

1 BE IT REMEMBERED, that on January 18, 2012,
2 commencing at the hour of 6:00 P.M., at Clarksburg
3 Middle School, 52870 Netherland Road, Clarksburg,
4 California, before me, SKYLAR M. HALL, Certified
5 Shorthand Reporter in and for the county of Sacramento,
6 State of California, the following proceedings took
7 place:

8
9 (The following proceedings were held on the
10 record.)

11
12 MR. ISENBERG: This is the portion of the
13 meeting, unlike the EIR hearing, where we serve as
14 hearing officers and can only listen on the record.
15 This is your chance to engage with council members on
16 the Delta Plan.

17 MR. WOLF: My name is Al Wolf and I'm from
18 Nevada City, and I belong to the Nevada Sustainability
19 Council. We've discussed this delta problem for some
20 time, and I have some hand-outs here on desalination. I
21 used to run desals in the Navy, and I don't know if
22 you've seen some pictures of the Titanic -- some of the
23 equipment that came apart when she hit the bottom was
24 one of their evaporator units for making fresh water out
25 of saltwater, and the technology now has advanced quite

1114-1

Response to comment I114-1

The Draft Program EIR discusses the use of desalination as one of the reliable water supply actions that would be encouraged under the Delta Plan.

1 a bit; and in the Navy, we were using double effect,
2 triple effect.

3 Of course, now, the reverse osmosis -- and if
4 you have a cheap source of energy, which is natural gas,
5 or in the long run in the future -- and it's already
6 happening some places overseas -- nuclear energy. I'd
7 like to give these hand-outs --

I114-1

8 MR. ISENBERG: If you don't mind, we'll put
9 these in the record. If anyone has anything to hand us,
10 that'll become part of the official record of the
11 hearing, part of this meeting, and it will be part of
12 the official record we'll give at the end of the
13 environmental review process.

14 MR. WOLF: Each one is separate. It all talks
15 about --

16 MR. ISENBERG: Here's what we're going to do.
17 We don't have a copy machine with us tonight, but what
18 we'll do is -- Keith, I think this is the right way to
19 handle it -- on documents that are handed out at the
20 meeting, maybe we can scan and post them within 24 hours
21 so anyone who wants to look at this will be able to go
22 to our website and pick up a scanned copy there. We
23 should have brought a copier, but we didn't. I
24 apologize. We will do that.

25 MR. WOLF: The reason I'm pushing desalination

I114-2

Response to comment I114-2

Please refer to response to comment I114-1.

1 is -- you know, we're having climate change. We're not
2 getting -- it's very questionable that we get the
3 precipitation we really need, and I think the boys and
4 girls south of the Hachebys need to start doing their
5 own thing. We have 1200 miles of coastline. The
6 technology is here. They have built some desalination
7 units down near Long Beach and so on. They need to
8 build more and rely more on them.

9 Also, when I was in Japan during the Vietnam
10 War, the Japanese were experimenting with extracting
11 uranium from saltwater. Every mineral on this planet is
12 in the ocean, and we, in the bottom of the bay, in the
13 salt beds -- we extract bromide, iodine, and magnesium
14 from saltwater, just by letting it evaporate by the 1114-2
15 sun's power and doing it on a large scale from the
16 discharge from a desalination plant instead of dumping
17 the brine back in the ocean and causing environmental
18 problems. We can feed that into a mineral separation
19 unit and lessen the energy on the environmental impact
20 on the planet.

21 It makes a lot more sense, because then you're
22 extracting energy, electricity, fresh water, and mineral
23 separation all at one site, and this would help pay for
24 the facility. Besides, the larger scale you go, the
25 cheaper it is. And I'd like to show the Council and the

No comments

- n/a -

1 people here -- one of my air buddies from the Arab
2 Emirates gave me pictures of one of the units they're
3 building, and they're building a lot of these. Of
4 course, now the Australians are building these units.

5 This is a power and water installation, and the
6 building -- we need to get smart like them. This is the
7 21st century. We need to clean up our act and rely on
8 the ocean out there, because, like I say, there's
9 endless amounts of water out there. It's just in the
10 wrong place, as far as fresh water is concerned. To me,
11 if you don't do that, then you're going to be fighting
12 over water.

13 One case in point is the Egyptians have had the
14 lion's share of the Nile for many years. Well, that's
15 going to change, because the Ethiopians now are going to
16 build a Millennium Dam on the Blue Nile, and that's
17 going to mean a bunch of water goes down to Cairo and
18 Sudan. So they're planning ahead, and we need to plan
19 ahead right now.

20 We've got 37 million people in this planet --
21 not the planet, but the state; and everybody, hopefully,
22 needs to take a shower once in a while; and we need more
23 water, and it has to be a reliable source. We can't
24 keep pulling water from the north, here. When I lived
25 in Amador County, I saw how East Bay MUD had rights to a

I114-2

No comments

- n/a -

1 lot of water in the colony. It was impacting the growth 1114-2
2 of Amador County. So we need to get on the stick and
3 not have the people in the south dictate whether the
4 people in the north take all the water. Thank you.

5 MR. ISENEBERG: Dave Sterling, delta resident,
6 and former Chief Deputy Attorney General of the State of
7 California with then-Attorney General Dan Lundberg, now
8 an attorney in private practice. Mr. Sterling?

9 MR. STERLING: Yes, Mr. Chair and members.
10 Thank you very much for being here. I'd like to simply
11 pose a question. The SBX71 -- in talking in terms of
12 the co-equal goals, there's a second sentence there that
13 seems to be something in the nature of a condition on
14 pursuing the co-equal goals, and it reads -- I know you
15 know it by heart. I'm just going to read it for the
16 people here.

17 "The co-equal goals shall be achieved in a 1114-3
18 manner that protects and enhances the unique cultural,
19 recreational, natural resource and agricultural values
20 of the delta as an evolving source." And that is now in
21 the water code.

22 My question, simply, is have the members or the
23 staff began to think in terms of formulating a
24 definition as to what that term -- what those values
25 are?

Response to comment I114-3

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

1 MR. ISEBERG: Thanks, Dave. Ladies and
2 gentlemen, if any of you want to get the precise
3 statutory language, out at the table, there's a copy of
4 one of the five bills that were part of the water
5 actions in 2009 and the bill that is our enabling
6 statute that has the language that Dave has just
7 mentioned. Pick it up. It's a good reference to have
8 around.

9 Dave, a couple things -- other provisions in
10 the statute authorize reports and studies of different
11 things. So, for example, your supervisor is also the
12 chair of the Delta Protection Commission. Now -- well,
13 with almost 20-year land use and planning in the delta,
14 and they are just completing -- will complete at the end
15 of this month the Delta Economic Sustainability Plan, a
16 study that was called for in this statute.

17 It has been reviewed by a scientific panel, and
18 by agreement of the parties, will come to us for
19 potential inclusion in the Delta Plan. Again, it's
20 discretionary on our part, but we're looking for
21 opportunities to add that in.

22 I think the fairest thing to say is that most
23 people want to look at that last sentence and figure out
24 how whatever they're interested in pops up in a word.
25 So we've got unique cultural, recreational, national

No comments

- n/a -

1 resource and agricultural values, so it's a continuing
2 debate and discussion, particularly down in San Joaquin
3 County. Does that include land development? It's a
4 matter of immense controversy in San Joaquin County, and
5 the language doesn't say it, but the study on economic
6 sustainability certainly suggests that that's something
7 that ought to be involved.

8 Don, you want to add anything?

9 MR. NOTTOLI: Dave, I think Phil covered at
10 least a portion of what will be submitted to the
11 Council, and certainly the broader community, about the
12 important pursuits that sustain the day-to-day life and
13 just did activities in the delta. So the Economic
14 Sustainability Plan has a piece of that.

15 We've certainly heard from many others in the
16 course of hearing, and folks involved in agriculture and
17 recreation and other pursuits in the delta or around the
18 delta. I would just note, too, that a full chapter --
19 it was not fully developed because it was waiting for
20 submittal of the plan that the Delta Protection
21 Commission was working on, but a full chapter in the
22 draft plan is devoted to discussing the delta, its
23 unique values, and the attributes that not only are
24 worth protecting and preserving, but I think that need
25 to be, at least in my view, balanced against, certainly,

No comments

- n/a -

1 the considerations of the co-equal goals.
2 I think that's a very important qualifier to
3 the first sentence about how -- you know, how the
4 division of the plan and some of the other things that
5 we're charged with, but there's no question. We can
6 certainly see in this room all these folks who make
7 their lives and have for generations, in some cases, in
8 the delta; and, you know, what's that going to be in the
9 future? How this is going to interface as it relates to
10 a whole host of things -- but I think we talked about
11 protection, about risk reduction, and certainly
12 ecosystem restoration -- what the impacts of that would
13 be -- and water supply reliability placed outside the
14 delta, but also in the delta.

15 So it's my sense that as this plan goes forward
16 that it's going to get new consideration, and I think
17 there's some important elements. I hope the comments
18 this evening will help us as we continue to look at the
19 plan.

20 MR. STERLING: Thanks, Don. Where did you say
21 that the Delta Protection Commission has put that
22 language in the plan?] I114-4

23 MR. NOTTOLI: The Economic Sustainability
24 Plan -- I think it's Chapter 8 in the Draft Delta
25 Plan -- but, again, there were some places where it

Response to comment I114-4
Comment noted.

1 wasn't fully complete; but the whole chapter is devoted
2 and talking about the delta and its values and,
3 certainly, as an evolving place. So I don't think the
4 chapter is yet complete, but there is some other
5 information coming in there, as well.

6 MR. STERLING: Is there any place for further
7 public input on that issue?

} I114-5

8 MR. ISENBERG: There sure is. The Delta
9 Protection Commission -- by the way, you can read their
10 plan, which is -- I don't know, maybe 150, 200 pages
11 long, roughly, in its soon-to-be-completed form on their
12 website -- and Keith is part of posting the material.
13 Can you make sure to post next to that the website
14 address for the Sustainability Plan for anyone who wants
15 to look at it?

16 They completed on the 28th or 29th of this
17 month. So that will come to us for the first stage of
18 consideration in February, is my understanding. That's
19 what we've worked out with our executive director and
20 Supervisor Nottoli. The director, by the way, is Joe
21 Grindstaff, sitting right in front.

22 We'll start hammering away at it then. In
23 regard to the Delta Plan, there are no regulations in
24 that matter. There are recommendations only. And I
25 don't think the sustainability study recommends any

Response to comment I114-5
Comment noted.

1 regulations. I'm almost positive they don't, but we'll
2 see it when we find it.

3 So there will be -- as Keith mentioned, the
4 Environmental Impact Report comments close the second of
5 February, but not long thereafter comes the sixth draft
6 of the Delta Plan with as much of the information we can
7 get as possible; and then somewhere -- probably in
8 April, May, or something like that -- will be the
9 seventh and final staff-recommended version and the
10 completion of the Environmental Impact Report and the
11 digesting of the sustainability.

12 So I can't tell you how many days of meetings,
13 but our executive director has threatened us by saying
14 that starting in March, we're going to four days of
15 meetings a month, so I suspect it's starting in
16 February -- February, March, April, and May, for sure.
17 There will be four days of meetings a month. So if you
18 can't sleep at night, we will have a lot of
19 opportunities for comments. And there are occasionally
20 workshops and science panels that discuss aspects of
21 these various plans. Those are all public meetings,
22 also.

23 MR. STERLING: And the February 2 date doesn't
24 relate to this issue? } I114-6

25 MR. ISENBERG: Oh, no. The Environmental

Response to comment I114-6
Comment noted.

1 Impact Report -- you're an experienced lawyer; you know
2 this better than I do -- is the one legal proceeding on
3 the environmental impact of the Delta Plan; but as part
4 of the statute, the legislature says the Delta
5 Protection Commission should develop this plan. They've
6 got other things to do, as well; and they submitted to
7 us for consideration for inclusion if we find it's
8 consistent with the Delta Plan.

9 So we're still figuring out how to do that. So
10 we have a lot of opportunities, and they will not be
11 closed to public comment on February 2 on those
12 issues.

13 MR. STERLING: Thank you all for coming out
14 tonight.] I114-7

15 MR. ISENEBERG: Thank you, Dave.

16 Mr. Bill Wells, California Delta Chamber. I
17 assume the VB is Visitors Bureau.

18 MR. WELLS: Thank you very much, Mr. Chairman.
19 I've got a copy of the latest newsletter from the
20 Stewardship Council from December of 2011. Just wanted
21 to draw your attention to -- there's a Delta
22 Independence Science Board spotlight of Dr. Brian
23 Atwater. I'm not going to say the whole thing, but
24 quoting from him back in the late 1970s, Atwater was
25 doing field work and it subsided -- okay. And Pete Land] I114-8

Response to comment I114-7

Comment noted.

Response to comment I114-8

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

1 of Jersey Island, six miles east of Antioch, freighters
2 passing overhead in the adjacent San Joaquin River
3 would rattle cups on the trailer in his kitchen.

4 That's, to me, just kind of typical of a lot of
5 the misinformation about what's going on in the delta,
6 and I strongly question, as a taxpayer representing
7 other taxpayers, of somebody putting something like
8 this, which is a very negative statement, and untrue, I
9 think. I've been on the river and boats and houses;
10 bars -- mainly bars -- over the last 20 years -- a lot
11 of bars -- and a lot of freighters have gone by and I've
12 never seen cups rattle or anything such as that.

13 So I researched on seismic activity -- he's a
14 seismic scientist, by the way -- and according to -- I
15 find it takes about a 4.0 to 4.9 on the Richter scale to
16 cause cups to rattle. So again, I'm not just picking on
17 this one thing, but there's a lot of really bad,
18 negative information out there about the delta, that
19 it's affecting people's property values, jobs -- and,
20 again, as a taxpayer, I feel like I'm paying for this
21 and I don't appreciate it. Anyway, thank you.

22 MR. ISENBERG: Let me just also say -- take a
23 look at the statute, also, because the statute directed
24 that we use the best available science in this report.
25 Now, not the best imaginable science, but the best

No comments

- n/a -

1 available science; and in addition, we were given -- it
2 would be almost the first thing we did. The legislature
3 created the Independent Science Board. They defined
4 "scientist" as a scientist of national or international
5 reputation, and appointed them, and they have their own
6 statutory duties with regard to the Delta Plan, the
7 functions of science in the delta; and also, they have
8 duties on reviewing certain aspects of the Bay Delta
9 Conservation Plan -- the facilities discussion.

10 But in all of those cases, we have found that
11 there are always disagreements, not only about what
12 people say, but how they say it; and we find everyone
13 wishing us to say what they'd prefer; and in this case,
14 my suggestion would be -- we've had geologists and other
15 scientists, experts in catastrophic failures and
16 earthquakes, come before us a number of times. There
17 are a significant number of slides in our files from
18 previous meetings on just exactly this, and there was
19 one -- it was an update of the known earthquake faults
20 within the entire San Francisco Bay Delta Region, and
21 it's worth a look.

22 But if you have other information, scientific
23 information, to present, we'd strongly urge you to do
24 so.

25 MR. WELLS: Thank you. I appreciate it. We're

Response to comment I114-9

Comment noted.

1 all pretty much aware of all the fault lines around
2 here. By the way, the California aqueduct is built
3 across the San Andreas fault, so if we're going to have
4 more of a water supply, I think we need to take that out
5 of the circuit, personally. Again, this, to me, is not
6 science; and I'm offended, to say the least. Thank you
7 very much.

I114-9

8 MR. ISENBERG: Mr. Wally Baumgartner?

9 MR. BAUMGARTNER: I'm just a local resident,
10 and I haven't lived here a lot of years, but I've been
11 concerned with the delta for a long time, and I go to
12 all of the meetings. I was very concerned when you
13 canceled the meeting a week ago and you had no
14 representative here.

15 MR. ISENBERG: No. The Sacramento Bee --

I114-10

16 MR. BAUMGARTNER: Sir, blame it on the Bee, but
17 shouldn't you had -- do you know if there were 10, 20 or
18 40 cars came here? You have any idea how many cars came
19 through that miscommunication, and do you care?

20 MR. ISENBERG: I'm sorry it happened.

21 MR. BAUMGARTNER: Well -- let's go on. That
22 means nothing.

23 First of all, in the record -- I missed his
24 name -- the gentleman from the -- that used to run the
25 nuclear plant -- Al Wolf -- everything he said, I'm

I114-11

Response to comment I114-10

Comment noted.

Response to comment I114-11

Please refer to response to comment I114-1.

1 going to say again.

2 This gentleman is 100 percent right. He is so
3 right that it's unbelievable. We can't -- I'm here to
4 complain about number five and six, which is the
5 transfer of water. That's what it says in the Delta
6 Plan, but that's what I read, whether or not five and
7 six are for transfer of water -- but that's what I
8 believe.

9 We need to do desalination. We need to move
10 on. Your program is wrong. Everything you're doing
11 here is water stealing. You call it conservation; you
12 call it everything else, but it's not. It's water
13 stealing, and that is my belief.

14 I was here recently for another meeting. I've
15 been going to these meetings for five, six years. We
16 had a little coalition meeting. I can't remember the
17 lady's name who was here in this room in November. Does
18 anybody here remember the lady's name that set up this
19 new coalition for the delta?

20 MR. ISENBERG: I think it's the organization
21 called Restore the Delta. I'm not certain of that, but
22 I think --

23 MR. BAUMGARTNER: They had a meeting down here.
24 You guys control them, or somebody controls them, but
25 they come down here and --

No comments

- n/a -

1 MR. ISENBERG: Trust me, we do a lot of things,
2 but we don't control them.

3 MR. BAUMGARTNER: I know what this is. It's
4 getting the rest of us involved in other issues to
5 preserve the delta. We all want to preserve the delta,
6 and that is what this other coalition was for, and what
7 we can do to work on the delta and make it happy;
8 because if we're spending our time, they're not going to
9 take the water from us, and that's all that you're
10 about, and I think that's what this whole issue is
11 about. Thank you.

I114-11

12 MR. ISENBERG: Mr. van Loben Sels?

13 MR. VAN LOBEN SELS: I'd like to follow up on
14 the question of the Economic Sustainability Plan. I
15 realize there is a series of meetings that are going to
16 be held. I'd like to get an idea if that's going to get
17 into the sixth staff draft or the seventh staff draft.

I114-12

18 MR. ISENBERG: Don, correct me if I'm wrong,
19 but they have something like 17 specific recommendations
20 in the sustainability plan. Is that roughly the right
21 number? I think that's the right number. And the staff
22 has been working with the staff of the Delta Protection
23 Commission -- Mike Machado, former state senator from
24 Stockton -- and trying to figure our way through that.

25 I think our staff generally indicated that at

Response to comment I114-12

The Final Draft Delta Plan and the Recirculated Draft EIR report that the Economic Sustainability Plan is complete.

1 least half of them are not going to have a problem at
2 all. Some are already in the Delta Plan. If you're
3 asking if we will agree to everything we recommend, I
4 think the answer is we have to wait and see; but the
5 legal requirement is they must be consistent with the
6 co-equal goals.

7 MR. VAN LOBEN SELS: The reason I ask which
8 draft it's going to be in is because it gives us an
9 understanding of what Chapter 8 is really going to do to
10 protect and enhance agricultural values in the delta,
11 and if it doesn't get into the seventh staff draft, then
12 we're dealing with a final product; so I would hope it'd
13 be in the sixth staff draft.

I114-13

14 MR. ISENBERG: We hope it is, too, which is why
15 they have rushed their closing of this issue; and we've
16 worked it out so they're going to close at the end of
17 this month and do a final adoption on the 26th. We'll
18 then review it in February. I don't believe the sixth
19 draft -- the sixth draft Delta Plan comes out in March,
20 which gives us, I hope, enough time to do at least a
21 major review.

22 There are always things in a 200-page document
23 that you may not catch the first time you read it; but,
24 yes, there will be a lot of opportunities.

25 MR. VAN LOBEN SELS: Like I said, I hope it's

I114-14

Response to comment I114-13

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

Response to comment I114-14

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

1 in the sixth staff draft so we have an opportunity to
2 understand how Chapter 8 is going to function and how
3 it's going to preserve and enhance the delta
4 agricultural values in all the rest of the delta. If
5 it's not, I think it's still incumbent upon the Council
6 to have a Chapter 8 that functions to do those things.

I114-14

7 Whether you accept the ESP or you develop it
8 yourself, there has to be a framework to protect and
9 enhance the agricultural values of the delta.

10 MR. ISENEBERG: If you have suggestions -- I
11 know you have a lot of suggestions, but here's the
12 question. In all the meetings, the struggle has been --
13 the Delta Protection Commission, as I understand it, is
14 not recommending regulations to enforce their
15 recommendation. That could be wrong, Don. Do you
16 remember?

17 MR. NOTTOLI: I guess I don't know what the
18 Council has, but there's some things that could be
19 implemented as part of the plan, and we've chosen to put
20 them into the chapters.

21 MR. VAN LOBEN SELS: You may not get a
22 recommendation, but you may decide to create policies
23 because a policy becomes enforceable and you have a
24 charge to protect and enhance.

I114-15

25 MR. ISENEBERG: The suggestions of Russell van

Response to comment I114-15

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

1 Loben Sels about that issue, specifically, will be
2 deeply appreciated.

3 MR. VAN LOBEN SELS: What I'm waiting for is a
4 chance to see what comes out of the ESP and how the
5 Council treats it and what it accepts and doesn't
6 accept. And then I think we have the opportunity to
7 look and see what recommendations he might have. At
8 this point, I think recommendations coming from the
9 Delta Caucus or farm bureaus are probably a little bit
10 premature.

I114-16

11 MR. ISENEBERG: I've spent my lifetime around
12 government, and it's the American style of negotiation
13 to wait until the very end. The problem is we can't
14 think clearly about suggestions that come in at the last
15 minute, and that's why this report is comprehensive. It
16 covers a lot of issues. It has scientific information
17 and it's received peer review. It's got some heft to it
18 that allows us to consider this and digest it and try to
19 incorporate some things that make sense.

20 I understand why, tactically, people would
21 prefer to wait to see what you do and then come in later
22 with the other suggestions, but if there are changes you
23 want to see -- I mean, people have been telling us the
24 darndest things. We won't be shocked by anything, but
25 we'd be helped if you present those ideas as early as

Response to comment I114-16

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

1 you can.

2 MR. VAN LOBEN SELS: We'll do that. But,
3 again, I hope that the sixth staff draft gives us all a
4 bit more understanding at this point.] I114-17

5 MR. ISENEERG: Let me turn it over to Joe
6 Grindstaff, our executive director, for comment.

7 MR. GRINDSTAFF: The plan is at the council
8 meeting on the ninth and tenth of February, we will have
9 had the Economic Sustainability Plan for a couple of
10 weeks, and the plan is -- we have a couple other things,
11 but the main focus of those two days was going to be the
12 Economic Sustainability Plan, and we can go through the
13 recommendations which the Delta Protection Commission
14 specially put in there for the Council to consider,
15 including in the Delta Plan.

16 So what -- if you're especially interested in
17 that, that meeting on those two days will be really
18 important, because that's where we're planning to tee up
19 all those issues for the Council to address, and I
20 expect it will be fairly detailed; and we have a couple
21 of other things on the agenda that we're going to
22 propose first. The majority of those two days will be
23 spent on the economic sustainability.

24 MR. VAN LOBEN SELS: And those two days are,
25 again --] I114-18

Response to comment I114-17

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

Response to comment I114-18

Comment noted.

1 MR. GRINDSTAFF: February 9 and 10, Thursday
2 and Friday.

3 MR. VAN LOBEN SELS: There's one other question
4 I have for the Council this time. Is there anticipated
5 any further refinements of the definition of covered
6 action? And let me be a little bit more specific.
7 There's some items -- I think three or four -- that
8 covered action needs to fit into. Some of them are very
9 specific, but the one that deals with significant impact
10 becomes a little bit less definitive as far as what a
11 project has to be in order to become a covered action.

I114-19

12 MR. ISEBERG: For the benefit of those who
13 have not followed this as Mr. van Loben Sels himself
14 has, the statute that created us also created a process
15 which state and local agencies are required to comply
16 with if there is a covered action. That's the word.

17 And for those of you who've got your statute
18 around, on page 24, right at the top, is a statutory
19 definition of covered actions. I would read the first
20 four and you'll understand what Mr. van Loben Sels was
21 asking about.

22 Covered action means a plan, program or
23 project, as defined in the Public Resources Code, that
24 meets all of the following conditions: One, will occur
25 in full or in part within the boundaries of the delta;

Response to comment I114-19

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

1 number two, will be carried out, approved or funded by
2 the state or local public agency; number three, is
3 covered by one or more provisions of the Delta Plan;
4 number four, will have a significant impact on
5 achievement of one or both of the co-equal goals or the
6 implementation of government-sponsored flood control
7 programs to reduce risks to people, property and state
8 interests in the delta.

9 Now, it's this latter numbered section that Mr.
10 van Loben Sels was talking about. The statute then goes
11 on to exempt a number of activities -- ordinary repair
12 and maintenance of state agencies and local agencies, as
13 an example. Regional transportation plans are exempted;
14 metropolitan planning organizations are exempted; plans
15 and activities that have been fully committed prior
16 to -- you know, there are a whole host of exemptions.

17 But then the statute says if there is a state
18 and local agency with a potential covered action,
19 meaning this test, they're supposed to submit a review
20 and material to the Council to determine consistency
21 with the Delta Plan.

22 Mr. van Loben Sels's question is, well, how are
23 you going to interpret the word "significant"? At
24 least, that's -- am I fairly stating that?

25 MR. VAN LOBEN SELS: Yes.

No comments

- n/a -

1 MR. ISENBERG: We can't change the statute --
2 that's not within our authority -- but one of the things
3 we've been doing with the 9,766 lawyers who have been
4 paying attention to all of this is trying -- one of the
5 things -- only one of the things -- has been trying to
6 work on this definition. I won't bore you with the
7 details, but one of the lawyer-like suggestions is, can
8 you exempt ministerial actions that are exempted under
9 the California Environmental Quality Act? You've been
10 sitting through some of those discussions. He's
11 smiling. Normally, those discussions are full of
12 frowning attorneys as opposed to smiling agriculturists.

13 Anyway, those are the details we're working
14 through. The answer is yes, but the problem is we're
15 still stuck with the statute; and that's our charge, our
16 requirement, to comply with law. The word "significant"
17 has a meaning in areas, and if you were thinking of
18 specific things, we'd love to get specific examples.
19 Most people are asking us for generic language.

20 MR. VAN LOBEN SELS: The difficulty I see,
21 Mr. Isenberg, is that today, what may not be a covered
22 action -- I may ask you, for example, if I go to the
23 county and get my pesticide application permit, is that
24 a covered action? You'd tell me no, but 10 years from
25 now, someone might take the position that a certain

I114-20

Response to comment I114-20

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

1 chemical will have an impact on the co-equal goals and
2 shut that process down.

3 That's why I think a significant impact has to
4 be very clearly defined so that everybody has an
5 understanding of what the actual impact of the plan is
6 going to be in the delta, because we in the delta --
7 because we in the delta will be affected by covered
8 actions.

9 MR. ISENBERG: On your specific example, the
10 first exclusion in law is a regulatory action of a state
11 agency. Now, I don't want to try to pretend to practice
12 law on this issue, but that, arguably -- that would be
13 their first place to go to issue a permit, as pursuant
14 to a regulatory requirement of pesticides, for example.
15 It's hard to imagine.

16 So all I'm saying is we are ordered to develop
17 the plan. We're ordered to review it at least every
18 five years and change if needed, and we can change it
19 earlier. There will be unanswered questions, no doubt.
20 There always are.

21 This is a fairly comprehensive statute, unlike
22 some, which just say to do good things and you have the
23 power to set regulations. We've got pages of language
24 on the definition -- what's exempted, the process to be
25 used -- and that's what we're trying to implement.

No comments

- n/a -

1 MR. VAN LOBEN SELS: Thank you.-
2 MR. ISENBERG: Thank you very much.
3 Mr. Eugene Phillips?
4 MR. PHILLIPS: I have some general comments.
5 At one point, I will submit something in writing, which
6 I think would be helpful -- but I was just admiring this
7 photograph here. We have a gray -- sort of an
8 undulating channel. We've got greenery. It matches the
9 natural landscape. I would consider this what I would
10 call a through-the-delta transferring system, versus a
11 pipeline or what you'd think of as a major aqueduct.
12 And the advantage to something like this is you
13 can utilize resources to create a levy system that will
14 protect in case of seawater rise. It can benefit the
15 overall ecology of the delta, etc. And so I would think
16 that as far as a solution, something more like this
17 would work better than what's being proposed by the
18 pipeline kind of dynamic.
19 That way, the costs of building it are also a
20 help with flood reduction and better fit for the
21 environment, better habitat, etc. So as a second
22 comment on the terms of co-equal goals -- you know,
23 we're going to be sending a great deal of potentially --
24 hopefully not that much, but a certain amount of water
25 to the San Joaquin Valley and the LA area for the

1114-21

Response to comment I114-21

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

1 farming, and LA and San Diego.

2 What I'd like to see as part of this plan,
3 really, is for every gallon we send south -- that in the
4 San Joaquin Valley -- that they do waste water recycling
5 and they basically start managing their aquifers, etc.
6 They're greatly depleted, and if they use
7 water-efficient farming so there becomes a dramatic
8 change, there -- if we're making a sacrifice, we need to
9 see that they are participating equally.

I114-21

10 The other is water that goes down to LA or San
11 Diego that would utilize desalination. There's a lot of
12 wastewater recycling programs that are very
13 effectively -- they need to generate an equal gallon for
14 everything we send to them. In San Diego, they had a
15 program where they were taking their wastewater, they
16 were cleaning it until it was virtually potable, and
17 then running it about 10 miles upriver and injecting it
18 into the ground and allowing it to flow through the
19 water; and then they would pull it out again and use it
20 as drinking water.

I114-22

21 So LA should be doing this desalination, and
22 that includes communities like San Luis Obispo. They're
23 drawing water off. They would like to have more water.
24 They need to start implementing these kinds of projects,
25 too. San Francisco -- they're getting a great deal of

Response to comment I114-22

Please refer to response to comment I114-1. The EIR and Delta Plan additionally discuss recycled water as a potential source of local and regional water supplies.

1 water. They're basically taking their wastewater and
2 they are partially treating it and dumping it out in the I114-22
3 ocean. They need to participate in this coherent plan
4 for creating new water sources from our wastewater, and
5 that way, we're sending them gallons, but they need to
6 reciprocate.

7 The pipeline from Hetch-Hetchy -- they're
8 putting -- they're refitting that whole pipeline system.
9 They already have the easements, etc. They will be
10 pipelined. Part of that pipeline is going to be I114-23
11 abandoned. They should either put a liner in it or
12 rerun new pipe so that that wastewater can come back
13 into the valley and basically become part of the mix.

14 The other is that any money that's allotted for
15 building this canal so they can send water south --
16 there needs to be an equal amount of money set up as the I114-24
17 very first step so some of these additional
18 improvements, like I've mentioned, can be implemented as
19 part of the first step.

20 The others -- I'm a little concerned. They say
21 we've had an act of God and we have a drought going on
22 right now. It looks like maybe it's going to get
23 better, but we -- essentially, if their quota is set on
24 water being shipped south -- in times like this when
25 we're potentially going to face a major drought, we need I114-25

Response to comment I114-23

Comment noted.

Response to comment I114-24

The Delta Plan does not include any policies or recommendation regarding a new facility that would convey water from the Delta to the south. Please refer to Master Response 1 regarding the Delta Plan's relationship to the Bay Delta Conservation Plan, which may involve such a facility.

Response to comment I114-25

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

1 locally to be able to control how much water ships out
2 so we don't have the saltwater issues, or that this area
3 is degraded just to meet a quota.

4 Probably a little final point is I'm a little
5 concerned with the Westland Water Districts, where
6 they've applied for a license to become a water
7 contractor. I think that any water that's moved
8 south -- we need to be really clear that there's no
9 profiteering being made on this transfer of water.

10 So I think that's about it.

11 MR. ISENBERG: Mr. Phillips, you have managed
12 to touch on every major water fight in California. One
13 of the things you might want to do -- I know you picked
14 up a copy of the statute. One of the most interesting
15 things the legislature did in this statute is Water Code
16 section 85021, because for the first time in California
17 law, it says the policy of the state of California is to
18 reduce reliance on the delta invading California's
19 future water supply needs through a statewide strategy
20 of investing in improved regional supplies,
21 conservation; and water use efficiency; and then it goes
22 on from there.

23 That, in fact, is one of the major
24 recommendations we're wrestling with from our staff,
25 which is for covered actions. Do they have to show that

I114-25

I114-26

Response to comment I114-26
Comment noted.

1 they're actually in compliance with the best efforts, I
2 guess, is one way to describe it, in terms of
3 conservation and efficiency. As you might imagine, that
4 is not universally greeted with enthusiasm by those who
5 might be covered; but it's pretty important in terms of
6 dealing with these issues, and it's hard to imagine
7 you're going to have a reliable water supply for the
8 state or an improved ecosystem unless everybody pitches
9 in and does their best.

10 I should probably also add that the folks who
11 are potentially covered by it say, "Well, doesn't
12 everybody in the state have to do that?" and the answer
13 is that urban areas are required now, by law, to have a
14 plan in place, which by the year 2020 achieves a
15 20 percent reduction in urban use -- deeply
16 controversial in urban areas.

17 It's voluntary in the agricultural side,
18 although their planning mechanism -- take a look at
19 that. The delta plan, particularly chapter four and, to
20 a lesser extent, chapter five, deals with that
21 provision. Thank you for raising it.

22 The next speaker -- Mr. Whaley of the
23 Portobello Vineyards.

24 MR. WHALEY: Thank you. I'm Dan Whaley. I'm
25 here on behalf of myself, my wife, my two children and

Response to comment I114-27

Please refer to Master Response 3 regarding the level of detail provided in the description of the alternatives to the project.

1 other residents of the delta. We feel that the --
2 basically, we -- I would make comments on both. Is that
3 okay? We object to all the alternatives except for the
4 no-plan alternative. And I think if you took --

5 MR. ISENERG: You mean the status quo?

6 MR. WHALEY: The status quo -- and one of the
7 things that I would like to point out is that the draft
8 EIR fails to define the project alternatives with
9 sufficient detail to allow meaningful understanding of
10 the scope of what each alternative is going to be so
11 there can be meaningful public comment.

12 Also, the draft EIR uses unreliable science.
13 They're not independent, and some of them are not even
14 using correct assumptions in reaching their decisions.

15 In addition, I would request that the next
16 draft EIR specifically define each alternative's cost so
17 that those can be analyzed by the public with specific
18 detail as to what those cost amounts are. I would also
19 request that the next draft EIR specifically examine the
20 existing Freeport facility, which is -- my understanding
21 is it's maybe one-fifth as big as some of the intake
22 facilities they've proposed, and that's an existing
23 facility they can examine for noise, light, sound,
24 traffic impacts -- that will demonstrate that the
25 concept of putting a four- or five-story intake

I114-27

I114-28

I114-29

Response to comment I114-28

The EIR relies on hundreds of documents as sources for its analyses, including many peer-reviewed scientific papers.

Response to comment I114-29

CEQA does not require analysis of the cost of feasible alternatives.

1 facility, or four or five of them between Sacramento and
2 Hood, is unrealistic if you intend to keep any of this
3 property as agricultural or rural.

4 And then my final question is how does each
5 alternative overcome the North Delta Water Association
6 contract to supply water -- a contract that exists, I
7 think, for another 10 years; and then has a renewable
8 option for another 40 years? And so how do each of the
9 alternatives -- or how does this entire process address
10 that problem or issue? Thank you.

11 MR. ISENBERG: Thank you. Well, let me just
12 give a crack at that. One, the first request to you is
13 because you wanted to talk about the Environmental
14 Impact Report, and we would appreciate very, very much
15 if you could put your specific comments in writing to
16 us. E-mail is fine. That allows us to evaluate them.

17 And the other thing is we're required by law to
18 respond to each comment, so just as an illustration, you
19 had five or six or seven different comments. If you can
20 provide detailed information, the errors here on this
21 page and that, it makes it a lot easier to respond,
22 which we're legally required to do and will do. That
23 would be very helpful.

24 On the larger question, not the EIR but just
25 the larger question, the delta -- this legislation did

I114-29

I114-30

Response to comment I114-30

Neither the Final Draft Delta Plan nor any of the alternatives would alter the existing agreement between the State and the North Delta Water Agency.

1 not give us the authority to dictate to the federal
2 government to control all their actions or to
3 automatically control all those agencies, but we're
4 trying to develop the legislature's notion of a plan
5 that, over time, as they say in the statute, becomes a
6 legally enforceable document to guide state agency and
7 local agency actions that meet the definition of covered
8 actions, which is not everything in the state of
9 California, nor is it everything in the delta.

10 So we have big responsibility, but, for
11 example, we have no authority to build a schoolhouse, a
12 canal, a ditch. That's the responsibility of this other
13 process that's going on concurrently, and the
14 Environmental Impact Report we're conducting -- I think
15 this is procedurally correct -- there are two kinds of
16 environmental impact reports. Dave, you've spent a lot
17 of time on this, legally.

18 The first is a project which most people are
19 familiar with -- I want to build a highway X point to X
20 point and it's so big and so many miles long. Then
21 there are programmatic environmental impact reports,
22 more like a general plan for a city or a county. Don's
23 been through these a lot. Those are planning guidelines
24 that will later, if pursued, require their own project
25 environmental review as a part of it.

No comments

- n/a -

1 And, you know, that's -- our legal counsel
2 caught the chicken pox, so he can't be here, so we're
3 struggling to provide you with the legal answers -- but
4 it's different from a project proponent that proposes to
5 build a conveyance facility, a schoolhouse, a freeway,
6 or anything else.

7 It's related, but our statute says that if
8 BDCP, Bay Delta Conservation Plan, meets the
9 requirements of law set up by the legislature, including
10 federal review and all that kind of stuff, it has to be
11 incorporated in the Delta Plan; but we have a potential
12 appellate role if any party challenges one aspect of
13 that plan with the determination of the Department of
14 Fish and Game, that they have actually met the
15 requirements of law.

16 So we're not trying to anticipate and prejudge
17 that issue because we think legally we should not do
18 that and cannot do that and comply with the law.
19 Anyway, thank you. So -- but it's very important we get
20 those comments in writing. If you'd be good enough to
21 do that, we'd really appreciate that.

22 The next speaker, Mr. Pike -- for those of you
23 who have not met him before, he is a prominent engineer
24 and he is one of the consultant participants in the
25 Delta Protection Commission's Economic Sustainability

No comments

- n/a -

1 Study, and he has expertise in levies, flood controls
2 and related questions.

3 MR. PIKE: But appearing here as an individual.

4 MR. ISENBURG: Yes.

5 MR. PIKE: Robert Pike, longtime resident of
6 Lafayette in Contra Costa County. I just realized I've
7 lived in Lafayette since 1985, but I first worked on a
8 project in the delta in 1982, so my association with the
9 delta is even longer than my association with Lafayette.

I114-31

10 I have written formal comments on the draft EIR
11 and will push the send button on those, as well as the
12 full text of these remarks, which I've also printed out
13 and put down here. The electronic copy that I'll send
14 to you is very minor. It's from the one I've printed
15 out.

I114-32

16 But I wanted to speak in this part of the
17 meeting about the inadequacies of the Delta Plan itself
18 and examine the question of why more than a year has
19 been squandered on its preparation, because without a
20 meaningful Delta Plan, there can be no meaningful EIR.

I114-33

21 I explained to Joe before the meeting that I
22 was going to be fairly blunt, and that for reasons of
23 time, I can't go into all of the constraints that I know
24 you have faced; but you're very aware of those
25 constraints, so I don't need to elaborate.

Response to comment I114-31

Comment noted.

Response to comment I114-32

Comment noted.

Response to comment I114-33

Comment noted.

1 Almost exactly a year ago, on a foggy night in
2 Stockton, I made two comments on the Notice of
3 Preparation for the EIR, plus a comment about the
4 necessity of preparing the EIR in the first place. As
5 usual, you listen politely, but evidently, my message
6 got lost in the fog. It was so foggy, I didn't get home
7 that night. I concluded those remarks by suggesting
8 that you and your staff had limited time and resources
9 to develop the Delta Plan, and I said it would appear
10 that sooner or later, you're going to have to devote
11 more effort to studying alternatives for conveyance,
12 ecosystem restoration, flood management, and land use to
13 develop a meaningful plan that integrates all of these
14 elements at the expense of completing the EIR; and if
15 that's true, you had best address this issue sooner
16 rather than later.

17 An EIR for a plan that has no real content is
18 like a suit of armor with no one inside it. While these
19 words are my own, they are broadly representative of a
20 wide spectrum of people that I talk to, both very
21 intense delta interests and water contractors and
22 others. But instead, you've come up with a plan and
23 project description in section 2A of the draft EIR that
24 fails the basic test of having a project description
25 that meets both the requirements of CEQA and the

I114-34

Response to comment I114-34

The Final Draft Delta Plan includes performance measures to gauge the Delta Plan's furtherance of the coequal goals. Please refer to Master Response 2 regarding the level of detail provided in the EIR.

1 requirements of the Delta Reform Act of 2009, which
2 include that the Delta Plan should include measures to
3 simultaneously improve water supply reliability and to
4 restore the delta ecosystem, as you know, while
5 protecting and enhancing the delta as a place.

I114-34

6 Specifically, in Water Code section 85308, one
7 that you never quote, part B -- "the act requires the
8 plan include quantified or otherwise measurable targets
9 associated with achieving the objectives of the delta
10 plan," but you have not done that. I elaborate more in
11 the written version and my formal comments on the EIR
12 about the various technical deficiencies.

13 I just want to go on and say that at the risk
14 of causing some discomfort -- but it's better that you
15 hear this from a friend rather than one of the
16 polarizing interests that doesn't regard you in any
17 friendly way at all.

18 I want to discuss why the opportunity to make a
19 breakthrough in California delta water policy and
20 planning is being squandered. Where is the vision that
21 was expressed in Delta Vision gone? This is a question
22 a lot of people are asking. How did Delta Vision morph
23 into Delta Regulation? Very broadly, people say that
24 it's impossible to pin the chairman to the wall on
25 issues like this, but I'm going to give it a shot just

I114-35

Response to comment I114-35
Comment noted.

1 to try to get your attention on these points.

2 Basically, I think this is because the Council
3 has followed the Chairman's lead in believing that
4 experts and others will never agree on anything, and
5 therefore, the Council will make Solomon-like decisions
6 in the public interest. Now, you've said this to me by
7 e-mail, but the Council has not done that. The fifth
8 staff draft on which the EIR is based largely relies on
9 BDCP to address water conveyance issues through the
10 delta. It relies on BDCP and/or the Delta Conservancy
11 for a strategic plan to address ecosystem restoration.

12 It relies on the study and/or the regional
13 water boards to come up with water flow criteria and
14 water quality criteria. It relies on the Department of
15 Water Resources to complete a totally inadequate rough
16 draft of policies, and it relies on the Delta Protection
17 Commission to come up with an economic sustainability
18 plan that will provide the basis for protecting and
19 enhancing the delta.

20 I'm actually reading my own words written in
21 advance. That's actually been done, but its
22 recommendations were not included in the first staff
23 draft and were not included in the alternatives that
24 were studied for the draft EIR, even though an outline
25 of the recommendations is included in the draft EIR.

Response to comment I114-36

This is a comment on the project, not on the EIR. Regarding the relationship between the Delta Plan and the BDCP, please refer to Master Response 1.

1 I further believe that you've been hampered by
2 inheriting your staff from Cal Fed by the fact that the
3 staff had essentially completed the selection of your
4 prime consultant before you were even sworn in. It does
5 not matter that the consultants and the staff of the
6 offices of the Attorney General have worked long and
7 hard on the EIR, which I believe they have. That kind
8 of effort is misplaced without vision and leadership.

I114-37

9 Without adequate staff and consultants, you
10 will not learn to distinguish between the respective
11 merits of different expert opinions. It is of little
12 value that you have been so generous and patient in
13 listening to stakeholders of all descriptions, when you
14 have mostly been providing a platform for polarization
15 rather than a mechanism for facilitating communication
16 and consensus.

17 I can testify that communication and consensus
18 are, in fact, possible; and that North Delta Cares, a
19 community organization based here in Clarksburg, has
20 actually accomplished more in that regard than the
21 Council has. So what needs to be done to return to the
22 task of turning delta vision into a delta plan? Well,
23 decisive action is not the norm in Sacramento.

I114-38

24 If I were a turnaround specialist like Bain
25 Capital, for example, I would recommend that you

I114-39

Response to comment I114-37

Comment noted.

Response to comment I114-38

Comment noted.

Response to comment I114-39

Comment noted.

1 consider the following course of action going forward:
2 one, abort the current EIR effort; two, fire the staff
3 and consultants who have created this mess. This is not
4 me, this is Bain Capital. Three, engage new staff and
5 consultants of your own choosing to help you come up
6 with a delta plan that contains some delta vision; four,
7 rely much more on facilitated communication with
8 stakeholders in that process; and five, persuade the
9 office of the Attorney General that CEQA was not
10 intended to be a make-work program for lawyers and that
11 the EIR is not required at this stage.

I114-39

12 You've already missed the legislative-mandated
13 deadline for completing the Delta Plan. To prove that
14 you are not just a debating society or a monthly TV
15 show, why not now take the time to develop a real plan
16 that is worthy of the people of the delta region and the
17 state of California? Thank you.

I114-40

18 MR. ISENBERG: Thank you.

19 Ms. Nicki Suard from Snug Harbor Resorts. Ms.
20 Suard?

21 MS. SUARD: I'm Nicki Suard, S-U-A-R-D. I'm
22 with Snug Harbor Resort, LLC, which is a marina and RV
23 park on Steamboat Slough, which is currently called Elk
24 Slough by the current Delta Plan draft. If you guys are
25 renaming it, I don't know, but that's what it still

I114-41

Response to comment I114-40

Comment noted.

Response to comment I114-41

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

1 says.

2 My comment -- I actually have some questions,
3 and it relates to number 4 on your proposed policies;
4 and it's called the Delta Plan. And so -- 4B -- it
5 talks about -- you want to come up with new flow
6 criteria and adopt new criteria for flow and water
7 quality. I guess what I'm asking is does this plan
8 guarantee us in the delta water quality, drinking water
9 quality?

II114-41

10 MR. ISENEBERG: Ms. Suard, as you know from
11 prior hearings, the statute does not give the Council
12 the authority of the State Water Resources Control
13 Board, which, since the year 1914, has been the water
14 rights and water administrator of the state of
15 California. Part of their duties are to set flow
16 standards for rivers, streams, tributaries -- including
17 the delta, which they have been doing since the
18 mid-1960s with specific standards for numerous changes
19 and modifications.

20 We do not have the authority to set them
21 ourselves, directly, but we have strongly urged the
22 Board to act expeditiously as they've intended to do, as
23 you know. Flow standards sound terrific to delta
24 residents. They are not quite seen as favorably by
25 either water exporters or those upstream, who fear that

No comments

- n/a -

1 their uses of water might be affected by protecting
2 water quality here in the delta. We think the state
3 board, which has a legal obligation to periodically
4 update this, and intends to do it, should do so.

5 That recommendation -- that policy before
6 you -- we already know the one policy aspect, the
7 regulatory aspect, is the one that says that in the
8 absence of new standards, the current flow standards
9 will be utilized. The rest is using our efforts to push
10 the board to do what they want to do by the dates
11 indicated there.

12 MS. SUARD: Okay. So I'm going to take that to
13 say -- well, no. I'm not going to repeat what you said.
14 I am just looking for a guarantee that our water rights
15 are not being stepped on and eliminated in favor of the
16 exporters, because that's what it is appearing; and when I114-42
17 one looks at the computer modeling and everything, and
18 the changes of the flow models, it appears that there
19 will be certain areas of the delta where the water
20 quality is going to go down.

21 So I'm going to go to the next comment.
22 There's these co-equal goals that actually -- when it
23 comes to water quality -- water standards for drinking
24 versus water standards for fish are two different
25 things, and -- you know, the X2 criteria -- that is a I114-43

Response to comment I114-42

The EIR acknowledges that a more natural flow regime could reduce water quality in some parts of the Delta, particularly during the summer (RDPEIR at 3-7 through 8).

Response to comment I114-43

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

1 fish standard or an ecology standard, whereas you and I
2 would not be drinking water that has the 2PTP. We'd get
3 sick.

4 So I just wonder what's going to happen when
5 you've got a conflict, when there is an area like the
6 Yolo Bypass where X2 might be better, but you encouraged
7 the X2 level to be up at the Yolo Bypass. That's going
8 to impact places like Ryer Island and Steamboat Slough
9 and the lower part of the Sacramento River. How are you
10 going to deal when you have that conflict?

1114-43

11 MR. ISENBERG: The water board, in making its
12 determinations -- as you know, they are just wrapping up
13 their review and standard-setting as a matter of water
14 quality in the San Joaquin River, which drains into the
15 delta. They intend to move to the Sacramento River
16 after they complete that, hopefully completing their
17 work in -- I forget the precise date -- July 1, 2014
18 sticks in my mind.

19 Then they plan to do -- Joe, correct me if I'm
20 wrong -- 10 streams and tributaries within the delta
21 watershed, setting standards there by 2018. All of
22 those are contentious efforts because they are parties
23 just like the parties in the delta who prefer one option
24 over another option.

25 We do not set those standards, but we certainly

No comments

- n/a -

1 urge that they be set by the Water Board, and as
2 promptly as possible. These are not easy, as you might
3 imagine. The Water Board's been trying to update their
4 delta standards for a while. They got stopped by
5 lawsuits a couple times. Political pressure stopped
6 another. The fight is never-ending, and the alliances
7 of the parties, statewide, keep shifting back and forth.

8 MS. SUARD: I'm just going to point out that I
9 see a huge difficulty with meeting both of the co-equal
10 goals in that particular issue. I'm just going to move
11 on.

I114-44

12 This really has to do with the Economic
13 Sustainability Plan, and I have been following it from
14 early on. One of the things I noticed is -- and I've
15 made comments about this, but it pretty much gets
16 ignored. Recreation boating has been one of the big
17 economic factors in the delta for many, many years. In
18 2007, for the Delta Vision process, there was a report
19 on recreation and it talked about the 14.5 million
20 boating days a year in the delta, and those are power
21 boaters; and that brings in close to \$47 a day per each
22 boating day from other estimates; and yet that seems to
23 be ignored in this other plan.

I114-45

24 And I brought this up before and I've asked
25 that -- you know, that recreation boating is not just a

Response to comment I114-44

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

Response to comment I114-45

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

1 little thing to set to the side. It's very important to
2 the delta, just as agrotourism, and there's a lot of
3 things that can be done; but some of the language in the
4 plan, or the drafts that I've seen, pretty much ignores
5 the positive impact of power boating. It seems to want
6 to substitute canoeing, and that's kind of not the same
7 thing.

I114-45

8 MR. NOTTOLI: Nicki, have you spoken either to
9 George Michael or Director Machado?

10 MS. SUARD: I have. I've been to meetings and
11 I've said that, and I've submitted the documents; but
12 the Delta Vision group has the 2007 report. Anyway, it
13 just -- I can get it back to you guys. I do have a copy
14 if you'd like it.

I114-46

15 MR. NOTTOLI: I know our consultants
16 certainly -- that's a pretty well-circulated document as
17 far as the Delta Vision. I know they did, again, a more
18 updated analysis, but it certainly wasn't to
19 misrepresent or downplay any particular contribution to
20 the delta; and I know there was, again, some
21 back-and-forth relative to the contribution to the
22 economy; but also what role it played in all of the
23 activities that support the delta in many different
24 facets.

25 I certainly can call Mike and indicate you were

Response to comment I114-46
Comment noted.

1 here this evening; and again, the Commission is in
2 session again next week. I know you've attended
3 numerous meetings and I appreciate that, and note that
4 you've registered your concerns here again this evening
5 about the way the recreational boating is represented in
6 the report.

7 MS. SUARD: In fact, they had a meeting up here
8 in Clarksburg, and it was specifically committed that
9 they would put back in recreational boating language
10 because it'd been taken out. I have not seen that yet. } I114-47

11 MR. NOTTOLI: The Department of Parks and
12 Recreation -- they put together a plan that was
13 submitted, as well. I know you're talking about ESP,
14 not the Parks and Recreation.

15 MS. SUARD: I actually made comments on each
16 one that's gone through. It's all -- yeah. } I114-48

17 MR. NOTTOLI: Okay. We'll follow up.

18 MS. SUARD: I am submitting written comments,
19 too, but you haven't received them yet. } I114-49

20 MR. ISENBERG: Thank you.

21 Okay. Mr. Woodling, we're now in the
22 Environmental Impact Report stuff. Mr. Woodling's from
23 the Sacramento Regional Water Authority. Many of you
24 know it.

25 MR. WOODLING: Thank you. I'm John Woodling.

Response to comment I114-47

Comment noted.

Response to comment I114-48

Comment noted.

Response to comment I114-49

Comment noted.

Response to comment I114-50

Comment noted.

1 I want to thank you for the opportunity, in this formal
2 setting, to provide comments; but also the less formal
3 settings that you've all engaged in, as well as the
4 staff.

I114-50

5 I speak on behalf of the Regional Water
6 Authority, which is a joint powers authority
7 representing 21 water agency members in the greater
8 Sacramento region, serving about two million people.
9 Further, tonight, I speak on behalf of a larger alliance
10 of interests throughout the Sacramento Valley and the
11 Northern Sierra Nevada and coast range that are really
12 coming together as an alliance to go around the
13 interests of protecting our water supplies.

14 They're our economic and environmental asset in
15 the north state, but doing so in a way that we can
16 engage proactively with the rest of the state in coming
17 to a sustainable, equitable solution for the problems of
18 the delta; and I will be providing written comments from
19 that alliance, as well as some of the individuals who
20 are part of that alliance, who will provide comments.
21 Some of them will be very, very voluminous, running to
22 dozens of pages.

I114-51

23 Tonight, I want to cover briefly just one of
24 the main areas of concern with the Delta Plan EIR; and
25 it's really the lack of clear definition in the Delta

I114-52

Response to comment I114-51

Comment noted.

Response to comment I114-52

Please refer to Master Response 5.

1 Plan and the concept of a more natural flow regime; and
2 because of that lack of clarity -- the lack, really, of
3 any analysis or evaluation of the impacts of that
4 concept in the EIR -- in the north state, we're
5 concerned about that lack of definition and lack of
6 analysis and see that any proposal that will change the
7 timing of water in storage could have damaging impacts
8 on water supplies for urban and ag uses.

1114-52

9 Water for fish and wildlife in the Sacramento
10 River and tributaries upstream of the delta; generation
11 of clean, hydroelectric power that the state and the
12 western US relies on; and our water-based recreational
13 opportunities in the north state are -- and we think all
14 of these potential scenarios create economic and
15 environmental impacts in the north state; and none of
16 them have really been evaluated in the EIR.

1114-53

17 A glaring example is Chapter 3. The potential
18 reduction of water supplies is discounted as an impact
19 with the conclusion that communities will simply develop
20 new water supplies. Unfortunately, in the north state,
21 we don't have alternatives that we can develop. We
22 don't have that option of finding other water supplies
23 outside the watershed to serve our needs.

24 So as a general comment, I think the EIR has
25 only provided a very cursory, qualitative discussion

1114-54

Response to comment I114-53

Please refer to Master Response 5.

Response to comment I114-54

Regarding the EIR's approach to the analysis of environmental impacts, please refer to Master Response 2. Regarding the comparison of alternatives to the proposed Delta Plan, please refer to Master Response 3.

1 that leads to the preferred alternative; and, really,
2 has failed to analyze many of the impacts that could
3 come from myriad elements and the preferred alternatives
4 and the other alternatives. Thank you.

I114-54

5 MR. ISENEBERG: Thank you, Mr. Woodling.
6 Mr. Ingleberg, from the Local Agencies of the
7 North Delta?

8 MR. INGLEBERG: Thank you, Mr. Chair, Members.
9 Local Agencies of the North Delta is a coalition of 11
10 reclamation and water districts, primarily in the
11 northern delta. We'll also be submitting written
12 comments, voluminous written comments, as well.

I114-55

13 The previous speaker mentioned the lack of
14 analysis. We understand it's a programmatic EIR, and at
15 the scale it's being done in the state -- unfortunately,
16 there's no -- despite it being a voluminous document,
17 despite the significant efforts that the consultants
18 have put into it, it's very clear that the Chair was
19 able to get the consultants to work at a very fast
20 timeline to get a tremendous document completed.
21 Unfortunately, there's a lack of substance in that
22 document, from our perspective.

I114-56

23 The first draft EIR does little to explain the
24 likely environmental impacts of the policies and
25 recommendations that are the proposed project draft of

I114-57

Response to comment I114-55

Comment noted.

Response to comment I114-56

Please refer to Master Response 2.

Response to comment I114-57

This is a comment on the project, not on the EIR. Please refer to the Final Draft Delta Plan, which contains additional policies and recommendations related to actions to enhance the Delta.

1 the Delta Plan. We're strongly concerned that there are 1114-57
2 not enough policies and recommendations that promote the
3 statutory requirement to protect and enhance the delta's
4 place.

5 Several speakers have mentioned from the
6 section -- with all due respect, to point out -- there's
7 two other sections in that same Chapter 5, section B --
8 "protect and maintain, and where possible, enhance and
9 restore the overall quality of the delta environment,
10 including but not limited to agriculture, wildlife,
11 habitat and recreational opportunities."

12 In Section C, "insure orderly, balanced 1114-58
13 conservation and development of delta land resources."
14 Not only do we not see that balancing act, but we don't
15 see the content behind those requirements.
16 Specifically, for alternative three in the proposed
17 projects, they're focused on the delta as enhancing
18 tourism. While tourism is an important and critical
19 part of maintaining the existing income and economic
20 diversity within this community, agriculture is
21 substantially missing from that section.

22 As explained in the Economic Sustainability
23 Plan, the economic core of the delta is agriculture.
24 You saw that in the picture you had up here.
25 Alternative three should include policies and 1114-59

Response to comment I114-58

This is a comment on the project, not on the EIR. Regarding the development on content of the alternatives considered in the EIR, please see Master Response 3.

Response to comment I114-59

Please refer to Master Response 3.

1 recommendations that specifically promote agriculture
2 within the context of the requirements of the statute.

3 We do have some areas where we find common
4 ground, here, and I think that Staff and Chair should be
5 recognized for the work they have done. Alternative
6 three was a vast improvement over the prior discussions.
7 We still think it mischaracterizes the local delta
8 interests, so we don't consider alternative three a good
9 delta alternative; but there are elements in there that
10 we would like to see taken from alternative three and
11 used for the proposed project, specifically ecosystem
12 restoration only on publicly-owned lands or on a
13 willing-seller basis; not just in endangered species
14 management, but significant effects towards endangered
15 species management; and from an agricultural
16 perspective, endangered species are the key to the
17 issue.

18 Fish screens -- not just for intakes, as
19 described in alternative three, but for both the state
20 and federal projects -- and also, importantly, to local
21 interests -- not just dredging to protect agricultural
22 lands, but dredging to improve recreational access.

23 We think that these additional provisions from
24 alternative three would help achieve the co-equal goals
25 and protect and enhance the delta as a place, but

Response to comment I114-60

Please refer to Master Response 3.

1 they're not included in the proposed project. These 1114-60
2 aspects of alternative three must be included in the
3 proposed project in order, we feel, to achieve the
4 co-equal goals.

5 As water reclamation districts in the delta, we
6 are the stakeholders most affected by the changes in
7 water management and the delta. We encourage the
8 Council to properly implement the intent of the delta, 1114-61
9 including protecting and enhancing the delta. Thank
10 you.

11 MR. ISENBERG: Thank you. We appreciate that.

12 Mr. Pruner? North Delta Care, I assume?

13 MR. PRUNER: Thank you. Thank you for coming
14 to town. I note that of the five places you chose to
15 visit in the state, this is the only one in the delta.
16 Thank you for coming to Clarksburg so that people in the 1114-62
17 north delta, especially throughout the delta, have a
18 chance to interact with you. Thank you for coming to
19 town. Sometimes it's difficult to go to the meetings
20 that go on for quite a bit of time.

21 I just wanted to -- as a formal comment, I
22 think it's critical to, again, remember -- and I'll
23 explain why in a moment -- that the second sentence of
24 the Public Resource Code 29702 reads, quote, "The
25 co-equal goals shall be achieved in a manner that 1114-63

Response to comment I114-61

Comment noted.

Response to comment I114-62

Comment noted.

Response to comment I114-63

Comment noted.

1 protects and enhances the unique cultural, recreational,
2 natural resource and agricultural values of the delta as
3 an evolving place."

4 As I've gone through the draft of the project
5 as it now exists, together with the two binders of EIR
6 material, what seems to me to be the statutory
7 construction as intended by the legislature -- that is
8 the enactment and the enabling of that sentence I114-63
9 immediately next to the two co-equal goals. That
10 statutory construct does not appear to be the guiding
11 light or the mandate, either followed by the plan or the
12 EIR draft as it now exists.

13 The second sentence goes to the very heart of
14 what the legislation was intended to accomplish. So the
15 implementation of the mandate of that second sentence,
16 the protection of the values of the delta and the
17 understanding of what those are, going forward, seems to
18 me to be the very heart of the legislation.

19 A comment on Chapter 9, if I may, which is the
20 transportation plan section of the programmatic EIR --
21 that section deals with lines of communication and
22 roadways, etc., that might be impacted by both the
23 project construction and the individual projects that
24 may be implemented under the plan. What I noticed was I114-64
25 there wasn't any consideration of treatment of the

Response to comment I114-64

The analysis of fire, police, and medical emergency services is presented in Section 17 of the EIR.

1 disruption of the delivery of emergency services to the
2 residents and businesses in the delta.

3 As I think you know, volunteer fire departments
4 are one of the core institutions that lie at the heart
5 of how the delta functions, not just in the delivery of
6 emergency services, structural fires and medical
7 response, etc.; and when there's a major weather event,
8 the volunteer firefighters come out and provide
9 assistance; but also, the cultural and the societal
10 centers that those fire departments are -- I know here
11 in the north delta, for example, the volunteer fire
12 department annually hosts three dinners, two parades,
13 and a host of other meetings, and is a center of many
14 events throughout the year; and I think that's true
15 throughout all the communities.

16 So maintaining that center of life and culture
17 and value in the delta is critical, and I didn't see --
18 it might be in there. I didn't read every single word,
19 but I didn't see any mention of the preservation or the
20 enhancement of volunteer fire departments, as an
21 example.

22 I also want to note that in section 2A, pages
23 52 through 55, the delta's place -- I took that as being
24 the Council's way to implement that second sentence that
25 I read. And I'd just like to come back and close by

I114-64

I114-65

Response to comment I114-65

Please refer to response to comment I114-12.

1 saying that looking at the Economic Sustainability Plan
2 as the Delta Protection Commission is coming up with it,
3 or treating the delta -- using that term as sort of a
4 placeholder concept expressed in the statute -- doesn't
5 go as far as the legislature intended.

1114-65

6 So I would ask you to reconsider what I'm
7 saying -- to implement everything you're doing in light
8 of looking at the values of the delta to make sure those
9 are at all times enhanced and protected in all ways.
10 Thank you very much.

11 MR. ISENBERG: Thank you. Can you also be good
12 enough to shoot us an e-mail to make sure we have the
13 exact references you've mentioned verbally in our
14 records as to the EIR?

15 MR. PRUNER: Yes.

16 MR. ISENBERG: We'd appreciate that. Thank
17 you.

18 Mr. Yolo Jarvis. Mr. Jarvis? There you are.

19 MR. JARVIS: Good evening, Chair Isenberg and
20 Directors. I really appreciate you coming out and the
21 courage it takes to be here and listen to our comments.

22 My name is Yolo Jarvis. I am on the Board of
23 Directors of the Mountain Counties Water Resources
24 Association and Placer County Water Agency, and I'm a
25 member of the Regional Water Authority, Sacramento,

1114-66

Response to comment I114-66
Comment noted.

1 although I have to say I'm not really here to speak on
2 behalf of any of those organizations. I'm really here
3 to speak as a citizen.

4 So I would like to mention that it would have
5 been good, since, really, this process impacts not only
6 the delta but the whole delta watershed -- it may have
7 been good to have meetings in Chico, Grass Valley,
8 Placerville, and Sonora, where members of the whole
9 watershed could have been heard and commented.

10 My second comment is similar to John Woodling's
11 about the natural flow regime, as stated in the EIR, and
12 I guess I -- Don and Randy were kind enough to come and
13 talk with us up in Auburn and a bunch of us from the
14 mountain counties, and I suggested some language to
15 Martha Davis. I'm not sure whether that got in or what
16 the status is. I just had written it, but I could
17 probably submit an e-mail with the exact wording or
18 something very similar to it.

19 Rather than have a natural flow regime, the
20 preferred language would be something like, "under all
21 water rights, contracts, obligations," and then ensure
22 that the delta has enough water for restoration and
23 recovery; and then any additional water in normal and
24 wet and very wet years would be available for export.
25 That way, it seems more like a win-win-win for a larger

I114-66

I114-67

I114-68

Response to comment I114-67

Comment noted.

Response to comment I114-68

Please refer to Master Response 5.

I114-68

1 number of people rather than just -- you know, a smaller
2 group of people.

3 My next comment kind of gets onto the co-equal
4 goals. I actually went and I addressed the Independent
5 Science Board last Friday and mentioned that the
6 co-equal goals of water supply reliability and delta
7 restoration and recovery -- I didn't really see anything
8 that would be a real definitive, science-based type of
9 index where you'd measure some -- either physical,
10 chemical or biological -- type of parameters that would
11 be used in an index that could actually find out what
12 the quality is now and find out what the quality is in
13 the future. Again, it would preclude in-depth
14 management if that's what was needed.

15 I want to just say that about 25 years ago, I
16 was a water quality chemist for the City of Santa Cruz,
17 and my manager was questioning whether the Department of
18 Health Services' use -- our use of -- the City of Santa
19 Cruz's use of the San Luis River water. so he had me
20 get this water quality index, and then we actually ran
21 the tests and ran it through the index to get the
22 quality of the water.

I114-69

23 I might suggest another kind of index, a Bay
24 Delta type of index, where you use the proper physical,
25 chemical, biological parameters. It could be oxygen; it

Response to comment I114-69

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

1 could be ammonia; it could be microorganisms; it could
2 be invasive species. It might be listed species. As
3 the proper parameters, and in that expansion of this
4 water quality index -- and I can send you that reference
5 and the program that I used to actually calculate it,
6 because it would be something like that.

7 And the water quality index was put up by the
8 National Sanitation Foundation, and they used what they
9 call a Delphi technique where they poll the experts in
10 water quality and aquatic resources, these kinds of
11 things, to actually come together with what the proper
12 parameters should be used. The percentage of health --
13 the waiving of certain factors -- some factors are more
14 important than others. Appropriate sample locations and ¹¹¹⁴⁻⁶⁹
15 timing, I think -- you know, using that index would
16 really -- you could actually definitively capture the
17 quality now and into the future with whatever changes
18 are made.

19 So that's my recommendation. I know that you
20 all hold the scientific method and the best available
21 science techniques in high regard, but I have to say
22 that I think what's missing is a type of systems
23 analysis type of approach at this time, and that is -- I
24 mean, you're kind of focusing on the delta, but not
25 really looking at the larger delta watershed. It's a

No comments

- n/a -

1 system within a system, and I think you really can't do
2 justice fully without -- you know, the larger watershed
3 perspective.

4 And then I was wanting to know about the --
5 actually, the fully developed alternatives for southern
6 California to use reclaimed water or desal in terms of
7 their cost as a fully developed alternative in the EIR.
8 That seems to be one alternative that should be fully
9 developed to really know what the costs are and to get
10 it -- I'm wondering if even folks in southern California
11 are going to want to know that, whether they're going to
12 be left out on this Bay Delta Conservation Plan that's
13 moving forward in terms of financing it.

14 And last, I guess I'd like to ask about
15 coordination with the Bay Delta Conservation Planning
16 Effort. Is anybody here tonight who can speak on
17 coordination with the Bay Delta and how it's impacting
18 the content in the present draft of the EIR? Thank you.

19 MR. ISENBERG: Thank you very much, Mr. Jarvis.
20 It would be really helpful if you could shoot us an
21 e-mail with whatever points you want to make in addition
22 to this, and for the record, we would appreciate that.
23 Thank you very much.

24 Okay. Ladies and gentlemen, is there anyone
25 else who would like to talk to us? Mr. van Loben Sels,

I114-69

I114-70

I114-71

Response to comment I114-70

The EIR did not evaluate economic impacts.

Response to comment I114-71

Please refer to Master Response 1.

1 who previously talked, will keep his statement on file.
2 Why don't you talk now about the Environmental Impact
3 Report, Mr. van Loben Sels? Thank you.

4 MR. VAN LOBEN SELS: I'm representing the Delta
5 Caucus, which is the five delta county farm bureaus --
6 Solano, Yolo, Sacramento, San Joaquin, and Contra Costa;
7 and additionally, Sacramento County Farm Bureau,
8 specifically.

9 We've all heard several times tonight that the
10 requirements of the Delta Plan is that it functions in a
11 manner that protects and enhances the unique cultural
12 and recreational and natural resources and agricultural
13 values of the delta as an evolving place. I'm going to
14 talk specifically about the agricultural values and make
15 a suggestion on how you can protect the agricultural
16 values in the delta and why you should, because the
17 preferred alternative, the fifth staff draft, does not
18 adequately protect and enhance delta ag, and it's for
19 the following reasons.

20 The definition of covered action is ambiguous;
21 and specifically, the specific impacts part of it leaves
22 a lot to be known, still. Chapter 8 does not spell out
23 how the delta ag will be protected and enhanced. That
24 Chapter 8 may change. It will change as the ESP is
25 incorporated; but to date, the fifth staff draft does

— I114-72

— I114-73

Response to comment I114-72

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

Response to comment I114-73

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

1 not spell out how delta agriculture will be protected
2 and enhanced.

3 Some policies limit ag viability and resiliency
4 pretty substantially, and I'll just give you three as
5 examples. ERP3 requires the preservation of habitat
6 restoration opportunities. That's equivalent to a
7 conservation easement without the easement and without
8 the payment for limiting what you can do. RRP1 and RRP2
9 deal with floodways and flood plains and do not allow
10 encroachment on those. It does allow for an ongoing ag
11 exclusion, but what does ongoing ag mean? Does that
12 mean that if I am doing something today, I stop for
13 three or four years and try to do it again or am I
14 ongoing or trying to come back? I think that needs to
15 be worked on.

16 It's our opinion that in order to protect and
17 enhance delta ag, delta ag should be administratively
18 exempted, and we know that you have the power to do
19 that. There are certain activities that are
20 administered and exempted, as well, by law. This would
21 go a long way toward meeting the statutory requirement
22 and would substantially mitigate and minimize negative
23 impacts on delta agriculture.

24 In addition, we're going to submit more
25 comprehensive comments in writing. Thank you very much.

1114-73

1114-74

1114-75

Response to comment I114-74

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

Response to comment I114-75

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

1 MR. ISENBERG: Thank you, sir. Is there anyone
2 else who would like to comment on the Environmental
3 Impact Report.

4 Yes? Our first speaker was Al Wolf.

5 MR. WOLF: I just had an epiphany. With
6 water -- with saltwater in the ocean increasing in
7 height -- if we take more water out of the delta, we're
8 going to have more saltwater intrusion that will lead to
9 sterilization of the farmland. Maybe -- you know,
10 during Gray Davis's -- and I have the book at home --
11 somebody suggested a dam across the streets with a lock
12 system for not only fish but also for shipping, and if
13 we don't -- you know, if we draw more water out of the
14 delta and the saltwater becomes more, like they're
15 having problems in the Salinas Valley now with --
16 they've pumped so much water out of the ground, they're
17 now having saltwater intrusion in there.

I114-76

18 So, you know, we could have a big problem with
19 this saltwater intrusion as far as crop production.

20 Thank you.

21 MR. ISENBERG: Thank you, sir.

22 Is there anyone who would like to talk on the
23 Environmental Impact Report? Any blue slips, Mr.
24 Coolidge, Staff, that we haven't gotten already? No?
25 Okay.

Response to comment I114-76

Please refer to response to comment I114-42.

1 Folks, thank you very much. All of our notices
2 on meetings are sent out electronically -- web-based --
3 so I would urge you to sign up if you use a computer.
4 Sign up so you can get the automatic notice of all the
5 meetings. We do council meetings. We occasionally do
6 workshop meetings. The Independent Science Board has
7 its own meeting schedule, and you can sign up on our
8 website just so you get notice of all these things that
9 are coming up; and hopefully some of you would show up
10 at our future meetings, this month, February, March,
11 April, May, and give us the benefits of your comments
12 then, too, please.

13 Thank you very much for coming.

14 (Whereupon, at 8:05 p.m., the Council meeting was
15 concluded.)
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No comments

- n/a -

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CERTIFICATE

OF

CERTIFIED SHORTHAND REPORTER

The undersigned certified shorthand reporter
of the State of California does hereby certify:

That the foregoing Council meeting was taken
before me at the time and place therein set forth;

That the testimony of the public and all
objections made at the time of the hearing were recorded
stenographically by me and thereafter transcribed, said
transcript being a true copy of my shorthand notes
thereof.

In witness whereof, I have subscribed my name
this date

_____ .

Skylar M. Hall, CSR
Certified Shorthand Reporter #13615

No comments

- n/a -