

1 BAY DELTA CONSERVATION PLAN  
2 ENVIRONMENTAL IMPACT REPORT (EIR)  
3 AND ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS  
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6 MARCH 19, 2009

7 BDCP PRESENTATION

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24 REPORTED BY: LISA L. JONES, CSR 12982  
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<p style="text-align: right;">Page 2</p> <p>1 KEITH COOLIDGE: My name is Keith Coolidge.  2 I'm the chief deputy director of the Bay Delta Program  3 that involves Cal Fed and Delta Vision Process, part  4 of the development of the Bay Delta Conservation Plan.  5 As I know, looking around the room, many of you have been  6 through all of these as well.  7 We're here today really to focus on a couple of  8 things. This is a scoping session. It's part of the  9 environmental review process, so we are looking for  10 scoping comments to help with the contents and analytical  11 methods for the EIR/EIS. We are looking for comments  12 that will help us identify areas of concern, issues of  13 concern, we want to broaden and better focus potential  14 alternatives. And then lastly, we want to identify other  15 sources of information, so that as we go through this  16 process, we really cover the widest range possible.  17 And you've already been engaging in some of  18 that in the other room, going from station to station,  19 being able to talk with the people who are actually  20 technical experts in each of these areas, and they're  21 taking comments and making them a part of the record.  22 And then what we're going to do in here, is  23 talk a little bit about the broad overview of the Bay  24 Delta Conservation Plan, the development of the  25 conservation plan. And Karla Nemeth, who has been</p>	<p style="text-align: right;">Page 4</p> <p>1 after this presentation, get one of those cards, fill it  2 out, and get it back to Rebecca or Janet, so that we can  3 sort of better arrange how people are going to talk.  4 Again, my name is John Engbring. I am with the  5 U.S. Fish and Wildlife Service. I'm the assistant  6 regional director for water and fish. We, in fact, are  7 one of the agencies that will be reviewing this Bay Delta  8 Conservation Plan, the habitat conservation plan, to  9 eventually -- the desire is to eventually issue a permit  10 to go forward. And on the state side, the California  11 Department of Fish and Game, will also be reviewing this  12 under the -- what's called the NCCP, the state  13 counterpart to the federal process.  14 We are here to gather comments to the greatest  15 extent. We want to try to make sure there's  16 interactions. We want to try to answer questions, but  17 primarily we want to make sure that folks get their  18 comments into us, so that we can use those in the EIR/EIS  19 process. The stations next door is where you can go and  20 speak individually with folks that are familiar with  21 specific issues.  22 The reason we're here is that, as the water  23 projects in the Delta pump and move water through the  24 Delta, there are listed species, threatened and  25 endangered species, like the Delta Smelt and Salmon that</p>
<p style="text-align: right;">Page 3</p> <p>1 working hard on that, is going to go through that in more  2 detail. This is all an effort that's being led by the  3 Department of Water Resources, Bureau of Reclamation,  4 U.S. Fish and Wildlife and the National Marine Fishery  5 Service, they're doing it with the cooperation with Fish  6 and Game, the U.S. EPA, the Army Corp of Engineers, so we  7 are really loaded with lots of bureaucrats here today.  8 They're all representing agencies that are  9 trying very hard to make improvements in the Delta, both  10 for the ecosystem and for the reliability of the State's  11 water supply -- (inaudible) in the State of California.  12 One person who I want to introduce is the  13 Secretary for the California Natural Resources Agency, is  14 Karen Scarborough, in the back of the room. She has been  15 serving as the chair for this effort, and has devoted the  16 last two and a half years of her life to moving this  17 process forward and helping us get where we really all  18 need to be. With that, I want to turn the microphone  19 over to John Engbring. John is with the U.S. Fish and  20 Wildlife Service, federal partners in this effort to talk  21 a little bit about how they're engaging.  22 JOHN ENGBRING: Thank you, Keith. Actually,  23 before I forget, there are comment cards in the audience.  24 I think Janet has got some and Rebecca has some. If  25 anybody wants to come up and comment or ask a question</p>	<p style="text-align: right;">Page 5</p> <p>1 are actually killed by pumping actions and by other  2 activities.  3 It's illegal to kill and threaten our native  4 species, but there is a permitting process where a state  5 agency can apply to the federal agencies, the Natural  6 Marine Fishery Service and the U.S. Fish and Wildlife  7 Service, to get what is known as instant take permit.  8 What it does is authorize that agency to move forward and  9 conduct activities without the threat of lawsuits.  10 Before they can receive that permit, however,  11 one of the requirements is that they prepare a habitat  12 conservation plan, and in that conservation plan, they  13 have to describe the actions that are taken, the effects  14 of those actions on these threatened and endangered  15 species, and what they're doing to lessen those  16 effects -- (inaudible) -- conservation.  17 So we, the Fish and Wildlife Service, and the  18 Natural Marine Fishery Service for salmon, have to look  19 at those actions and we have to make certain that those  20 activities do not jeopardize the continued existence of  21 those species. Once we have gone through that review,  22 that analysis, we can then move forward and issue the  23 permits. So we're very early in the stage right now. We  24 haven't seen the conservation plan yet. We haven't  25 conducted all of the analysis of the plan.</p>

<p style="text-align: right;">Page 6</p> <p>1 I would like to encourage folks after this  2 presentation to move back into the other room, make sure  3 we gather as many of your comments as we possibly can.  4 I think that's -- anything else we need to go  5 over? Again, welcome here, and I'll turn it over to  6 Karla.  7 KARLA NEMETH: Thanks, John. Welcome  8 everybody. I'm glad to be here and glad to see so many  9 new faces coming out in Sacramento.  10 As John mentioned, my name is Karla Nemeth.  11 I'm with the California Natural Resources Agency. The  12 Resources Agency is the convener of a steering committee  13 that's helping to guide the development of the plan.  14 That steering committee includes water agencies that  15 provide water supplies to communities and farms from the  16 Bay Area down to San Diego and throughout the Central  17 Valley. It includes environmental organizations,  18 California Farm Bureau and other folks.  19 Every one around that table has acknowledged  20 that it's a major challenge to restore an ecosystem in an  21 environment such as the Delta. It's home to half a  22 million residences and businesses. It's home to a  23 vibrant agricultural economy, a recreational economy, and  24 we need to be balancing the restoration efforts and the  25 water supply reliability efforts with the needs of folks</p>	<p style="text-align: right;">Page 8</p> <p>1 there in the north, to the San Joaquin, coming in the  2 south and out to the Bay. Water supplies are conveyed  3 through the Sacramento River, through the Delta, down to  4 the state and federal water project pumps. The courts  5 have said, based on these record low populations of fish  6 species, they've identified that the flow of water,  7 moving through the Delta, impacts these fish species.  8 And as a result, for example, we are not allowed to  9 operate the pumps when the fish are in this vicinity here  10 in the Southern Delta.  11 Typically, when we have these kinds of  12 conflicts between water for human use and environmental  13 use, we propose a project and we try to mitigate, we try  14 to off set the damage to a specific species on a species  15 by species basis to meet Endangered Species Act and  16 California Endangered Species Act requirements. But what  17 these laws allow for is what's called conservation  18 planning, and under the Endangered Species Act it's  19 called a Habitat Conservation Plan. California has a  20 separate law, called the Natural Communities Conservation  21 Planning Act, that also allows for conservation planning  22 approach to endangered species compliance.  23 And at the heart of conservation planning, is a  24 conservation strategy, that's a suite of actions  25 implemented over time collectively that contribute to the</p>
<p style="text-align: right;">Page 7</p> <p>1 living in the Delta.  2 The secretary of resources is engaging with  3 elected officials from the Delta counties to get them  4 involved in a formal way in the process, to help keep the  5 counties whole as we continue to move through the  6 development of the conservation plan. Again, as John  7 indicated, the goal of today's presentation is to provide  8 an update on where we are in the development of the plan.  9 I'm not going to have all the details about it for you  10 today. Our expectation is that we will have a  11 preliminary draft of the conservation plan available this  12 summer. So I'm going to do my best to answer your  13 questions.  14 We've got folks who are working on the plan.  15 Paul Cylinder is a lead consultant on the plan. We're  16 going to try and answer your questions about it for the  17 purposes of helping to provide good input into the  18 EIR/EIS process. So why are we here today? As many  19 folks are aware, native fish species in the Delta have  20 experienced some record low populations, and that has  21 threatened the reliability for water supplies for about  22 25 million Californians and hundreds of thousands of  23 irrigated agriculture in the state.  24 Also, as many folks are aware, water naturally  25 moves through the Delta through the Sacramento River</p>	<p style="text-align: right;">Page 9</p> <p>1 recovery of species. It's based on the best available  2 science and allows opportunities for new science through  3 monitoring and adaptive management to inform the process  4 and to inform the implementation of the plan for the  5 betterment of the species.  6 There are lots of other elements that are  7 required in the conservation plan that are critical to  8 its success; that includes funding, how do we provide a  9 stable funding stream to implement the plan over time?  10 Who implements the plan? And again, this issue of  11 adaptive management in making sure that science is  12 continually informing the plan implementation.  13 So at the end of the day what is this going to  14 look like? It's going to look like a plan that outlines  15 specific actions taken over time and implemented in  16 exchange for the commitment and the funding to implement  17 that plan, permitting that John mentioned, would be  18 issued by the federal and state fishery agencies for the  19 take of endangered species.  20 In this plan we have two objectives and that is  21 stable and healthy fish populations and water supply  22 reliability. We're looking to balance the needs of --  23 for human use with water supply and environmental use of  24 water supplies. The bulk of my presentation today is  25 going to be on what's the heart of the conservation</p>

<p style="text-align: right;">Page 10</p> <p>1 strategy? What's our thinking to date on it? That  2 includes this Chapter 3 up there, which is the  3 conservation strategy, that's one chapter of an entire  4 conservation plan.</p> <p>5 As I mentioned earlier, there's really critical  6 elements that still need to be developed, that will help  7 make the plan successful. The focus of our plan, it's an  8 aquatic conservation plan. The focus of our plan is on  9 several threatened endangered fish species. I'm going to  10 go into some detail on our approach to contributing to  11 the recovery of those fish species.</p> <p>12 We really based this plan on decades of science  13 that have been developed through the CALFED process, and  14 what we've done is, we've taken a look at what are the  15 measures by which we can determine the effectiveness of  16 the plan? What are our biological goals and objectives  17 that will tell us when fish species are actually  18 recovering as a result of the actions we're taking? That  19 includes things like measurement of their survival, their  20 distribution through the Delta system, their growth rate,  21 their mortality. What we've done is identify the  22 stressors on all of those things.</p> <p>23 I mentioned earlier, I had a graphic example of  24 the stress of water conveyance facilities and water flows  25 on the fish species, but science is telling us that it's</p>	<p style="text-align: right;">Page 12</p> <p>1 In the long term, we're looking at a canal.  2 We're looking at adding diversion points off the  3 Sacramento River, in the northern part of the Delta and a  4 canal with an eastern alignment around the Delta that  5 connects to the pumps.</p> <p>6 There are several ways in which we are looking very  7 intensely about how these facilities would be operated to  8 help support the recovery of fish species. And in a  9 general sense, in a conceptual sense, what we're looking  10 at is this north/south movement of water that is  11 currently dictated by the way we convey water from the  12 Southern end of the Delta.</p> <p>13 How do we create a situation that's more  14 natural, that more naturally resemble the flow pattern of  15 the estuary, and that's really an east/west movement of  16 water. There are a couple of key operational measures  17 that we're considering, which help us to answer this  18 question. How much water does the estuary need? How  19 much water do fish need? And the ways in which we are  20 thinking about that is, what's called bypass flows. So  21 how much water would we need to bypass a new diversion  22 point to transport food, to provide enough volume, to  23 maintain the right temperature of water, right salinity  24 of water, as well as appropriate levels for migratory  25 corridors for fish species.</p>
<p style="text-align: right;">Page 11</p> <p>1 a much more complicated process for the fish. If we want  2 to recover them, we're going to need to do other things,  3 and that includes some of the stressors that we've  4 identified, as a lack of suitable habitat for spawning  5 and rearing of fish species, lack of food for fish  6 species. Some of the other stresses include water  7 quality, toxics in the water, presence of invasive  8 species, all of these things taken together, need to be  9 addressed if we are to achieve this goal of contributing  10 to the recovery of species.</p> <p>11 Again, I think the important message here is  12 that we're looking at something that is more holistic, is  13 more comprehensive to achieve the goals of this plan. So  14 some of our ideas to date -- let's take the water  15 conveyance facilities and their operations first. In the  16 near term, we're looking at ways that we can help solve  17 this issue in the Southern Delta, where water is moving  18 through the Southern Delta and creating a problem for  19 fish in a way that the water is being pulled down to the  20 pumps. A couple of conservation measures that we  21 identified, include putting gates in the channels that  22 supply water to the pumps that can be opened and closed  23 seasonally, depending on the presence of fish. That's  24 something that we're looking at doing in the near term,  25 that means in the next 5 to 15 years.</p>	<p style="text-align: right;">Page 13</p> <p>1 We are also looking at out flows. How much  2 water needs to be moving out into the San Francisco Bay?  3 What's required to help fish species recover?</p> <p>4 We are also taking a look at habitat  5 restoration. As I mentioned before -- let me pause and  6 make the point that, the notion is with all of these  7 conservation measures, none of them individually will be  8 as effective as if we did them all together. So what  9 we're really looking at again, is a sweep of individual  10 measures that are implemented systematically through  11 time, together, to achieve this goal of recovery.</p> <p>12 So we're looking at three different kinds of  13 habitat restoration in the Delta. One is flood plain  14 restoration, the other is tidal marsh restoration, that's  15 growing cattails and tules, and the other is providing  16 some restoration along the channel banks in the Delta.</p> <p>17 What we're looking at right now is specific  18 conservation measures in the Yolo bypass area, putting a  19 notch in the Fremont Weir and diverting Sacramento River  20 supplies so that we can inundate more frequently the  21 flood plain in this area to provide spawning and rearing  22 habitat for fish. We're also looking at, in the near  23 term, in this 5- to 15-year time frame, tidal marsh  24 restoration in the Cache Slough, in the Suisun Marsh and  25 here in the Western Delta.</p>

<p style="text-align: right;">Page 14</p> <p>1 Over the longer term, in the next 15 years out,  2 we're looking at restoration in the eastern portion of  3 the Delta, here in the Southern portion of the Delta. In  4 terms of channel margin restoration, that restoration of  5 the banks along the banks in the Delta, we're looking at  6 Steamboat and Sutter Sloughs in this area, some along the  7 San Joaquin River, additional flood plane restoration in  8 the San Joaquin River.</p> <p>9 And common sense would tell us, if we're going  10 through all this trouble of trying to determine how flows  11 and habitat interact with events of fish, we sure don't  12 want to be doing it in a place where there's invasive  13 species that are either disrupting the food web or are  14 predators for the fish species that we're trying to  15 recover. So the key element of this is identifying  16 conservation measures to more aggressively remove those  17 species, for example, or address localized water quality  18 issues that are impacting the survivability of the  19 species. That will be -- those will be completed  20 strategically throughout the Delta as we continue to  21 identify the habitat restoration opportunities.</p> <p>22 So where are we in this process? We've  23 identified approximately 50 conservation measures that we  24 are conducting further analysis on. This information is  25 available on our website, that's <a href="http://www.resources.ca.gov">www.resources.ca.gov</a>.</p>	<p style="text-align: right;">Page 16</p> <p>1 plan. At the end of 2009, we will have a draft public  2 plan, conservation plan, that will include this strategy.  3 Where we are in the process, today we're at  4 scoping meetings, March, 2009. We're doing some ongoing  5 outreach. We have steering committees, and every other  6 week, those are open to the public. We invite folks to  7 come and listen in on the discussion, make comments at  8 the end of those meetings so that folks can get engaged  9 and hear some of the ideas that are being considered.</p> <p>10 Our expectation is that we will have a  11 preliminary draft of the full conservation plan available  12 this summer. We will take that plan out into the  13 communities to help them understand what's in it and why,  14 get some input on that plan. In advance of our  15 expectations for a draft public plan, that we're required  16 by law to release that plan, provide opportunities for  17 comment and respond to those comments.</p> <p>18 Our expectation is that we would have a final  19 draft conservation plan in June of 2010. And as a result  20 of that plan, and the state and federal fishery agencies  21 would make decisions, permit decisions, to allow the  22 operations of the state and federal water projects, based  23 on the implementation of the conservation plan. And as  24 folks have been reminded, we are here in the  25 environmental review setting to provide scoping comments</p>
<p style="text-align: right;">Page 15</p> <p>1 There's several documents here. If you're interested in  2 further reading, if you catch me after, I can make sure  3 you've got all the right information.</p> <p>4 Where we are is continuing to identify and  5 analyze specific conservation measures that will make up  6 this strategy. There are a lot of additional evaluation  7 that we need to complete. We need to understand how cost  8 effective these measures are. Critically important is,  9 biological evaluations of these measures. What can we  10 expect to achieve to -- (inaudible) -- species recovery?  11 How sure are we that we can achieve it?</p> <p>12 Again, this process is based on the best  13 available science. We are going to have some  14 conservation measure where we have a fair amount of  15 certainty, that if we do these actions it will achieve a  16 particular level of recovery. Other measures we know  17 less, and we will need to approach slightly differently.  18 We also need to do an impact assessment. The impact of  19 the facilities that I mentioned, the impact of the  20 restoration, habitat restoration on endangered species  21 and terrestrial species in our planning area.</p> <p>22 Also, a key question is, how feasible is the  23 implementation? How practical is it? When we get on the  24 ground, can we do it? These are all critical questions  25 that we need to answer as we continue to develop the</p>	<p style="text-align: right;">Page 17</p> <p>1 on alternatives, what impacts we need to analyze, how we  2 need to analyze them.</p> <p>3 The expectation is that we will have a draft  4 EIR/EIS coming out at the same time as the draft  5 conservation plan, a final EIR/EIS, at the same time we  6 have the conservation plan. And the EIR/EIS will issue a  7 record of decision on the plan.</p> <p>8 So in summary, I just want to explain to folks,  9 we are here today to provide our updated thinking on the  10 conservation strategy, to provide some details and  11 understanding of the approach taken to date, answer your  12 questions about that approach, recognize in the process  13 we are -- we will have a draft plan available this  14 summer, and we want to get your input on that.</p> <p>15 So with that, I think I will turn it over to  16 Pam, she's our facilitator for today. And again, we've  17 got Paul Cylinder, Paul Marshall here, who are wanting to  18 take your questions about proposed actions. I'm sure  19 some folks will have some comments on alternatives of  20 those sorts of things. You're free to make them. We  21 have a court reporter in the room who is capturing them.  22 There's also an opportunity in the other room to provide  23 your comments, detailed in writing to folks who will be  24 capturing all of them.</p> <p>25 So with that, I want to thank you very much for</p>

<p style="text-align: right;">Page 18</p> <p>1 coming out today. I appreciate your time and attention  2 that folks are paying to the conservation plan. It's  3 pretty important for the State of California. Thank you.  4 PAM JONES: Again, my name is Pam Jones. I'm  5 an independent moderator. I don't work for any of the  6 agencies. And our goal for the Q and A session, is to  7 make sure that anyone who wants to either make a comment  8 or ask a question, has the opportunity to do so. It's  9 about 2:20 right now. Our thought is to go till about an  10 hour, to leave you time to make sure that once you've had  11 the opportunity to think about some questions, that you  12 make sure you go back in the next room and talk to the  13 individuals one-on-one and really make your comments over  14 there.  15 To get an idea of about how many people are  16 going to speak, how many of you would like to speak?  17 Okay. Go ahead and fill out the cards. I'm going to  18 call them in order. What we're going to do, we're going  19 to start with, if you're going to make -- or state a  20 question, ask a question, go ahead and ask your question,  21 and if you'd like to do a follow up, go ahead and do the  22 follow-up.  23 If you're going to make a statement, let's try  24 to keep it to about three minutes to start off with, it  25 forces you to be concise. Looks like we'll have an</p>	<p style="text-align: right;">Page 20</p> <p>1 to be imported into the Mokelumne Hatchery, so that means  2 the Mokelumne has to be self-sufficient. And we know  3 that based on coded wire tag studies by the Fish and  4 Wildlife Service, survival rates on that side of the  5 Delta are roughly one-third of what you would get in the  6 Sacramento River. And it's so much so that, you know,  7 the Delta cross-channel gates are operated to keep fish  8 from entering that portion of the Delta.  9 So we hope that you would consider some  10 structural fixes to keep salmon steelhead from the  11 Mokelumne River from being entrained in the conveyance  12 corridor that would include the South Fork of the  13 Mokelumne River, middle river to the Victorian Canal.  14 And again, I thank you for the opportunity to  15 make comments.  16 PAM JONES: Daniel Jordan, Hoopa Valley Tribe.  17 DANIEL JORDAN: Good afternoon. I have a  18 written statement, I'll leave for the record, if you'd  19 like. I'll just briefly go through it. The Hoopa Valley  20 Tribe is in Northern California on the Trinity River. We  21 have the luxury of being the only river system that  22 actually is diverted and into the Central Valley. The  23 Trinity River delivers several hundred thousands acre  24 feet to the Sacramento River. It affects the Sacramento.  25 It also affects the Bay Delta and water is ultimately</p>
<p style="text-align: right;">Page 19</p> <p>1 opportunity later to go through and have a second round  2 of questions or comments, if you would like to do that.  3 But we have the folks up here to answer your questions,  4 if they can't answer it, you have other folks you can  5 refer to or you're going to -- okay. So first we have  6 Joe Miamoto, East Bay Municipal Utilities District. Go  7 ahead and use the center mic there.  8 MR. MIAMOTO: Okay. Again, my name is Joe  9 Miamoto, East Bay MUD, and I want to thank you for the  10 opportunity to provide public comment. I had already  11 asked some questions during the webinar you had several  12 weeks ago. So instead, I'd just like to focus on my  13 comments based on my own observations of the public  14 participation process.  15 East Bay MUD operates a fish hatchery on the  16 Mokelumne River. For both -- (inaudible) -- salmon and  17 steelhead, and the river also has naturally produced  18 salmon and steelhead, which are covered species under the  19 plan. And we hope that the plan addresses ways to  20 improve the survival of salmon and steelhead from the  21 Mokelumne River. Because under the current situation, we  22 don't believe the run can be self sustained. And it has  23 become even more important recently with the change of  24 Fish and Game policies on egg transfers. No longer are  25 they allowing surplus eggs from say, the Nimbus Hatchery</p>	<p style="text-align: right;">Page 21</p> <p>1 delivered to the west side of the San Joaquin River.  2 The Trinity River Division was originally  3 authorized to divert only 56 percent of the flows from  4 the Trinity River into the Central Valley. The federal  5 government diverted 90 percent. As a result, about 80  6 percent of the Trinity River Fishery was destroyed.  7 Jumping ahead -- just summarizing these are written in  8 our document.  9 The CVPIA in 1992, had a provision --  10 (inaudible) -- of Section 3406, that said that the  11 Secretary of Interior of the Hoopa Valley Tribe, should  12 work with Fish and Wildlife Services and other agencies,  13 work to establish a record of decision. We signed it in  14 December 19, 2000, and it provided a readjustment in the  15 flows by 268,000 acre back to Trinity River, as a trust  16 obligation, conditioned upon a -- and that basically  17 represented a 47 percent flow to the Trinity River, 53  18 percent continued to be going down to the Sacramento and  19 into the Delta and San Joaquin Valley, but it was  20 conditioned upon delivering a restoration program. Today  21 that restoration program has pretty much been a failure.  22 And we have court orders that say that the federal  23 government is in a breach of responsibility to the Hoopa  24 Tribe.  25 The Court of Appeals said that the restoration</p>

<p style="text-align: right;">Page 22</p> <p>1 of the Trinity River is unlawfully long overdue. I'll  2 get to my point. In 2007, we attempted to provide a  3 legislative financial fix for the Trinity River, which  4 was an alternative funding source. Unfortunately, the  5 San Joaquin contractors and the Department of Interior  6 opposed that, so we're back to square one. So the  7 Trinity, 323 of the CVPIA, says that the full funding for  8 restoring of the Trinity River shall be paid by the  9 contractors, that is not being enforced today. It's a  10 matter of basically putting a provision in the contract.  11 So anyway, jumping forward, the Hoopa Tribe is  12 faced with basically a dilemma for the Sacramento and  13 Delta and the water delivery -- water contractors in San  14 Joaquin, where we're going to -- and we're willing to  15 enforce our contract. We're willing to abide by the 53  16 percent of the -- (inaudible) -- provided that the United  17 States fulfill its obligation to restore the Trinity  18 River. Now, failing to do so, we expect our water back,  19 which is going to affect the Sacramento. It's going to  20 affect the Delta, and it's going to affect in the San  21 Joaquin Valley. We have a list of recommendations for --  22 in our document -- the first four is basically to fully  23 implement the record of decision. The contract that was  24 signed with the Hoopa Valley Tribe, as per the  25 congressional mandate.</p>	<p style="text-align: right;">Page 24</p> <p>1 with the funding in the -- (inaudible). The Central  2 Valley Project Improvement Act Program Activity Report  3 clearly says there is insufficient funding to implement,  4 and that's why we have Delta problems. That's why we  5 have salmon problems, and the -- unfortunately, the San  6 Joaquin legislation that we're just -- (cell phone  7 interruption. Inaudible) -- the house has a provision  8 that will further reduce the availability of restoration  9 funds by about 25 percent. And there's nothing in the  10 Act that protects the funding base for any of the CVPIA  11 programs.  12 And there's also another provision to get past  13 this artificial payroll problem that the San Joaquin  14 agreement, the San Joaquin settlement, will provide --  15 will trigger half a billion dollars of new federal  16 expenditures, new federal costs after 10 years, because  17 it's a 10-year window of -- so it just simply triggers it  18 in 11 years.  19 When we look at the Delta, when we look at the  20 Trinity River, we have a real financial crisis. It's not  21 just a water crisis. It's a financial crisis. And we  22 need to seriously look at how all this is going to be  23 dealt with, because to fix Delta Smelt there has to be a  24 funding program, to fix salmon -- ocean fisherman are  25 completely shut down at this point. We were shut down up</p>
<p style="text-align: right;">Page 23</p> <p>1 Another part of it is, that we don't know how  2 the federal government operates with the tribe, with  3 respect to CVP and the California Water Supply. We just  4 was in a meeting with the regional director of the Bureau  5 of Reclamation and Fish and Wildlife Service about two  6 weeks ago, and we specifically asked about this  7 subordination, and we didn't get an answer for it.  8 So one of the problems with California Water  9 Supply is that the 1937 CVP requires the delivery of  10 water to California Indian tribes, yet there is not one  11 contract. So when the United States starts abiding by  12 structural responsibility, those tribes are going to want  13 California water supply. And it's going to come out of  14 the Delta supply, and it's going to come out of  15 Sacramento and that needs to be addressed by the federal  16 government as a trustee, because it's going to affect the  17 water supply here.  18 There's another provision in the 1955 Trinity  19 River Act, that says that another 50,000 acre feet, that  20 over and above the record of decision posed, is  21 deliverable to the Trinity River. We expect the Delta  22 plan to consider that and provide that 50,000 acre feet  23 over and above and back to the Trinity River for  24 fulfilling that legal obligation.  25 Finally, we're all dealing with this problem</p>	<p style="text-align: right;">Page 25</p> <p>1 in the Trinity River. To fix these problems, we now have  2 to have guaranteed funding sources, along with  3 conveyances and all these plans, because there are other  4 parts of the funding, which CVPIA says it's a contractor  5 pay, user pay, but that's not in the process.  6 Just one last comment. We think that there  7 ought to be a tribal trust responsibility committee, or  8 within the federal agency, Fish and Wildlife Service and  9 Bureau of Reclamation, so that we actually have a  10 meaningful mechanism to participate in. We don't have to  11 go to Sacramento. It was San Diego last week or it was  12 Bakersfield the week before, and it was Fresno before  13 that, to comment on things that the federal government  14 has a trust obligation to deliver to tribes. Throughout  15 this process we think there ought to be a trust  16 committee, so that there's a mechanism that is meaningful  17 to Indian tribes, so that they can show up and  18 participate and have meaningful meetings with their  19 trustee agencies. Thank you.  20 KARLA NEMETH: Thank you for your comment.  21 PAM JONES: Can I have Rick Baker and then  22 Pierce Swan. Rick Baker a Delta resident and Pierce Swan  23 Irvine -- (inaudible).  24 RICK BAKER: I just have one quick question. I  25 understand that the State Water Resources Control Board</p>

<p style="text-align: right;">Page 26</p> <p>1 is responsible for the regulatory for all service  2 diversions in the State. What possible recommendations  3 or guidelines or suggestions are you planning to make  4 through this EIR/EIS process, with respect to operational  5 criteria or sustainable flood levels, as well as timing  6 of those exports with operation of that facility?  7 PAUL CYLINDER: One of the things that we have  8 to do in this whole proposals is come up with a set of  9 operational criteria, possibly more than one set of  10 operational criteria for the EIR/EIS process. What we'll  11 be doing is, we'll be looking at those operational  12 criteria, running them through the best models available,  13 and we'll be evaluating how well they perform in a number  14 of different criteria, everything from water quality, to  15 flow stages, and so forth. And we'll be presenting that  16 information to the State Water Resources Control Board  17 for their evaluation as well.  18 They have a, as you pointed out, they do have a  19 process that they have to protect the State water users,  20 and so they'll be looking at all of the information that  21 we present to see if we met that standard.  22 RICK BAKER: So do you plan to come up with a  23 ballpark figure or some sustainable amount of water to be  24 exported from the Delta?  25 KARLA NEMETH: Let me answer that question.</p>	<p style="text-align: right;">Page 28</p> <p>1 printed material. And I'm wondering if you got a little  2 bit in front of the cart, or the cart a little in front  3 of the horses, in doing so, and if you are, you know,  4 coming up with a BDCP that's predicated on an east side  5 alignment, assuming that the people who divert water want  6 to drink the sewage, you know, basically from the Sac  7 Regional Plant, because the intake is right below it.  8 I'm just wondering, so has the EIR/EIS process, you know,  9 come up with a preferred alternative that I'm not aware  10 of.  11 KARLA NEMETH: No, it hasn't. But it's a  12 really important question, and I'm glad you asked it,  13 because there's a distinction that I want to make. In  14 conservation planning one of the things that we need to  15 do is come up with an overall strategy, and we need to  16 assess the impacts of that overall strategy on biological  17 resources. It's more narrow. And so in order to do  18 that, as part of the plan, we need to have and have the  19 discretion to pick, the kinds of facilities that we think  20 we need to achieve the recovery of water supply  21 objectives of the plan. This, as a package, is part of  22 the environmental review process, as a proposed action  23 where all kinds of alignments -- if you go to the other  24 room, you'll see there's lots of different alignments,  25 and the EIR/EIS has not picked a preferred action, so</p>
<p style="text-align: right;">Page 27</p> <p>1 This plan is about how do we optimize water supply  2 reliability with ecosystem restoration. It's not about  3 new water rights. It's not about more water. It's about  4 optimizing the system under current water right  5 obligations to see what we can do to better balance water  6 supplier reliability with recovery. It's not about new  7 water. It's not about additional water, and there are  8 some key ways in which we are looking to help answer that  9 question. The few that I went over today, in terms of  10 what kind of flows are required in the Delta to help the  11 species recovery is a key part of the plan.  12 PAM JONES: Okay. Pierce Swan. And then do we  13 have some other cards, other questions from folks? It  14 won't be your last chance, if you don't speak here. You  15 will have the opportunity to speak one on one next door  16 and share your comments as well.  17 PIERCE SWAN: Yes. I'm Pierce Swan. I am a  18 director at Irvine Water District, but these are my  19 personal comments. I want the record to reflect that.  20 After 30 years in the water industry, also as a former  21 director of MWD and a number of other aspects and other  22 organizations. I was not aware right up front that the  23 EIR/EIS process has selected a preferred alternative for  24 the Delta, and yet you appear to be most certainly  25 planning on the east side diversion, and it shows in your</p>	<p style="text-align: right;">Page 29</p> <p>1 we're -- we're early in the EIR/EIS process, but that's  2 why you're seeing that on the map.  3 PIERCE SWAN: I just want to point out that one  4 of the concerns that my fellows from East Bay Municipal  5 Utility District did is, you know, when they're pumping  6 from their diversion -- their new diversion or new  7 planned diversion, that they wanted to make sure that  8 they were not pumping sewage back into their diversion  9 point, so they were very careful in that, and yet you  10 know, the east side thing, is -- takes it all. And if  11 that's the case, and you're doing the planning, I want to  12 know that you're looking at the impacts of introducing  13 that amount of ammonia, in all the east side tributaries,  14 you know, into the structure that you're planning on  15 doing the analysis of what that will do, what the  16 endocrine disrupters and all the other, you know, things  17 would be to all the fish and wildlife on the east side of  18 the Delta that don't necessarily get that flow at this  19 point in time; is that being taken into consideration?  20 PAUL CYLINDER: Absolutely. I'm not quite  21 clear what you're asking about introducing into the east  22 side. We're not connected to the east side at all in  23 this case. It's a facility that would -- that would be  24 isolated and convey water to the south Delta.  25 PIERCE SWAN: So the original peripheral canal</p>



<p style="text-align: right;">Page 30</p> <p>1 that I worked on back in the early '80s had the points 2 where they released water into each of the tributaries; 3 that is no longer in the planning? 4 PAUL CYLINDER: It's not part of the 5 alternatives that we've been looking at. Well, actually, 6 there were earlier scenarios that we looked at that 7 included all of these different scenarios that have been 8 looked at in the past, and we certainly worked through 9 discussions on a lot of those different approaches, but 10 the approach you see here does not include that. 11 PIERCE SWAN: And in your earlier comments you 12 mentioned that the two big diverters from -- and there's 13 no argument that there's two big diverters, but there's 14 also, you know, three others that are in that area and 15 then there's the Delta itself, and I'm sure all of those 16 in there -- discharges are being considered in the BDCP? 17 I have not followed it that closely, so... 18 KARLA NEMETH: Absolutely. Thank you for your 19 comments. That was very helpful. 20 PIERCE SWAN: Thank you very much. 21 PAM JONES: Okay. Ben Swan, CEM Engineering, 22 and then Tim Newharth. 23 BEN SWAN: Ben Swan, CEM Engineering. I'm not 24 representing CEM. I'm not related to Pierce Swan either. 25 I'm actually from Northern California, here in</p>	<p style="text-align: right;">Page 32</p> <p>1 TIM NEWHARTH: Can we put up your slide with 2 the conveyance and all that? I'd appreciate it if you 3 could. Do you have the bigger one? Yeah, I think that's 4 the one. There you go. That's close enough. My name is 5 Tim Newharth, Delta resident and farmer. My family is a 6 long-term people in the Delta. I brought this up before, 7 and I continue to bring it up. And I know you've all 8 heard me in front, but it's a new crowd and a new day. 9 You guys are doing the same thing, right? 10 (Audience laughter.) 11 TIM NEWHARTH: We're talking about a conveyance 12 system that's going to take water from the northern part 13 of the Delta, take it around the outside, and take it 14 down to the pumps down in -- (inaudible) -- and the 15 associates area. 16 Right now the river is flowing somewhere around 17 15,000 cubic feet a second. It was flowing lower than 18 that around 13,000 before we had this rain event that we 19 had in the last month. The system that you're intending 20 to build carries -- is designed between 15,000 and 25,000 21 cubic feet a second. So my question is, is that if we're 22 going to take -- and my comment -- if we're going to take 23 that much water out of the top of the Delta and take it 24 around and shove it down at the bottom, where is all this 25 water coming from?</p>
<p style="text-align: right;">Page 31</p> <p>1 Sacramento. We're actually fine with sending our waste 2 water to Southern California. 3 UNIDENTIFIED SPEAKER: Yeah, we've been taking 4 your shit for years. 5 (Audience laughter.) 6 BEN SWAN: I actually asked this question next 7 door, and they told me to bring it over here and ask you 8 guys. The San Joaquin River is on a restoration course 9 or a collision course restoration similar to the BDCP, 10 what's being done to coordinate those two efforts as you 11 move forward? 12 PAUL CYLINDER: You know in many ways, it's 13 been in separation of where we're focused and where the 14 San Joaquin program is focused, so geographically we're 15 not touching what the San Joaquin Program is dealing 16 with, in terms of habitat restoration. We're focusing on 17 the legal Delta as our boundary. In terms of flows from 18 the San Joaquin River, we're allowing that program to 19 identify what the flow will be. So it's basically a 20 matter of coordination through keeping ourselves as close 21 as we can, we try to look over to planning, but as close 22 as we can with regard to assessing the outcomes for water 23 supply and for fisheries from the activities. 24 PAM JONES: Tim Newharth, and then Linda Dorn, 25 Sacramento Regional County Sanitation District.</p>	<p style="text-align: right;">Page 33</p> <p>1 We've got other issues with takes from the 2 river, as far as these valleys are concerned. Sacramento 3 has just installed a new take system. We have issues 4 with the sewage treatment plant, discharging water that 5 is not of the quality it is supposed to be in the first 6 place, as it relates to ammonia is the big issue these 7 days. And the more water we take out of the Delta, the 8 more depleted and the more undiluted it becomes. The 9 Delta is a very precious ecological resource that has a 10 lot more to do with than just fish, and I understand 11 we're after the fish. Okay. Fine. But we've got flora 12 and fauna. We have bird species. We have all kinds of 13 things in the Delta that relate to the Delta. 14 The Delta is the Delta because of water. 15 Without the water, it ceases to become a Delta. It 16 becomes a dried up, or whatever, and we're tweaking with 17 the system that has been tweaked with and tweaked with 18 and tweaked with, and now we're going to do a big one. 19 And I don't think anybody really knows what the long-term 20 consequences of that is going to be. You can put up 21 whatever kind of models you want to put up, as the other 22 gentlemen said from up north, you know, they've got a 23 restoration project up there that has had no affect on 24 any restoration whatsoever. There's issues with 25 availability of funds to do these things, so on and so</p>

<p style="text-align: right;">Page 34</p> <p>1 forth, but we're assuming this is all going to work.  2       Secondarily, I've heard lately that we're only  3 going to pump this water out of the Delta, from the north  4 end, when there's adequate flows to do that. Well, last  5 year there weren't any flows to do that with. We're in a  6 drought cycle, and I think this drought cycle is more the  7 norm in the coming years, rather than the exception.  8       So if we don't have the flows to make this  9 system work in the first place, we're spending billions  10 upon billions upon billions on something that may or may  11 not work and may or may not be workable, depending on the  12 flows coming down the river in the first place. This  13 past rain event we've had, maybe a month of higher than  14 normal water, a month. So is this system going to  15 operate two months out of the year, at best, maybe some  16 years not even operate at all, but yet we're going  17 through all this to do that. This does not pass a common  18 sense test with me, personally. It just doesn't pass the  19 common sense test.  20       You talk about altered hydrodynamics, water  21 movement and interaction with canal beds and banks, and  22 it does not provide the proper nutrients, water  23 temperatures, water volumes, water speed, or water depth,  24 to support fish species.  25       So if we're going to alter hydrologically the water</p>	<p style="text-align: right;">Page 36</p> <p>1 as Tim rightly points out, is how do we operate these  2 facilities? What's the timing of flows? How much flow  3 can be moving through a northern diversion or a southern  4 diversion to help recover fish species, to provide water  5 supply reliability, to manage salinity in the Delta  6 against various hydrologic years, when it's critically  7 dry, dry, average year or wet? These are all kinds of  8 operational parameters for the system that the  9 conservation plan will lay out.  10       PAM JONES: Okay. Linda Dorn.  11       LINDA DORN: Linda Dorn with the Sacramento  12 Regional County Sanitation District, and I just have a  13 comment and also a question. And the comment really goes  14 to -- a few comments have been made about the ammonia  15 discharge, and I just want to be clear that it has not  16 been proven scientifically that that has an impact. I  17 know it's been portrayed publicly that it does. And we  18 are currently working with CALFED and the Regional Water  19 Quality Control Board to determine if there are impacts  20 to the ecosystem from our discharge.  21       And also, what I'd like to know, you said that  22 there will be the proposal out sometime in the summer,  23 and we're particularly interested in the conveyance and  24 from an operation's protective too. So do you have any  25 idea when in the summer? Are we talking later summer,</p>
<p style="text-align: right;">Page 35</p> <p>1 flows that are already going through the Delta, how is  2 that going to be a positive in regards to fish species,  3 or wildlife species, bird species, or anything else, not  4 to mention the people who live there and work there in  5 the agriculture element of the Delta?  6       All I see is this being a way to get clean  7 water down South and to make up for what the San Joaquin  8 River does not supply any longer and probably will not  9 supply in the future, unless you've got more water  10 storage. You've got to have water storage to put in this  11 canal and you've got to have water storage when it leaves  12 the canal, neither of which has been provided for. So we  13 build a ditch and we have no water to put in it. It  14 doesn't make sense to me. Thank you.  15       KARLA NEMETH: Thanks, Tim. I think Tim made  16 several good points that I do want to address. And  17 there's a first point of clarity. The canal that we're  18 contemplating, in terms of capacity, is 15,000 cubic feet  19 per second, and that's the existing capacity of the  20 pumps. The point of contemplating these kinds of  21 facilities is how do we operate them more flexibly so  22 that we can meet the demands, we can optimize the need  23 for water supply reliability with these fish species  24 recovery, so that we are -- let me just make another  25 point of clarification -- what will come out of the plan,</p>	<p style="text-align: right;">Page 37</p> <p>1 mid summer, early?  2       PAUL CYLINDER: We're working on, obviously, a  3 lot of things simultaneously and working with your staff  4 to provide information on -- (inaudible) -- in terms of  5 timing, we're looking at describing the project, the  6 program, what the HCP/NCCP will look like as a plan, in  7 terms of all these conservation plans that Karla has been  8 talking about. But we also have -- and we expect to be  9 developing that through the -- and through -- over our  10 process through the spring, and by summer, to have a full  11 description, not only of the features of the plan, the  12 conservation measures, as we call them, but also chapters  13 describing governance structure of the Bay Delta  14 Conservation Plan for implementation, a description of  15 the cost of the plan for implementing and the funding  16 sources for the plan, so there's a lot of pieces that go  17 into a full document. And we'd love to have that in the  18 summer. We say mid summer, that's the best we can  19 estimate at this point, but our goal is to have something  20 in the July time.  21       LINDA DORN: Thank you.  22       PAM JONES: Last call for any questions or  23 comments during this official part of the question and  24 answer session. Okay.  25       Karla?</p>

1           KARLA NEMETH: Thank you folks for coming out.  
2 It's good to see you all here. Thanks again.  
3           (Whereupon the meeting was adjourned at 2:48 p.m.)  
4                   --oOo--