

I115 Willows transcript

No comments

- n/a -

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2
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9
10 STEWARDSHIP COUNCIL MEETING

11
12 WILLOWS, CALIFORNIA

13
14 JANUARY 19, 2012

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22 REPORTED BY: CRAIG W. WOOD, RPR, CSR NO. 9789
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PROCEEDINGS

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3 MR. ISENBERG: Ladies and gentlemen, again a
4 couple people came in after we started. If you are
5 going to speak tonight, we'd deeply appreciate it if you
6 could fill out in advance one of these blue forms and
7 carefully put your names so we can get the correct
8 spelling. And if you're representing an organization,
9 the organization you're representing. What I'll do is
10 call on you in the order in which these forms have been
11 presented to me and we'll go through it like that if you
12 don't mind.

13 First is Mr. Brobeck from the AquAlliance.
14 Mr. Brobeck.

15 MR. BROBECK: Chairman, is this the comment
16 period for the EIR?

17 MR. ISENBERG: It could well be. I noticed you
18 wanted to comment on both the Delta plan and the EIR.
19 We're keeping track of this and we will transcribe this
20 entire process. We've had this question before in the
21 other four meetings up and down the state. My
22 recommendation is since you're the first one up, why
23 don't you cover both your points if that's appropriate.
24 On the other hand, if you prefer to wait, we could
25 easily do that.

No comments

- n/a -

1 MR. BROBECK: As long as these comments will
2 apply to the EIR.

3 MR. ISENBERG: We will make sure the entire
4 record and comments will be part of the Environmental
5 Impact Report. There will be some things I'm sure that
6 are not directed to the EIR report but they'll be
7 reflected in the record.

8 MR. BROBECK: Thank you for traveling up to our
9 portion of the Central Valley to receive our comments.

10 My name is Jim Brobeck. I'm a water policy
11 analyst for the group called AquAlliance. We're located
12 in Chico, California. Over the recharge area of the
13 Tuscan aquifer.

14 The Delta Stewardship Council's fifth draft plan
15 continues to encourage ground water storage and
16 conjunctive management or conjunctive use without
17 illustrating what conditions must be met to enable ground
18 water storage and conjunctive use and whether there are
19 known problems and legal challenges to existing ground
20 water storage or conjunctive use projects, and whether
21 these possible strategies are appropriate in all
22 hydrologic areas covered by the Delta plan.

23 The fifth draft is what guided the presentation
24 and analysis of the draft EIR. We caution against using
25 the sweeping language of possibility regarding ground

1115-1

1115-2

1115-3

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3

Response to comment I115-1

Comment noted.

Response to comment I115-2

The Revised Project, which is the November 2012 Final Draft Delta Plan, was analyzed in the Recirculated Draft Program EIR (Volume 3 of the Draft Program EIR) which was circulated for public review and comment from November 30, 2012, through January 14, 2013. The issues covered by Fifth Staff Draft Delta Plan recommendation WR R9 are now covered by Final Draft Delta Plan recommendation WR R10, which states that water suppliers that receive a significant percentage of their long-term water supplies from groundwater sources should develop and implement sustainable groundwater management plan consistent with recommendations in DWR Bulletin 118, as described in Appendix C. Water suppliers that use conjunctive use programs generally would use groundwater for a large portion of their water supplies (Table C-12, pp. C-13 to C-14; Final Draft Delta Plan, p. 111). Impacts due to water supply projects that would be encouraged by the Delta Plan, including groundwater projects, are analyzed in Sections 3 through 21 of the EIR. The analysis in this EIR assumes that groundwater water supplies would not become overdrafted because the proposed Delta Plan encourages establishment of balanced groundwater management programs. Therefore, it is assumed that other water supplies, including recycled water, local water storage facilities, ocean desalination, water use efficiency and conservation, and water transfers, would be used to meet the water demands projected in adopted general plans. The EIR also recognizes that portions of the agricultural areas in the San Joaquin Valley could be fallowed or retired due to the lack of water supplies to replace reduced water supplied from the Delta, if any. The impact assessments in Sections 3 through 21 evaluate the construction and operation of local and regional water supplies, and conclude, in most cases, that there may be significant and adverse impacts.

Response to comment I115-3

The EIR describes existing conditions in Sections 3 through 21 of the DEIR. Section 3 of the EIR discusses existing groundwater overdraft conditions in many areas of California. Please refer to response to comment I115-2.

1 water storage and conjunctive use when, as the plan
2 discusses, "The current status of ground water
3 management throughout California is unknown and remains
4 so today." In addition serious impacts from current and
5 historic practices have already altered some ground
6 water basins severely, so the depth of uncertainty and
7 acknowledgment of past failures should accompany any
8 suggestions of ground water storage and conjunctive use
9 associated with this plan.

I115-3

10 The Sacramento River is California's largest
11 river and its watershed's contribution to the State's
12 economy and communities is unquestioned. But it is not
13 invincible to the activities of man. The Sacramento River
14 and its tributaries have many impaired segments on the
15 303(d) list. Its salmon runs are still struggling to
16 survive. It's home to many more imperiled species, and
17 the farms and communities within its boundaries have
18 significantly stretched the water resources for the
19 Sacramento valley. An early attempt at conjunctive use in
20 1994 revealed the folly of moving forward with large
21 ground extractions when little was, and still is, known
22 about the hydrologic region.

I115-4

23 In 1994 the drought water bank followed seven
24 years of low annual precipitation. One of our local
25 water districts, Western Canal, and other irrigation

Response to comment I115-4

Please refer to responses to comment I115-2 and I115-3.

1 districts in the area exported 105,000 acre feet of
2 water extracted from the Tuscan aquifer to buyers
3 outside the area. This early experiment in the
4 conjunctive use of ground water resources, conducted
5 without the benefit of project level environmental
6 review, caused a significant and immediate adverse
7 impact on the environment. Until the time of the water
8 transfers, ground water levels had dropped during peak
9 irrigation and low precipitation periods, but the Tuscan
10 aquifer had sustained the normal demands of domestic and
11 agricultural users in our area. The water district's
12 1994 extractions, however, lowered ground water levels
13 precipitously throughout the Durham and Cherokee areas
14 of eastern Butte County. The water level fell and the
15 water quality deteriorated in the wells serving the City
16 of Durham. Irrigation wells failed on several orchards
17 in the Durham area. One farm never recovered from the
18 loss of its crop and later entered bankruptcy.
19 Residential wells dried up in the upper-gradient areas
20 of the aquifers as far north as Durham during that early
21 experiment.

22 Seventeen years later, the plan's proposed
23 ground water storage and conjunctive use proposals had
24 the potential to cause significant impacts in both the
25 areas of origin and the receiving areas. As I noted

No comments

- n/a -

1 above, there is minimal scientific knowledge regarding
 2 the interactions between ground water and surface water
 3 and the needs of species in the watershed that
 4 California is proud of, our salmon, our valley oaks.

1115-4

5 The science that we could rely upon to understand
 6 how our aquifer system is possible to work through.
 7 Fundamental scientific principles, such as the effective
 8 stress and its key role in poromechanical response of an
 9 aquifer, have been well understood for decades, and
 10 validated predictive modeling of aquifer response is well

11 within the capabilities of modern science and engineering
 12 practice. If ground water storage and conjunctive use
 13 remain tools the plan's toolbox, we emphatically request
 14 that the Delta Stewardship Council require the kind of
 15 scientific research and aquifer mechanics that is possible
 16 prior to implementation of any new or expanded ground
 17 water storage and conjunctive use projects.

1115-5

18 Attempting to establish conjunctive use and
 19 ground water banking in the Sacramento Valley, and
 20 expanding efforts south of the Delta, exposes serious
 21 unanswered questions regarding the risks associated with
 22 such ambitious plans that have already devastated the
 23 Owens and San Joaquin rivers and valleys. It is helpful
 24 the plan highlights some of the significant damage from
 25 current and past ground water pumping and manipulation of

1115-6

Response to comment I115-5

This is a comment on the project, not on the EIR. Final Draft Delta Plan Chapter 2, The Delta Plan, concerns Science and Adaptive Management in the Delta (Final Draft Delta Plan, pp. 42 – 45). In addition, each chapter of the Final Draft Delta Plan contains a section on Science and Information Needs.

Response to comment I115-6

Please refer to response to comment I115-2.

1 hydrologic systems, yet the plan and the DEIR seek to use
 2 the same practices that created these problems that the
 3 plan seeks too ameliorate. Knowing this, we continue to
 4 encourage the council to consider a new paradigm that is
 5 provided in our comments on the plan's first draft.

II15-6

6 However, with ground water storage and
 7 conjunctive use remaining in this draft plan, we believe
 8 that the plan and the Environmental Impact Report must
 9 disclose and analyze the risks associated with these
 10 strategies and expound upon the uncertainties. Some of
 11 the risks include:

12 Risks of losing surface water flows with
 13 adverse impacts to terrestrial and aquatic flora and
 14 fauna;

15 The risk that artificial recharge will reduce
 16 natural infiltration of water and thereby deprive other
 17 ground water users of natural recharge water and their
 18 rights to use that water;

II15-7

19 The risk that pumping artificially recharged
 20 water, particularly at certain times, may not be
 21 possible without adversely affecting the aquifer and
 22 other dependent users;

23 The risk that changing ground water levels may
 24 have on commercial, environmental, and personal flora;

25 The risk of subsidence;

Response to comment I115-7

Sections 3 and 11 of this EIR discuss the significant adverse water quality and seepage conditions that may result from implementation of the proposed Delta Plan. Please refer to response to comment II15-2.

The Delta Plan assumes implementation of WR R10 that would result in preparation of sustainable groundwater management plans, as identified in DWR Bulletin 118 and Water Code section 10753, by water agencies. The groundwater management plans must include: 1) basin management objectives; and 2) a program for monitoring and management of groundwater levels, groundwater quality, land surface subsidence, and changes in surface water flow and water quality that directly affects groundwater or is caused by groundwater pumping.

1 The risk of mobilizing hazardous waste plumes
2 that exist in the aquifer system;

3 The risk of contaminating ground water with
4 lower quality recharge water;

5 The risk of leaching contaminants into a ground
6 water basin.

7 I could go on with the risks. Legal risks,
8 hydrologic risks, water quality risks. I'll close at
9 this and I'll provide these written comments to your
10 clerk tonight. I thank you for listening to my comments
11 on this.

12 MR. ISENBERG: Thank you very much. And also
13 for everyone, it's very helpful if after you make verbal
14 comments if you could ship us an e-mail or written
15 summary of or amplification of it. In the future that
16 will also become part of the official record and will
17 make sure that we understand the record that you make.
18 That would be very useful.

19 Mr. Brobeck, you had a couple things. I'm not
20 responding to anything on the draft environmental impact
21 report. For legal reasons we cannot. But I think it's
22 at least useful to reference the statute that created us
23 and the legislative mandate that is directing our
24 activities. And for any of you who picked up the
25 statute, you might want to take a look at page 20.

No comments

- n/a -

1 One of the major elements in the Delta plan is an
2 effort, as Mr. Coolidge indicated, to use the limited
3 authority in the Delta plan to further the State
4 objectives that had been identified in law. We are not
5 amending the law in the Delta plan, we're simply
6 reflecting it. Water Code section 85021, part of this
7 legislation, is kind of a fundamental legislative
8 declaration, now state law, on how we will accomplish over
9 the next decades a balance of water use. And I think it
10 might be useful just to read it.

11 The policy of the State of California is to
12 reduce reliance on the Delta in meeting California's
13 future water supply needs through a statewide strategy of
14 investing in improved regional supplies, conservation, and
15 water use efficiency. Each region that depends on water
16 from the Delta watershed shall improve its regional
17 self-reliance for water through investments in water use
18 efficiency, water recycling, advanced water technologies,
19 local and regional water supply projects, and improve
20 regional coordination of local and regional supply water
21 supply efforts. That's the statute.

22 The Delta plan does not attempt to mandate what
23 each agent area of the state must in fact do for water use
24 efficiency or conservation. There was a law passed and
25 currently with the law that created us to say to urban

No comments

- n/a -

1 water districts you must reduce your use by 20 percent by
2 the year 2020. A non-quantifiable companion was dealing
3 with agricultural water. That's existing law.

4 Our authority when it exists is only if the
5 activity falls within the definition of covered action.
6 And the statute is full of that. But it must occur in
7 whole or in part within the Delta and so on and so forth.
8 There are all kinds of exemptions for it.

9 What the Delta plan talks about is strengthening
10 the hand of regional solutions to water problems as
11 opposed to trying to micromanage from the state level what
12 every water district everywhere in California must do. We
13 were not granted that authority, we make no attempt to
14 claim that we are. But the notion that people with
15 covered actions are complying with this law is important
16 and we ask them to make a good demonstration of good faith
17 efforts to achieve at that.

18 You've undoubtedly looked at our draft language
19 in the fifth draft Delta plan where we deal with ground
20 water, we include information on ground water overdraft,
21 in particular the Tulare basin which is significant in
22 this discussion. We propose no regulations in that
23 regard. We don't believe the legislature gave us that
24 authority.

25 On the other hand, it's hard to imagine

No comments

- n/a -

Response to comment I115-8

Comment noted.

1 California as a state is going to get through the next 90
2 years -- that's our plan -- unless all of us use water
3 prudently and wisely so that we can achieve these goals
4 that are now officially state policy. I understand there
5 will be different arguments about the issue. One of the
6 things that your written comments may want to address is
7 if you think we have legal authority based in statute that
8 indicates we may do something, tell us what it is. We
9 expect a considerable amount of time exploring that
10 subject, and we'd like ideas, suggestions, and
11 recommendations.

12 Thank you, they were very good comments.

13 The next speaker is Mr. Robert Eberhardt, also
14 from Chico.

15 MR. EBERHARDT: Thank you. Hey everybody, I'm
16 from Chico. I'm an almond guy and actually an X-ray
17 tech. I was married into an almond farming family. I
18 understand everybody needs water. I don't mind sharing
19 our water. If we have extra water, that's one thing.
20 But there was an article written in the Bee, I gave
21 everybody a copy, that was very disturbing.

I115-8

22 MR. ISENBERG: I should say, Mr. Eberhardt has
23 copies available for people in the audience and also for
24 us. Mr. Coolidge has a copy of the article. Keith,
25 what's the date of the Sacramento Bee article?

Response to comment I115-9

Comment noted.

1 MR. COOLIDGE: January 8.
2 MR. ISENBURG: January 8. Of this year. That,
3 as with all written documents submitted by anyone in
4 public, will become part of the official record. Noting
5 that for the purpose it will be part of the written
6 record.

7 MR. EBERHARDT: Anyway, it was highly
8 disturbing to me the article. I would like to quote
9 some sentences in the article and have some of these
10 water people comment, if we may.

11 It says, "A one sentence provision inserted in
12 the 2012 budget bill by U.S. Dianne Feinstein will allow
13 a handful of powerful San Joaquin Valley water oligarchs
14 to sell federally subsidized ag water in a private
15 market for as much as 150 times more than what they paid
16 for it. This relaxation of publicly owned water
17 supplies for private gain strips out protections
18 approved by Congress in 1992."

I115-9

19 It goes on to say that, "The Feinstein
20 legislation allows high water flows in the Sacramento
21 and San Joaquin rivers to be diverted to a private water
22 market rather than replenishing the Delta and bay." I
23 mean, that's what kind of cleans the bay out in the
24 wintertime.

25 "The legislation makes it easier to move

1 federally subsidized --" says \$20 an acre foot water --
2 "from growers with federal project water contracts to
3 private interests with water rights. Once in the hands of
4 these buyers, the water can be resold in the open market
5 to the highest bidder."

6 It goes on to say, "The Kern Water Bank was
7 originally owned by the State of California and built to
8 store water in high water years to provide agriculture
9 with water in drought years and to leave more in the
10 Delta. In 1994, Resnick," this billionaire from Southern
11 California, "persuaded the state to turn over the
12 invaluable public resource to the Kern County Water
13 Agency. Within a short time the water agency turned over
14 control of the water bank to a handful of local water
15 districts. When the dust settled, Resnick's Paramount
16 Farming controlled more than 50 percent. The U.S. Bureau
17 of Reclamation recently admitted the Resnick Kern Water
18 Bank is on the list of beneficiaries of Feinstein's
19 deregulation measure.

20 "In addition, Feinstein's budget rider
21 streamlines environmental review of these privatized water
22 transfers by distinguishing the environmental impacts of
23 individual transfers." One only needs to remember that
24 the rape of Owens Valley and the reincarnation of Roman
25 Polanski's classic movie Chinatown," blah, blah, blah.

No comments

- n/a -

No comments

- n/a -

1 "In anticipation of this Christmas gift to
2 Westlands, the bond rating agency," blah, blah, blah,
3 "deregulating of water to allow Westlands to engage in
4 more private water sales."

5 My thing is, when is it going to -- during wet
6 years we have water to flush out the bay. People in the
7 south need water. But people, they have changed the laws
8 to where public owned water, federally owned water, State
9 owned water is going to go into private hands and then
10 they can sell it on the open market for whatever the
11 market bears. Like I said at the other two meetings,
12 water is liquid gold. Water is invaluable if you don't
13 have it. People don't realize how valuable water is until
14 the well runs dry. Not that the well is going to run dry,
15 but it seems to me there should be something in the books
16 that regulates who can buy federal water and at what cost.
17 It's not -- I believe we can share our water. But I don't
18 believe somebody down the road can take the water that was
19 federal, state, our water, and put it into somebody's
20 private hands to make billions. We're talking -- I ran
21 the numbers. If Butte County is going to get \$25 million
22 over ten years for 240,000 acre feet of water, this guy,
23 if Resnick gets his allotment and takes the 240,000 acres
24 times 150, that's \$1,800,000,000.

25 Now, I don't mind sharing what we've got if we've

1 got it. But for somebody to profit like that -- I
2 understand it's the numbers, the sheer numbers of profit
3 that people down the road are making out of this. It's
4 just disturbing. It's just utterly -- and this is just
5 one guy. There's going to be a fight over how much he
6 wants and how much we're going to put in the Delta to wash
7 out the Delta in the winter time. I love to fish, I love
8 to hunt, and I'm a farmer. It's just reading the article,
9 it was just disturbing.

10 That's it. Thank you.

11 MR. ISENBERG: Thank you. I appreciate that.
12 Also, we read the newspaper, so we're aware that there
13 is a dispute in the county over something similar to
14 this. I think it's probably fair to say that nobody has
15 yet suggested to us that our statutory mandate gave us
16 the ability to control actions of the Federal
17 government. Although, generally speaking a lot of
18 people might prefer that.

19 MR. EBERHARDT: Can I add one thing?

20 MR. ISENBERG: Please.

21 MR. EBERHARDT: Apparently -- I don't know when
22 the draft EIR was started, but this legislation
23 apparently, according to the article, was adopted in
24 2012. Was the Environmental Impact Report, would they
25 have factored in a private individual like Resnick tug

Response to comment I115-10

Please refer to Master Response 2. The existing conditions at the time of the publication of the Notice of Preparation of this EIR in December 2010, which is the normal CEQA environmental baseline pursuant to CEQA Guidelines section 15125(a), are described in each resource section of the DEIR. Impacts on water resources are described in Section 3 of the EIR at a program level.

1115-10

1 of war over the water? If we're going to give Resnick
2 so much if he -- like was that factored in?

3 MR. ISENBERG: There have been state and
4 federal laws authorizing, or some people would say
5 regulating, water transfers for decades. California --
6 I'm trying to remember precisely on California's first
7 authorization -- but something like the late '70s or
8 early 1980s sticks in my mind. I could be wrong on
9 that. If the Federal government and the Central Valley
10 project, which is not entirely but substantially what
11 you were talking about, is regulated by federal law.
12 Our Environmental Impact Report was issued prior to the
13 action of the Federal government with the language
14 that's described in the article. But you'll probably
15 note from reading the Delta plan that in general the
16 staff is recommending to us the notion of supporting
17 under the right terms and conditions water marketing as
18 one way to address the problems of the State of
19 California.

20 Just a note, you'll want to take a look at --
21 this is a small part -- one of our recommendations on
22 water reliability which appears on page 3 of the
23 recommendations which talks about the transparency of
24 water contracts. The Department of Water Resources has
25 a policy on transparency, and we simply said that for a

No comments

- n/a -

Response to comment I115-11

Comment noted.

1 covered action that comes before us under the terms of
2 the law, that it would be inconsistent with the Delta
3 plan unless it met those transparency requirements of
4 the Department of Water Resources.

5 Now, our guys tell us that they are similar to
6 but not identical to some language that are subject to
7 federal contractors. Of course, statutes trump
8 regulations of agencies. And when Congress passes a law
9 that's signed by the President, it becomes a controlling
10 entity.

11 Anyway, the point is, there's some things in here
12 you might want to take a look at before you -- and your
13 thoughts would be helpful on that. I appreciate that.

14 MR. EBERHARDT: Okay.

15 MR. ISENBERG: Thank you very much,
16 Mr. Ederhardt.

17 I know there's a bunch of people sitting in the
18 audience. I cannot believe you have not submitted forms
19 to talk.

20 Mr. Gosselin, Butte County Department of Water
21 Resources.

22 MR. GOSSELIN: Thank you. I want to thank you
23 all again for coming to the region. Nice to have you up
24 here.] I115-11

25 MR. ISENBERG: Mr. Gosselin was sitting in our

1 Chico meeting, was it ten months ago, I can't remember,
 2 and you had that sly smile on your face at the time
 3 because you were hearing a bunch of things and you made
 4 a very good presentation then. We look forward to this
 5 one.

6 MR. GOSSELIN: I want to thank you for
 7 extending the comment period. I think when we all got
 8 the 2,500 page draft Environmental Impact Report and
 9 decided to look at the holiday schedule and go through
 10 it, we were first starting to write recommendations on
 11 extending the comment period, which you immediately did
 12 that. That was helpful.

I115-12

13 I do want to also acknowledge that Butte County
 14 will be submitting formal comments to the Board in time
 15 for the comment period. I wanted to give sort of a
 16 thumbnail sketch on what those comments will be. Which
 17 are fairly consistent with what we've been voicing up,
 18 beginning with the Delta vision process and up to the
 19 various drafts. We had not commented on the fifth staff
 20 draft, which is the project alternative, main project
 21 alternative as part of the DEIR. So we will have
 22 comments on that.

I115-13

23 It is vastly improved from previous drafts. I
 24 think it's moved a long way to comply with the law and
 25 kind of be a lot more succinct. There are still some real

Response to comment I115-12

Comment noted.

Response to comment I115-13

Comment noted.



1 troubling things and things that we do have concerns with,
 2 both with the staff draft and also how the draft
 3 Environmental Impact Report actually comports with that
 4 staff draft.

1115-13

5 It's kind of somewhat of a circular concern
 6 because on the face of it the fifth staff draft still has
 7 some language in there. One of the main points we've had
 8 is about limiting the enforceable actions of the plan to
 9 the statutory Delta. Which largely I think has been dealt
 10 with. But there is still some language in there that
 11 either sends indirect messages to other agencies who have
 12 authority, particularly state board and others, or have
 13 some policies in there that really would lead to some
 14 regulatory impacts indirectly that could impact this
 15 region. The flow criteria is probably the biggest
 16 example.

1115-14

17 There is language in the fifth staff draft that
 18 does leave the door open on having impacts on how the
 19 flow criteria is implemented that could impact the
 20 region. One is the challenge of surface water delivery
 21 and shifting the burden of water supply here on to the
 22 ground water basin. That can have a whole range of
 23 impacts both to those who have shallow wells, the people
 24 who lose their surface water deliveries having to make
 25 it up with installation of wells, and general impact on

Response to comment I115-14

Impacts due to water supply projects that would be encouraged by the Delta Plan, including groundwater projects, are analyzed in Sections 3 through 21 of the EIR. The analysis in this EIR assumes that groundwater water supplies would not become overdrafted because the proposed Delta Plan encourages establishment of balanced groundwater management programs. Therefore, it is assumed that other water supplies, including recycled water, local water storage facilities, ocean desalination, water use efficiency and conservation, and water transfers, would be used to meet the water demands projected in adopted general plans. The EIR also recognizes that portions of the agricultural areas in the San Joaquin Valley could be fallowed or retired due to the lack of water supplies to replace reduced water supplied from the Delta, if any. The impact assessments in Sections 3 through 21 evaluate the construction and operation of local and regional water supplies, and conclude, in most cases, that there may be significant and adverse impacts.

1 the basin that could have an impact on the environment.
 2 The other piece, and this kind of gets into a
 3 bigger problem, is how Lake Oroville is going to be
 4 operated. It ties into the BDCP, which is still a huge
 5 unknown. That gap has not been filled in. But it's
 6 pretty apparent through even some of their analyses that
 7 lake levels in Lake Oroville will probably be a lot lower
 8 during normal times. And what's missing, which isn't
 9 really addressed in here, because you don't know how
 10 they're going to -- what the outcome of the BDCP will be,
 11 but all direction looks like that's where it's going to
 12 go. The result is going to be since the plan is taking
 13 about promoting the completion of the BDCP is a lowering
 14 of the lake, which could have economic impacts on
 15 recreation and surrounding socioeconomic footprints that
 16 that lake has for the region. Granted, it was set up as a
 17 storage facility, but it does have recreation and economic
 18 benefits that the DEIR doesn't speak to.

19 I think going through much -- not all, but much
 20 of the Draft Environmental Impact Report, from what I
 21 found it solely focused on the impacts within the
 22 statutory Delta, which is finding well and good. What
 23 seems to be missing and nothing in there, some
 24 acknowledgment, some recognition, some analysis on some
 25 of the potential impacts outside of the Delta, and

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Response to comment I115-15

Please refer to Master Response 1 regarding BDCP. The proposed BDCP is a reasonably foreseeable future project that is not part of the Delta Plan. It 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.

As described in Section 2 of the Recirculated Draft Program EIR, the Revised Project will encourage increased development of reliable local and regional water supplies to reduce reliance on Delta exports. If the Delta exports are reduced through increased water use efficiency, recycled water projects, ocean desalination projects, or local surface water and groundwater projects, it is not anticipated that the new water supplies would be conveyed to the reservoirs that currently store water from the Central Valley Project or State Water Project which are generally located upstream of the local and regional water supplies. It is also anticipated that there will be less water diverted from the upstream CVP and SWP reservoirs, including Trinity Lake, Shasta Lake, and Oroville Reservoir, especially in the summer months to provide cold water releases in the fall and Delta outflow releases in the fall to comply with current biological opinions and because there could be changes in water supply management for areas outside of the Delta that use Delta water. These actions could result in higher summer reservoir elevations that could benefit recreation in Trinity Lake, Shasta Lake, and Oroville Reservoir.

Response to comment I115-16

Please refer to Master Response 2 regarding the study area for this EIR. The EIR did evaluate impacts in the Delta watershed upstream of the Delta if conditions would change from existing conditions due to implementation of the alternatives. In the Draft PEIR, there were no anticipated changes in water resource-related conditions, and therefore, the Draft PEIR did not discuss this geographic area. In the Recirculated Draft PEIR, there were anticipated changes and those were discussed in the EIR.

1 particularly up in our region. It is a catch 22 because
2 you've been largely starting to move towards focusing on
3 your statutory authority within the primary Delta.
4 That's what the impact report looks to. The fact is
5 there's a huge range of unknowns that the plan is
6 actually promoting, including the BDCP and flow
7 criteria, that unless some other language is in there to
8 contrail or kind of guide these other agencies on how to
9 implement them, could have impacts here, which aren't
10 addressed or even acknowledged in the Draft Impact
11 Report. On both ends those are the raising concerns
12 that somehow the staff draft, the Delta plan, and the
13 Draft Impact Report need to reconcile somehow and be
14 consistent on addressing what may occur.

15 I did have one clarification question on the
16 process.

17 MR. ISENBERG: Yes, sir.

18 MR. GOSSELIN: Going from the -- you'll come up
19 with a sixth staff draft March 2nd and then complete
20 that I believe April of -- the final, if I recall.

21 MR. ISENBERG: Let Mr. Grindstaff talk about
22 the schedules. It's complicated because we're doing a
23 bunch of things at once.

24 MR. GOSSELIN: The dates really weren't
25 important. The question I had was the draft EIR right

Response to comment I115-17

The Final Draft Delta Plan (the Revised Project) was issued in November 2012 and analyzed in the Recirculated Draft Program EIR (Volume 3 of the Draft Program EIR), which was circulated for public review and comment from November 30, 2012, through January 14, 2013.

No comments

- n/a -

1 now is based upon review of the fifth staff draft. The
2 sixth draft is going to go out for comment let's say in
3 six weeks. Then the Delta Stewardship Council will
4 finalize it. So the presumption is that this draft EIR
5 and all the comments you get, the final draft can't be
6 too different than what you're analyzing now in this
7 current draft EIR. Otherwise are you anticipating you
8 may need to put another draft EIR out for comment if the
9 final draft is somewhat vastly different on areas that
10 you haven't reviewed yet in this draft EIR?

1115-17

11 MR. GRINDSTAFF: Yes.

12 MR. ISENBERG: Let me note, I know
13 three-quarters of you already know this, and I apologize
14 for repeating it. A couple people I don't recognize who
15 may not.

16 The Delta plan itself has 500 pages. Half of it
17 is the narrative and the plan, and the other appendix.
18 Four pages in that are for regulatory nature. The rest is
19 background, context, a series of recommendations,
20 discussions, charts, graphics, the various nuts and bolts
21 of any kind of report to give it meaning.

22 I think it's probably fair to say that the
23 California law requires a recirculation of an
24 Environmental Impact Report. If there are substantive
25 changes, particularly to the regulatory language of

1 action -- that's the four pages that we're talking
2 about. I'm sure there will be grammatical changes and
3 order changes and he's got to do all that kind of stuff.
4 But my instinct is the sixth draft Delta plan on those
5 four pages is not going to be greatly different. But we
6 still, as Joe indicates, we have to -- we will have to
7 make a determination at the end of the process -- April,
8 May, whenever it is -- whether the changes from the
9 sixth draft, seventh draft, or any new facts that have
10 been discovered, compels a recirculation. We just don't
11 know. State law requires it passes a threshold.

12 The other thing -- this is just a personal
13 observation on the Delta plan -- after we've gotten
14 through our endless months of arguments on the four pages
15 about the so-called regulatory stuff, I notice that we
16 began receiving an overwhelming proportion of comments
17 about people who wanted us to say things one way and not
18 another, to use charts that are based on different
19 representative years rather than the years we chose, to
20 weigh in to their battles and say you're right and you
21 should win those battles. Which we have by and large
22 declined to do. Because until the Delta plan is into
23 effect and until we have a covered action by a state or
24 local agency to review under the limited authority we
25 have, it didn't seem all that wise to us to start picking

No comments

- n/a -

1 sides, apart from the dubious legality of it.
2 You raised one other question, for a few of you
3 who do not know I'd like to mention. The Bay Delta
4 Conservation Plan, the facility's discussion about ditch
5 or tunnel or whatever it is to substitute or be an
6 addition to the existing water conveyance system in the
7 Delta. Our statute says that if it meets the requirements
8 of law established in this statute and if it's certified
9 by a whole bunch of people, it shall be incorporated in
10 the Delta plan. It's not discretionary. We do, however,
11 have a limited appellate role. The last step in the
12 process from the state agency side is the Department of
13 Fish and Game reviewing the law and saying, yeah, they
14 held to conservation plan, met the test of the
15 Environmental Quality Act, the Natural Communities
16 Conservation Planning Act, this, that, and the other
17 thing, received a clearance on the Endangered Species Act
18 from the federal government, studied the 17 million things
19 in the study and all that. That decision of the
20 Department of Fish and Game may be appealing to us. That
21 is not, however, a green light for us to write or rewrite
22 the Delta plan. The lawyers have told us consistently you
23 can say yes, you can say no, you can ask questions. And
24 we're pretty comfortable about that. But that potential
25 appellate role, again a quasi judicial role we'd be

No comments

- n/a -

No comments

- n/a -

1 playing, constrains somewhat our activities. We have
2 another stat tire duty to comment on BDCP. So we've been
3 trying to balance those things out.

4 The other point is, there are a large number of
5 other plans, both regional, local, different subjects,
6 Central Valley flood boards, and so on, going on. None
7 of them will be finished before the Delta plan is going
8 to be adopted. Of course we're already going to be four
9 months late in adoption of the Delta plan. Because the
10 legislature told us to do it by January 1st of this
11 year. We just couldn't get it done.

12 There's a lot going on and it's complicated and I
13 apologize for the complication. California has been a
14 state for 161 years now. And like big old wooden ships,
15 we tend to pick up barnacles as we sail through the sea,
16 and all of the commotion of an organization and structure
17 and studies are probably barnacles necessary but necessary
18 barnacles nonetheless.

19 Thank you very much. That was a very helpful
20 comment. And again I appreciate very much the fact that
21 you're going to submit written comments. And the law
22 requires us to respond to written comments related to the
23 Environmental Impact Report, which we will do.

24 The close of the comment period on the
25 Environmental Impact Report is February 2nd?

1 MR. GRINDSTAFF: Yes.
2 MR. ISENBERG: Okay. So all the comments come
3 in and then this big process starts with the staff
4 reviewing and critiquing and preparing answers and
5 drafting and redrafting and all that. The sixth draft
6 Delta plan is to be released what time frame?
7 MR. GRINDSTAFF: Mid-March is our target right
8 now. What we're thinking is the council will start
9 meeting four days a month next month. So starting the
10 night 9th of February. We have several things to walk
11 through. We have the economic sustainability plan.
12 It's another element we are required to consider, and so
13 the council will be addressing that, will be addressing
14 the draft flood control plan released December 30th.
15 They will then be going through all the comments on the
16 fifth draft plan and all of the comments on the EIR.
17 Our hope is that with six full days of meetings, we can
18 actually get through all of that and they can give
19 direction to staff so we can create a new sixth draft
20 which then everybody can look at and say this is what
21 the council has directed be done, how close is this to
22 where we need to be. And then they still have several
23 more days of meetings to determine what else needs to be
24 done. Then the plan is at the end of April that we
25 actually bring the final version, the seventh draft, to

No comments

- n/a -

No comments

- n/a -

1 the council along with a response to all the comments
2 and a proposal to certify the EIR, providing that we
3 actually believe that legally the EIR is sufficient for
4 the council to adopt the Delta plan. So it's going to
5 be a very busy time.

6 MR. ISENBURG: Mr. Grindstaff has threatened us
7 with these four-days-a-month meetings for February,
8 March, April, and he was squishy on whether May might
9 not require a calendar day.

10 MR. GRINDSTAFF: We have calendared it. Just
11 in case.

12 MR. ISENBURG: So we will have 12 additional
13 days of meetings in February, March, April, and May --
14 16. 16 additional days of meetings. By the way, at the
15 end of the meeting tonight we will have 67 days of
16 meetings since we've been in existence.

17 There will be a lot of opportunities to be heard.
18 Most of our regular meetings are scheduled in West
19 Sacramento, which is easily within the statutory Delta,
20 which seem to make sense and it's a nice location at City
21 Hall. You'll have a lot of opportunity for comments apart
22 from the formal written comments you want to make on the
23 Environmental Impact Report.

24 Next is Ms. DesJardins.

25 MS. DESJARDINS: Yes.

Response to comment I115-18

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

1 MR. ISENBERG: California Water Research
2 Associates.
3 MS. DESJARDINS: Yeah. You didn't have a
4 question period, but I wanted to ask you on page 223 it
5 references a request if you find a suitable financial
6 partner requesting revenue.
7 MR. ISENBERG: When you say 223, of the Delta
8 Plan?
9 MS. DESJARDINS: Yeah.
10 MR. ISENBERG: 223 of the fifth draft Delta
11 plan. I have a copy here.
12 MS. DESJARDINS: The finance, it says you're
13 requesting revenue bonding authority. And I was
14 wondering what was envisioned.
15 MR. ISENBERG: That's an appendix to the draft.
16 MS. DESJARDINS: Yeah.
17 MR. ISENBERG: Ladies and gentlemen, I would
18 like to say this is the first person who has raised a
19 question to us on an appendix to the document, and you
20 get like 17 gold stars for being diligent on this one.
21 That is in fact very important. I don't know the answer
22 to your question right now. Let us note that and see if
23 we can get an answer out to you by e-mail on that
24 question. The other thing is, all the answers will be
25 posted on our website. We traditionally do that so you

I115-18

1 can see what the answers actually are.

2 MS. DESJARDINS: Okay. And I also have --

3 MR. ISENBERG: Wait, Joe may know.

4 MR. GRINDSTAFF: Yes. In the plan, in the
5 finance chapter it actually recommends that there be
6 authority given to assess fees, a very controversial
7 recommendation which the legislature would have to take
8 up. And the recommendation about revenue bonds was if
9 you actually are going to have the ability to do things
10 and take in money, that you ought to be able to have the
11 ability to do revenue bonds so that you can, for
12 example, stabilize your funding stream, started to
13 long-term projects. I'm not sure of where that ends up,
14 but that's why that's in there. Based on the fee
15 authority. And both things would require a legislative
16 action.

17 MS. DESJARDINS: Yeah.

18 I also had sort of a more fundamental question
19 about the Delta Stewardship Council as the lead agency
20 for CEQA evaluation of the Delta plan. Because the
21 Delta plan has a lot of potential environmental impacts
22 outside of the boundary of the legal Delta. Some of
23 which were referenced here tonight. But if in
24 preparation of the EIR the Delta steward ship council
25 cannot consider any of those impacts because of its

I115-19

Response to comment I115-19

Please refer to Master Response 2 regarding the study area for this EIR.

1 limitations on the statutory authority, then in some
 2 sense the environmental review of the Delta plan just
 3 simply isn't considering the statewide impacts. I115-19

4 MR. ISENBERG: Because that comment is
 5 specifically directed to a legal issue on the
 6 Environmental Impact Report, I think we're probably not
 7 permitted to discuss it here. I apologize for that.
 8 Our chief legal counsel, who was supposed to be here,
 9 has chicken pox. Which is about the only thing I can
 10 imagine that would justify him not being here. And I
 11 think we'll have to wait to respond to that comment
 12 until after the close of the Environmental Impact Report
 13 period, as well. As you know, there's language in the
 14 Environmental Impact Report on the range of questions
 15 that you've raised.

16 MS DESJARDINS: Yeah. Basically what I saw is
 17 that there's a set of policy and regulations which are
 18 fairly general which are within the scope of the
 19 council. But in the council in the process of
 20 implementing that, the council may consider and approve I115-20
 21 projects which have cumulative statewide impacts. And
 22 the concern is where is the CEQA evaluation of the those
 23 cumulative impacts going to occur if not in the Delta
 24 plan?

25 MR. ISENBERG: I believe I can answer that. As

Response to comment I115-20

Please refer to Master Response 2. This EIR analyzes cumulative impacts in Section 22. The lead agencies for future projects encouraged by the Delta Plan will be required to comply with CEQA at a project level. If those future projects may have a significant effect on the environment, the lead agency must analyze the cumulative impacts of the proposed project in combination with past, present and reasonably probable future projects (CEQA Guidelines § 15130).

1 you know, and we've said extensively in our documents,
2 apart from the environmental impact reporting in the
3 hearings, this is a programmatic Environmental Impact
4 Report. It's not a project impact report in the same
5 occasion that the water district in Butte County is
6 going to build a pipe 17 miles long from one location to
7 one location and it's this size and has these
8 configurations. This is closer to a general plan. And
9 in those circumstances, projects that follow will have
10 lead agencies. And they must themselves do an
11 environmental determination.

12 So for example -- Mr. Gosselin, I'll use you as
13 an as example because you're sitting there. If his
14 first proposal is going to cost \$4 million and only be a
15 foot wide and it turns out that three years later when
16 the project comes online it's going to cost \$90 million
17 and it's 20-feet wide -- God knows what that would be --
18 he will face the legal question of whether they must do
19 an Environmental Impact Report on that project, could
20 they conceivably do a negative impact on it. But we
21 must make assumptions for programmatic EIR. And the
22 assumptions are identified in it, but they are not an
23 environmental impact on project that's not been defined.
24 The Bay Delta Conservation Plan is a classic example for
25 us because we've been ordered to incorporate it if it

No comments

- n/a -

1 meets the requirements of law, but it hasn't been
2 determined what it is.

3 MS. DESJARDINS: I'm just making comments on
4 the fundamental nature of what the programmatic EIR is.
5 If the programmatic EIR was limited in scope simply to
6 consideration of actions that are within the Delta
7 Stewardship Council legal authority, so it was simply
8 considered to these particular policies, but it seemed
9 that at some point it's going to be -- the policies are
10 going to -- when the policies are applied and in a
11 coordinating role to these individual projects, you have ⁻¹¹¹⁵⁻²¹
12 something that's kind of the statewide equivalent of a
13 county general plan. And analyzing each project
14 piecemeal is not going to provide a chance for the
15 analysis of cumulative impacts, particularly when you're
16 talking about a major reoperation of the state water
17 project. And I know it's a complex issue, but that's
18 why I'm trying to bring it up where there's a chance for
19 some dialogue as opposed to written comments.

20 MR. ISENBERG: Thank you. And may I assume you
21 are submitting written comments to us?

22 MS. DESJARDINS: Yes.

23 MR. ISENBERG: Thank you very much.

24 Mr. Guy, David Guy. Northern California Water
25 Association.

Response to comment I115-21

Please refer to response to comment II 15-20.

1 MR. GUY: Thank you, Chairman Isenberg,
 2 Mr. Grindstaff, Mr. Coolidge. Thank you for coming up
 3 to the Sacramento Valley. I do want to acknowledge you
 4 have come up here and spent some time, and always
 5 impressed how much you know about the Sacramento Valley.
 6 Thank you.

7 David Guy on behalf of the Northern California
 8 Water Association. As you know, represents water
 9 suppliers and local governments throughout the region.

10 We've commented on I believe just about every
 11 version of your draft so far in different forms, either
 12 individually or as part of a larger coalition. We will
 13 continue to do so and engage with you in that way.

14 For the purposes tonight, we're here as part of
 15 a CEQA process and we want to highlight -- hone in on
 16 really one aspect of the Delta plan and the Draft
 17 Environmental Impact Report. That's really the
 18 reference to the more natural flow regime, which of
 19 course we've commented on numerous times to you and had
 20 numerous conversations about.

21 In our view, the more natural flow regime and of
 22 course reliance upon the State Water Board's flow report
 23 and the Fish and Game conservation, or similar report from
 24 the Department of Fish and Game, we believe there will be
 25 six environmental impacts that -- six types of

Response to comment I115-22

Comment noted.

Response to comment I115-23

The Delta Plan encourages the SWRCB to complete the updated Bay-Delta Water Quality Control Plan flow objectives. However, only the SWRCB has authority to set those objectives. The Delta Plan and the EIR therefore cannot project what those objectives will be. The Delta Plan and the sources it cites (including especially the SWRCB's 2010 Flow Criteria Report) explains that the flow objectives that best advance the coequal goals will be those that bring about more natural functional flows within and out of the Delta. *See* Delta Plan, pp. 136 to 142, 155, and sources cited therein. The EIR thus assumes, consistent with CEQA, that the SWRCB will adopt updated objectives that will advance such a flow regime. The general assumption of a more natural flow regime is sufficient for the EIR's programmatic approach. The impacts of the flow objectives are analyzed in greater, quantitative detail, in the SWRCB's *Public Draft Substitute Environmental Document in Support of Potential Changes to the Water Quality Control Plan for the San Francisco Bay-Sacramento/San Joaquin Delta Estuary: San Joaquin River Flows and Southern Delta Water Quality* (December 2012). *See* Master Response 5 for further discussion.

1 environmental impacts that I want to touch on briefly
2 tonight.

3 The first of those of course is on the salmon,
4 it's an anadromous fish. More natural flow regime would
5 affect the cold water pool, affect the migratory patterns
6 of the salmon. And we've previously provided you some
7 technical work done by Dave Bogle, a very esteemed fishery
8 biologist in this region who has done a lot of good work
9 in this regard. We believe the more natural flow regime
10 would actually be deadly in some cases to the salmon in
11 this region and be a significant environmental impact.

12 We've also provided to you a summary of all the
13 existing flows that are in the region, whether they're
14 some of the federal biological opinions, various
15 agreements, various State Water Board issues, navigational
16 servitude, all those things that are in the region. And
17 those existing flows do not appear in the environmental
18 document, and that's to me you do not look at the existing
19 conditions in an appropriate manner. And of course that
20 affects the fisheries aspect, as well.

21 Second piece, Pacific Flyway. Passion of
22 Mr. Isenberg's, I know. The Pacific Flyway, resource of
23 international significance and more natural flow regime
24 could significantly impact the water that is necessary to
25 support the Pacific Flyway. As you know, there's a lot of

No comments

- n/a -

1115-23

1 serious efforts have been made, a lot of folks in this
2 room have invested in trying to improve the Pacific Flyway
3 and have done a very successful job in that. I think the
4 2006 Central Valley Joint Habitat Venture Implementation
5 Plan is a good example in that it's in the record. And I
6 think it shows how important water is to the Pacific
7 Flyway, and of course redirecting water away from this
8 region would significantly affect that.

9 Third, of course farmland. And the species, of
10 course, dependent upon the farmland. Including things, of
11 course, like giant garter snake and other both endangered
12 as well as threatened and other species. Obviously we
13 provided an analysis from NBK Engineers about what we
14 think some of the water supply impacts on the farmland
15 would be in this region based on, again, the storage more
16 natural hydrograph to the Delta.

17 Fourth, clean energy. Obviously a big high
18 priority for the State of California. The natural flow
19 regime would obviously affect the ability to generate
20 hydroelectric power in the region. And recently you've
21 been receiving a report again from NBK working with other
22 consultants on what the hydropower impacts could be of the
23 State Water Board's flow report, which would be something
24 that you'd want to refer to.

25 MR. ISENBERG: Is there another report coming

No comments

- n/a -

1115-23

1 from the consultants?

2 MR. GUY: When you say another --

3 MR. ISENBERG: On energy particularly.

4 MR. GUY: I don't know.

5 MR. ISENBERG: We already received some.

6 Wasn't clear --

7 MR. GUY: There's a recent one within the last
8 couple days.

9 MR. ISENBERG: We may not have seen that yet.

10 MR. GUY: I believe that was sent today.
11 Formally conveyed over to you today.

12 So, again, the clean energy obviously significant
13 environmental impacts there of course not only lack of
14 ability of to generate clean energy, but also of course
15 you assume you have to rely upon on fossil fuels or other
16 means that clearly have an environmental impact.

17 Fifth, recreation. Mr. Gosselin touched on
18 that. The report that NBK prepared again shows if you
19 look at some of these more natural flow regimes, you
20 would have dead pool in both Shasta and Oroville in 50
21 to 60 percent of the years. Dead pool 50 to 60 percent
22 of the year, you can imagine what that would look like
23 for the cities of Redding, Oroville. It would just
24 destroy the economy, destroy the recreational
25 opportunities in this region, as well as some of the

No comments

- n/a -

1 other impacts we have talked about.

2 Finally, you're heard several commenters talk
3 about ground water impacts. Obviously if you're
4 reallocating surface water supplies within this region to I115-23
5 restore a more natural hydrograph, you would presume that
6 there would be additional ground water resource pumping
7 and that the redirection of that water would have
8 significant impacts on the ground water resources within
9 the region.

10 I'll stop there on the EIR. Again, I just want
11 to touch on a few other quick things. First, Chairman
12 Isenberg, you mentioned the regional self-sufficiency. As
13 you know, I want to emphasize again Northern California is
14 very much committed to that policy. We have been working
15 for decades on regional self-reliance, regional
16 sustainability for all the various purposes -- fisheries,
17 birds, farms, cities. In our view the Sacramento Valley
18 is probably the best hope in the State of California to I115-24
19 actually accomplish that objective. Unfortunately the
20 Delta plan appears at times like it's attempting to
21 undermine our ability to be regionally self-sufficient.
22 And by redirecting water away from the region, you will
23 affect the ability to be regionally self-sufficient. So
24 we believe some ways the Delta plan is working against
25 that policy.

Response to comment I115-24

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

Response to comment I115-25
Comment noted.

1 We'll submit written comments as you've
2 suggested. We'll do it in a variety of forms. I'm
3 guessing we'll be doing it as part of Large Water
4 Coalition, doing part of North State Water Alliance you're
5 starting to hear about, we'll be submitting comments on
6 behalf of Northern California Water Association, and then
7 several other individual water suppliers will be
8 submitting more specific comments on their local
9 circumstances. So we'll get those to you by February 2nd
10 and undoubtedly look forward to more dialogue as we go
11 forward.

I115-25

12 Thank you.

13 MR. ISENBERG: Mr. Guy. Thank you very much.

14 Ladies and gentlemen, anyone else who would like
15 say something to us? We've run out of blue forms.

16 All right, ladies and gentlemen, if there are
17 no other comments, just a reminder, closing day for
18 comments on the Environmental Impact Report is
19 February 2nd. By the way, is that 5:00 p.m.?

20 MR. GRINDSTAFF: Midnight.

21 MR. ISENBERG: Midnight.

22 Okay. And so the earlier you get them in, the
23 easier it is for staff to try to digest and organize
24 this before we even decide how to answer.

25 Keith, you have the information on the comments

1 can be sent to the EIR, commentsdeltacouncil.ca.gov. If
2 you have any questions of staff, call me, call
3 Mr. Grindstaff, call Keith Coolidge on the question of
4 process. We'll get you in touch with the right people
5 and make sure you send comments in the right way. And
6 don't feel that you have to bind them in a legal looking
7 folder with a thousand pages of supplemental material.
8 It's just we can understand your thoughts, suggestions,
9 comments and criticisms clearly, that allows us to
10 appropriately respond to you.

11 MR. GRINDSTAFF: Do we want to have a formal
12 public hearing portion?

13 MR. ISENBERG: I guess so.

14 Ladies and gentlemen, we will incorporate all
15 of the prior hearing that we conducted tonight into the
16 record as if it were part of the Environmental Impact
17 Report hearing. We understand many comments were not.
18 But that will cover all the comments that have been made
19 to date.

20 Is there anyone in addition who wishes to comment
21 on the Environmental Impact Report itself?

22 Okay, thank you very much for coming out. Joe
23 said right at the beginning it was kind of a rainy night,
24 we're glad to have you here. The reality is, it wasn't
25 raining very much when we came in. We kind of hoped we'd

No comments

- n/a -

1 get a little better result. We'll live with what we have.

2 Ladies and gentlemen, thank you very much for
3 doing it. Thank you for coming out. Appreciate it.

4 Meeting adjourned.

5 (Meeting adjourned at 7:20 p.m.)

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No comments

- n/a -

No comments

- n/a -

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CERTIFICATE OF REPORTER

DECLARATION OF COURT REPORTER REGARDING CCP 237(a)(2)

I, CRAIG W. WOOD, a Certified Shorthand Reporter, licensed by the State of California, License No. 9789, being empowered to administer oaths and affirmations pursuant to Section 2093(b) of the Code of Civil Procedure, do hereby certify:

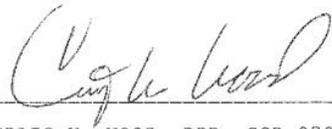
That the foregoing proceedings were taken in stenographic shorthand before me at the time and place herein stated, that said proceedings were taken before me in shorthand writing, and were thereafter transcribed under my direction by computer-aided transcription;

That the foregoing transcript constitutes a full, true, and accurate record of the proceedings which took place;

That I am not of counsel or attorney for any of the parties hereto, or in any way interested in the event of this cause, and that I am not related to any of the parties hereto.

IN WITNESS WHEREOF, I have hereunto subscribed my signature.

DATED: January 29, 2012



CRAIG W. WOOD, RPR, CSR 9789