Appendix C

Scoping Comments Received

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

CALIFORNIA DEPARTMENT OF WATER RESOURCES

LONG-TERM WATER TRANSFERS EIS/EIR

PUBLIC SCOPING MEETING

Tuesday, January 11, 2011

Chico Masonic Family Center

110 West East Avenue

Chico, CA 95926

REPORTED BY: FREDDIE REPPOND, STENOGRAPHIC REPORTER

Tuesday, January 11, 2011 6:11 o'clock p.m.

[Questions and comments from the public began at 6:45 p.m.]

FRANCES MIZUNO: My name is Frances Mizuno. I'm with the San Luis and Delta-Mendota Water Authority. The Water Authority is a joint powers authority. We actually consist of 32 member agencies, all of which are Central Valley project water contractors south of the Delta. Most of our contractors are ag districts. So we're the ones that are south of the Delta that in certain years that we're looking to purchase water to supplement the water supply because of either drought conditions or regulatory constraints that prevent us from getting our supply. So hopefully that answers who the Authority is.

UNIDENTIFIED SPEAKER [OFF MIKE]: [inaudible]

MS. MIZUNO: Yes. We are member agencies, primarily -- like I said, primarily ag districts. We cover from the city of Tracy, just south of the Delta, all the way to Westlands Water District to Kettleman City. We do also include San Benito County Water District as well as Santa Clara Valley Water District.

UNIDENTIFIED SPEAKER [OFF MIKE]: San Diego?

MS. MIZUNO: Did I say that? I didn't mean to say that. San Benito. San Benito Water District, which

is primarily an ag water district; and Santa Clara Valley Water District. They are primarily a municipal/industrial district.

UNIDENTIFIED SPEAKER [OFF MIKE]: How large is your legal defense fund?

UNIDENTIFIED SPEAKER [OFF MIKE]: I'd like to know what [inaudible] may be on the groundwater levels would be up here. And if it -- how is the need determined what's deleterious? And who is going to decide how to slow down or to stop the process if it is, in fact, deleterious? I'm afraid that once this thing gets started, like Westlands, water contractors will just keep wanting more product. And how do we shut you off?

MS. MIZUNO: That is the reason that we're doing this process. We're doing this ten-year environmental review process to analyze what available groundwater there may be available for transfers that is within the state's yield. And that's why we don't really have a project description, because we're wanting to hear what is possible. The whole process here is to analyze what is possible, what environmental impact there may be, and what mitigation we would have to take care of to get to do that.

UNIDENTIFIED SPEAKER [OFF MIKE]: What is

possible according to whom? You know, who's making that determination?

MS. MIZUNO: Well, this is going to be a public process. Reclamation has hired a consulting firm, CDM. And they are here tonight and they're evaluating what types of groundwater models that we're using. And through this whole process it will be -- that's what we're trying to find now.

UNIDENTIFIED SPEAKER [OFF MIKE]: Westside has a history of reselling their water to Southern California. They had the federal law changed. When land went fallow, the government didn't get it back. They had it changed where if the land went fallow the owner got to keep the water. And, from what I've read in my farm magazines, they turned around and sold it to Southern California. So Westlands [sic] has a history of taking it, changing the federal law, and selling it.

UNIDENTIFIED SPEAKER [OFF MIKE]: Who would be the potential sellers?

UNIDENTIFIED SPEAKER [OFF MIKE]: And would their names be published in the newspapers?

UNIDENTIFIED SPEAKER [OFF MIKE]: Who are these people?

UNIDENTIFIED SPEAKER [OFF MIKE]: It needs to be published.

MS. MIZUNO: The environmental document will identify all the potential sellers and they will be listed out by name as well as all the potential buyers. One of the things that is ongoing right now is identifying those sellers that want to be included as part of this analysis. If they're not included as part of this analysis, once the document is completed, they would not be able to sell water utilizing this environmental document.

UNIDENTIFIED SPEAKER [OFF MIKE]: [inaudible]

MS. MIZUNO: They are going to be mostly water districts. At this point I guess an individual can, but most likely they will be water districts. And they are most likely going to be the Central Valley project contractors district.

UNIDENTIFIED SPEAKER [OFF MIKE]: [inaudible] is that one district, or Westside, says we'll take sixteen farms or public families and we'll pick six out of those to buy their water from them and sell it so they get part of the profits. So is this going to be a lottery system for you guys in your area for the farms? I mean what's going down here? I mean -- I'm sorry. It's a red flag. It really stinks. I mean we really stick a big straw and do like Crystal Geyser did over across at Orland and sold out on them.

MS. MIZUNO: Well, whatever transfers that we propose would have to pass environmental muster and making sure there is no environmental impact. And if there are, then we would have to have mitigation.

UNIDENTIFIED SPEAKER [OFF MIKE]: Okay. Are all your meetings open to the public?

MS. MIZUNO: Which meetings?

UNIDENTIFIED SPEAKER [OFF MIKE]: All meetings.

MS. MIZUNO: Yes.

UNIDENTIFIED SPEAKER [OFF MIKE]: That's the irrigation districts?

MS. MIZUNO: Yeah. We're all public agencies and we're -- we have open meetings.

UNIDENTIFIED SPEAKER [OFF MIKE]: So how are you going to notify everybody? What medias are you going to use?

MS. MIZUNO: Well, when we propose -- the way that I've been involved in water transfers is, when we indicate that we -- the Authority on behalf of a member agency, what we do is we go out and get the purchases and then we make that water available to the water buyer through our member agencies. We go out to folks up north and indicate that we're interested in the water; and those districts that are interested in selling some

to us, then we will have some discussions on potentially the quantity of water they have available and how much we are wanting to purchase. In the past, we've had to do that on an annual basis; and we've had an annual environmental review of environmental documents. We're trying to avoid doing annual-type of transfers and want to do a little more of a comprehensive analysis on water transferring. That's what this is all about. So we can do a long-term comprehensive analysis on all potential transfers that occurs from north of the Delta to the contractors -- to CVP contractors south of the Delta.

UNIDENTIFIED SPEAKER [OFF MIKE]: I have -- my concern is that, representing the City of Chico on the drought task force [unintelligible] City Council member. I'm no longer there. I'm a citizen now. The problem was that they held their meetings with the task force in Southern California -- Ontario -- and in Sacramento, where people from Northern California talk about the water transfers, water programs, et cetera, in terms of utilizing our aquifers, is that they have these meetings far enough away knowing that we can't afford to come down there because of the fact of trying to get to an airport, et cetera. So if this is going to go through, are you going to have meetings here in Chico? Are you going to have meetings in Redding, Red Bluff, Tehama?

Because you're affecting those aquifers.

MS. MIZUNO: That's why we're here.

UNIDENTIFIED SPEAKER [OFF MIKE]: That's why we're here.

MS. MIZUNO: I'm really pleased to see everybody here, because, really, what Brad emphasized earlier, is that we are here to hear your concerns; what you think is viable projects; what you think are not viable projects; so that we can include that in the analysis of the --

UNIDENTIFIED SPEAKER [OFF MIKE]: Put it in writing. Don't say [inaudible].

[Several people talking at once]

MS. MIZUNO: Thank you. I think putting your comment in writing is very important, because all those will be kept. They will be part of the whole document on this whole process. It will be included in the documents. So it would be much more effective if you put it in writing. Or if you want to go back and talk to the court reporter --

[Several people talking at once]

UNIDENTIFIED SPEAKER [OFF MIKE]: [inaudible] -- but what I'm interested in is the use of groundwater in this transfer process. How do you envision the use of the aquifers in this area, in the Northern California

region? How do you envision these aquifers being used in order to create these transfers? To many of us here, that's the central question.

MS. MIZUNO: In general, how groundwater is transferred is through groundwater substitution. So an example is a grower would pump groundwater to use for their irrigation and then provide their service water that they would otherwise have used -- to make that available for transfer sellers.

UNIDENTIFIED SPEAKER [OFF MIKE]: [inaudible] the use of the surface water, because we normally have here; and we're using the groundwater. And then we're also losing the water that would have infiltrated if we had used that surface water instead. So we're losing more than two times the amount of water.

UNIDENTIFIED SPEAKER [OFF MIKE]: [inaudible] and in a drought situation basically sell what is the water right by ownership. So you're going to go out and basically do this [inaudible]. It's a water right. It's not ownership. And to deplete the aquifer. Our aquifers have been going down steadily since we've developed this area. And it's not going any other direction. And eventually we may end up with a collapse of the aquifer, which is exactly what happened to you folks down there, which is why you have to bring water

in now.

And the misuse of water down there and then the scam that is going on, like the sales to Southern California. They took up there in the Owens Valley and found a rancher and took -- and bought the whole damned creek so that they could bottle sodas in L.A.

This kind of stuff is ridiculous. That water belongs in that aquifer.

UNIDENTIFIED SPEAKER [OFF MIKE]: [inaudible] And I'm from Cottonwood, California, in Butte County. Our neighborhood is right next to 4,800 homes that they want to put in. We don't have much water as it is up where I live; and I just don't see where it's going to end. I mean they got that through. There was a lot of grief about that. But it's there -- 4,800 homes. Del Webb. It's called [unintelligible] Village. It's all in there. You know, we got [unintelligible]. We've got other issues going on. And, for the life of me, I don't understand why they can't go to desalination plants --

[Several people talking at once]

UNIDENTIFIED SPEAKER [OFF MIKE]: [inaudible] if we don't stop. And I've been told by a member of -- that works there -- that nobody showed up at the meeting, so they figured they could do whatever they please. Nobody goes and votes against it. So it's

going to happen. I don't -- some farmer told him the other day, Oh, they won't do that. But they will do that. [unintelligible] I grew up there and I know what goes on and I know what their politics are. I listened to my dad and my mother for years. So it's not like -- it's political and they're after money and it's all they care about. Nobody cares about us.

MS. MIZUNO: But these transfers that we're looking at is not going to Southern California, though --

[Several people talking at once]

UNIDENTIFIED SPEAKER [OFF MIKE]: [inaudible] -- the community kind of stands together. And we don't want to get involved in this. What process does the community take just to politely say that we're not interesting in getting --

[Several people talking at once]

MS. MIZUNO: I'm not quite sure how to answer that. I'm a buyer.

UNIDENTIFIED SPEAKER [OFF MIKE]: My question is there's apparently monitoring of the groundwater. Does the State of California monitor groundwater now? Does the Bureau monitor groundwater? Is anyone monitoring groundwater?

MS. MIZUNO: Yes. The Department of Water

Resources monitors groundwater. I know many of the water districts themselves monitor the groundwater. There are different agencies doing that around the state.

UNIDENTIFIED SPEAKER [OFF MIKE]: Going against what you said about earlier, farming with your well water and just selling the surface, my good friends down in Ridgedale a few years ago were going to irrigate with their surface, turn on all their pumps, and sell it to the people down south. It was figured out thousands of shallow wells in Butte County would go dry, including three of mine, [unintelligible]. Who's going to mitigate redrilling the well? A 200-foot well from scratch with all the new mandated tests is now $30,000. Now, who's going to give me that when, despite what you say, irrigating with the ground and selling the surface, everybody wants to do just the opposite.

MS. MIZUNO: Well, that is the reason that we're going through this process is to do the analysis on what is the safe way of doing groundwater substitution transfers.

[Several people talking at once]

MS. MIZUNO: Well, the contract -- our water contract is with the federal government not with the state.

UNIDENTIFIED SPEAKER [OFF MIKE]: I have a question for the Bureau. Who are these various water agencies that are requesting to facilitate this transfer?

TIM RUST: Let me first introduce myself. My name is Tim Rust. I am with the Bureau of Reclamation; and I work very closely with Brad and the consulting team on this project.

I'm hearing a lot of concerns about the impacts to the community, the groundwater, the surface water. I want to emphasize this is not Reclamation or DWR or the Authority, who is going to be the sellers in this program. The program, if you want to call it that, even though we don't want to call it that, is strictly a willing seller/willing buyer effort. What that simply means is that no water will get transferred if there's not a willing seller that exists to want to sell their water.

[Several people talking at once]

MR. RUST: Okay. No, I'm not -- no, listen.

UNIDENTIFIED SPEAKER [OFF MIKE]: [inaudible]

MR. RUST: Not necessarily, because -- and I'll tell you why -- is because Reclamation and DWR have to approve those transfers; and we have to approve those transfers in accordance with environmental laws, state

laws. And one of the key things is consumptive use. We will not transfer water that has not been consumptively used. That is a downright no-no.

[Several people talking at once]

MR. RUST: I will explain to you what I mean by consumptive use. And consumptive use is the amount of water that the crop uses.

UNIDENTIFIED SPEAKER [OFF MIKE]: What about the groundwater?

MR. RUST: The groundwater is a one-to-one transaction between surface water and groundwater. That's where you pump the groundwater and the district uses that water to irrigate their lands and then make their like amount of surface water available for transfer. That --

UNIDENTIFIED SPEAKER [OFF MIKE]: How far are you going to allow the groundwater to go down?

MR. RUST: That's what the environmental analysis will look at. We will not -- we will not transfer water that impacts safe yield.

UNIDENTIFIED SPEAKER [OFF MIKE]: You actually expect me to believe that [inaudible] coming down from all those different side canyons? I don't think you're going to be able to know that, so how in the world can you mitigate that impact?

[Several people talking at once]

UNIDENTIFIED SPEAKER [OFF MIKE]: Don't say you can do what you can't do.

MR. RUST: Okay. Let me explain this one more step further, if I could, please. All right?

Again, I want to emphasize that when Reclamation, DWR, post their process of approving a transfer, we have to do so in accordance with very strict mitigation and conservation measures. And those are the measures that are put in place to protect other users of that water. We don't know exactly what those mitigation measures are right now, because that's what the analysis will show us what we would need to do to protect other users, to protect the groundwater resources.

UNIDENTIFIED SPEAKER [OFF MIKE]: In 1994 there was no protection. So would you speak to that? In 1994 there was a big transfer. People were injured. The environment was injured. What were the mitigations and what were the protective measures?

UNIDENTIFIED SPEAKER [OFF MIKE]: They were told to go get an attorney.

MR. RUST: No, that -- what you're saying is true, but that is no longer the case. There's been very strict ordinances put in place.

UNIDENTIFIED SPEAKER [OFF MIKE]: By whom?

MR. RUST: By the counties, by the cities, by the state.

UNIDENTIFIED SPEAKER [OFF MIKE]: But they're not enforceable.

[Several people speaking at once]

PATTI RANSDELL: Excuse me. Just one moment, please.

We're not getting the actual comments. We've got people talking over each other. And if we're going to use this as a comment period, we need the court reporter to be able to hear. So if people could please speak for two minutes and one at a time, we would really appreciate it. Thank you.

UNIDENTIFIED SPEAKER [OFF MIKE]: I have an observation. You're only talking about the user as far as farmer [inaudible] digging the wells. But what about the environment? If you drop the groundwater down, you become a desert. [inaudible]. And that's what we -- we don't want to live in a desert. We don't want to live in San Joaquin Valley. It's a desert.

MR. RUST: Okay. We are -- our court reporter is unfortunately not able to hear everybody's comment. So we're -- there would be -- what my suggestion is, if you have a comment that you'd like recorded, to come up

and use this mike, because I think this is the only mike we have in the room right now. So I can turn this thing around. But there's a two-minute time limit. If you would like to have your comment recorded, then please use the mike here.

UNIDENTIFIED SPEAKER [OFF MIKE]: Are you going to answer any questions?

MR. RUST: Pardon me?

UNIDENTIFIED SPEAKER [OFF MIKE]: Are you going to answer any questions?

UNIDENTIFIED SPEAKER [OFF MIKE]: What about that environmental question?

MR. RUST: Let me address -- can you repeat your question one more time, sir?

UNIDENTIFIED SPEAKER [OFF MIKE]: You've concentrated on human uses and mitigation. But if the groundwater drops far enough, which it will, the trees and everything are going to die. We're going to become a desert, just like the San Joaquin Valley, and you can't mitigate that.

MR. RUST: Your point is very well taken, sir. And we -- again, I emphasize, when we do -- when we go about looking at the analysis, there will be mitigation and conservations put in place to avoid what you're just saying. I know the fish and wildlife service is on top

of this. They will not be happy if we do anything like that. I can tell you that right now. So we have to build in those conservation measures to protect other environmental sources that could be affected.

UNIDENTIFIED SPEAKER [OFF MIKE]: But you kill the San Joaquin --

[Several people talking at once]

UNIDENTIFIED SPEAKER [OFF MIKE]: Let's line up. Folks, look, let's be respectful. They're doing what we asked. Let's line up. Everybody speaks at the mike. The reporter can hear it. I want to hear all of you too.

MR. RUST: If you have a comment that you want recorded, this is the place to do it, up here.

UNIDENTIFIED SPEAKER [OFF MIKE]: May I make a suggestion? Instead of all us rampaging, why don't you repeat the question? That's how it's normally done.

[Several people speaking at once]

[At this point the public began making their comments through the microphone.]

RICK ORTEGA: Rick Ortega, vice president, Quail Ridge Estates, Cottonwood, California.

We are concerned about our water level. We are concerned about our wells. Is there going to be

some well-level testing? And what do we look for? Is somebody going to help us establish that baseline? We are next to a 4,800-home project that is going to go in. We are concerned about our wells, our water quality.

My home phone number is 530-347-2126. Thank you.

BOB HENNIGAN: I'm Bob Hennigan, retired farmer. I live in Chico, California.

Let me explain a -- little background perhaps would help you understand better. The issue is that of third-party impacts. We are basically third parties. And in the contracts that the DWR has written over the past 20 years for similar water transfers, they have inserted what we call the "Pontius Pilate clause." They say that it's not DWR's responsibility to mitigate third-party impacts, but that's the responsibility of the seller.

So what you've done is -- and this is what happened in the '90s. And this is -- this clause was in the contracts they were offering a little more than a year ago. So it's a long-term problem.

The farmers whose wells were dry in the area south of Durham had no income. Their crops were drying up, turning brown. So where were they going to get the financing to campaign a legal task of hiring a

hydrologist to prove that the actions of the water district had harmed them and an attorney to take the case to court? So we as third parties have no practical redress. So you're setting up a situation that's designed to fail and then denying responsibility for it.

UNIDENTIFIED SPEAKER [OFF MIKE]: Do you have an answer for that? Is that not in there? Is that in the contracts like you said? Is he lying or telling the truth?

[Several persons speaking at once]

UNIDENTIFIED SPEAKER: The Federal Register talks about priority rights. Can you please explain that briefly? It's in the Federal Register. I know you guys wrote that, so what is it you guys meant by that?

MR. RUST: I have to be honest with you. I'm going to need to go back and see why that's there.

UNIDENTIFIED SPEAKER [OFF MIKE]: Seriously?

MR. RUST: Yes, I do. I'm not sure exactly what that's referring to. And I will go back and take that comment and research it myself and find out what the intent of that comment -- what that was in there for.

[Several persons speaking at once]

MR. RUST: Like Brad mentioned earlier, there is a Website that's been developed, I think, on our --

on USBR's Website -- for this particular water transfer, the EIS/EIR effort. And I will be happy to post that on that Website once I find out the information.

UNIDENTIFIED SPEAKER [OFF MIKE]: What is the Website again?

[Several persons speaking at once]

ROBERT MONTGOMERY: While they try to get it together here with the Website, I'm a small farmer in Durham. I was here during the last real -- I'm Robert Montgomery, Rob Montgomery. I have a small farm.

Our well went dry when the last transfers went on during the last drought. And I also lived in Owens Valley; and I saw one of their wildlife mitigation projects where they sunk wells every few hundred feet right next to the aquifer and sucked out thousands of gallons of water and did a wildlife mitigation where they allowed the dried-up Owens River Valley to go like a mud slough and extend an extra 20 miles. So they took gallons and gallons and gave back a drop. That's the type of water mitigation that I've seen.

Now, the biggest concern now is these mega wells that are going into the Tuscan aquifer. And they were supposed to do some recharge surveys to see how much water they could pull out of the groundwater without -- giant mega wells -- we're talking like they

pump a million and a half gallons a day. It's like a stream -- giant stream. Trout stream, you know.

And they're pumping this out. And they figure they can pump it for six months and tell what the cumulative effect is on the aquifer. And then, hey, well, it wasn't so bad, so let's go to town. And this is the stuff that caused the collapse of the southern aquifer down there. And here we are now transferring water to the desert down there because they did not properly manage their water. And we are trusting that they're going to properly manage our water now with a plan like that? They totally left out of the equation they're going to pump the water. And they took time out of it. They said we're going to pump out of the aquifer. It's going through gravel. They're going to pump that water out and then they're going to go way up here and measure it. But that pressure of water takes years for it to reach. It's based on flawed science.

BARBARA VLAMIS: My name is Barbara Vlamis. And I represent Aqualliance, an organization that was formed to try to stop this from happening. Many lawsuits that I have filed with some -- the support of good people in this room have helped slow it down. But this is actually the moment we have waited for. They have tried for years to do these serial water transfers.

Year after year, claiming there were no impacts; nothing's going to happen. Check the box. We're done this year.

We are currently in litigation against the Bureau of Reclamation, the agency that's here, because they tried this again -- they tried to do a two-year transfer. Same check boxes, though. No impact. Nothing's going to happen. We defer all responsibility to the irrigation districts up here, our neighbors, our neighborhoods who in '94 told their neighbors to go hire an attorney when they had impacts to their domestic wells and their irrigation wells and the wells in Durham.

The only thing that we can do -- our anger is well-founded in this room. But these people, as nice as they may be as human beings, are representing a destructive process and you're all very aware of it. You're all sharp. You got it. But the only way to fight back in our society, as you have seen through the last couple of years of the economic meltdown, BP's oil disaster in the Gulf, is you have to organize. You have to have either political clout, financial clout, legal clout, or some mix of all of them. Up here we don't have a very large population. So we better be damned well organized.

Number two is we have to be willing to work together to try to stop this in the courts. We want them to produce this infamous EIS/EIR that they claim they were going to create in 2003 and couldn't do it, because the science -- as Mr. Montgomery pointed out, it's not just flawed, they don't have it. There is no science. They don't know what would happen up here. So we have to be prepared to look at their documents.

We can hope for the best and I will submit formal comments on the scoping and we will wait for their environmental impact statement and environmental impact report to submit formal comments that would hold up in a court of law, because all the anger in the world, while it means a lot to us, it doesn't to a judge. It doesn't -- you know, when you have to get in the door. So if you want to organize, we are willing to work with anybody here that wants to try to protect this region.

UNIDENTIFIED SPEAKER [OFF MIKE]: What's your phone number?

MS. VLAMIS: 895-9420. There's sign-up sheets going around the room. And our Web address is aqualliance, all one word, one "a" in the middle.

UNIDENTIFIED SPEAKER [OFF MIKE]: Write it on the board.

JESSICA ALLEN: My name is Jessica Allen. And I would just like to state at this point of your deciding on the -- how you're going to go about doing the environmental impact report, that I don't believe that you can, as was stated.

And going back to the purpose and need of this entire project, I don't believe that preparing for water shortages caused by droughts, pumping our water down in advance of that is a very good strategy at all, because obviously water conservation would be a much better strategy to do where you're already at and to conserve water, because all you're going to do is you're going to look at our water and say, oh, look they have enough. And until we don't have enough, that we go, wait, look, there's not enough water, well, it's too late. And you guys are out the door anyway and you got a lot of money. So we don't really want that. And I don't think that you can prevent that from happening at all by continuing with this.

So I would just say go ahead and cut it out now, because you're not going to be able to mitigate that at all, because it is going to damage the environment. And there's no way that you can put the water back, because my neighbor said you couldn't make it. It's not like money. You just can't print more.

ROBERT EBERHART: Good afternoon, everybody. My name is Robert Eberhart.

I'm really nervous right now. I normally wouldn't fight for something or talk in front of a crowd like this. But, you know, water in my opinion is like the most important thing in the whole world. It's the essence of life. You know, it's the foundation for life. And people take water for granted.

They talk about willing sellers, you know. They want to find willing sellers and willing buyers. Well, we all own the water. Nobody owns the water. God gave us all the water. Okay.

There are a few things they don't want to tell you. For one, they say that on wet years they will inject water into the aquifer. Okay. If they put one drop of water in the aquifer, that's not God's water; it's their water. Therefore, not only do we have to pay to pump it out of the ground for our crops, but we have to pay the water company for that water in addition. They don't tell you that.

Another thing is they talk about how much water that they use on the crops, they're not going to take any more water than they put on the crops. Well, when you take the water, the same amount of water, you put it in a ditch, none of it goes back into the ground.

We, as farmers, we take it out of the ground; we spread it around; it goes back into the aquifer. We are just recycling it. They don't talk about that either.

The problem with south of the Delta isn't so much the crops. It's the permanent crops, you know. They all decided to put permanent crops in instead of row crops. And on dry years they have to have the water now because they have got trees instead of lettuce or whatever, you know. They got to stop this permanent crop stuff, you know.

To put it in a nutshell, you know, the swimming pool analogy: We have ten wells. We can't afford to pump. We can't afford to dig ten wells if they go dry. Us, as farmers, we're on the shallow end of the pool. The water companies are going to dig deep, deep wells. They're going to be sucking out of the deep side of the pool. Well, all the farmers are on the shallow side. Whose wells are going to go dry first? It's going to be the shallow end of the pool.

You know, Mark Twain said, "Whiskey's for drinking. water's for fighting for." We need to fight for this water. It's our children's future. It's our future. It's the entire Valley's future. And, you know, in my opinion -- and this is just my opinion only -- but, you know, water companies and their

attorneys they will fight to the end for water. They are like termites eating at our foundations. They will eat 24/7 and they will not stop. Once they take it, they will never give it back.

BURT LEVY: My name is Burt Levy, a citizen.

I did have a couple of questions that you can answer in a bit. What does your district do for conserving water so you have more water to use, like reclaiming water and maybe working with your municipalities to put in more drought-resistant landscapes so you've got more groundwater for yourselves?

And have you guys ever thought about -- and this is a state thing -- putting in desalination plants along the coast so that water being used by the Bay Area could be diverted, because they use desalinated water? And then, you know, that seems like more of a long-term solution -- desalination for the whole state, for everybody.

And, again, reiterating my point, by the time you guys figure out that you drew the water -- groundwater -- down too low and the trees are dying, you can't mitigate 500-year-old dead oak trees. And that's what will happen. Before you guys realize that you drew the groundwater down too far, all these ancient oak

tress and all this other vegetation is going to be dead. And you can't mitigate that.

So that's what I got to say.

CAROL PERKINS: Hello again. Carol Perkins, citizen, Butte County, as well as the water resource advocate for Butte Environmental Council.

The state and federal government has paid Glenn-Colusa Irrigation District $1.2 million to study this process. This process is called conjunctive management. It's where we utilize groundwater instead of surface water.

I'm wondering -- that report or that study -- that five-year study -- has shown that Butte Creek will be impacted by pumping. They also found that the process is not profitable. So I'd like to have somebody from the Bureau talk to that issue. I'd also like to hear what you're going to do with that report. Is that report going to be fed in? Is it going to be a reference to the EIS? And, hopefully, you're pressuring GCID to complete that report so it's public and part of the process.

Thank you.

JOHN HOLLISTER: My name is John Hollister.

And first I'd like to follow up on a point that Oren made. And that is that we don't have the

science. Butte County and a number of people have done lots of little tiny studies about the Tuscan aquifer, but no one has done a thorough study showing how much water goes in, where it goes in, how much water is in the aquifer, and how soon would different areas lose their water, like, you know, go down to 200 to 300 feet to whatever. So there is no model. And we have got a company here who's going to develop probably some elaborate mathematical model. But it's bogus right from the beginning because they don't know.

Certainly, the opportunity has been there to study this. Everyone has known. The federal government and state government and a lot of the citizenry has known that we are going to ship water to Southern California and to Kettleman City and the desert down there in the San Joaquin, that we could have somewhere between Corning and Chico in a couple of years. So we really might be trading one desert for another if this goes through.

Anyway, my main point is that they plan to have the EIR/EIS done in one year, February 2012. You cannot develop the kind of information we're talking about in one year. They've had many years to know that they need this information, but they haven't looked for it. They haven't tried.

The other thing I'd like to say just real quickly is that already the reduction of salmon in the California waters is down by over 90 percent. Steelhead, even worse than that. Other fish, highly endangered. That's primarily because of us fussing around with the Delta water or pumping all the water out of the San Joaquin Valley -- San Joaquin River -- and its tributaries. Well, what's going to happen if we, you know, take another -- okay -- another 150,000 to 600,000 acre-feet of water out of our aquifers?

Thank you.

MARK HERRERA: Hi there. My name is Mark Herrera. And I really appreciate your taking the time to come and speak to our community and give the public an opportunity which was made by your executive decision to let us come up and speak publicly to you.

That aside, how about a shout-out for this project? Okay. I think that's an overwhelming no to you guys' being here and taking the water. I do not call it "our water" because that implies ownership.

What the gentleman said earlier really rang true to me. The moment we associate ownership over the resources here, that's when the problems start and that's when profits get in the way of the future. And that's nothing that we can afford to lose. So I'd

really appreciate if you discontinued any transaction of water.

And you can hang out if you want, but please don't transfer the water.

RICK SWITZER: My name is Rick Switzer. I live up in Butte Creek, unfortunately not long enough.

But I know that several of my upstream neighbors had their wells run dry already in August and September. There's no way that pumping out any additional water is going to mitigate that problem. It will only make that problem worse, because water runs downhill. It seems inherently obvious.

I don't believe that you have the capacity in a year or even three years to anticipate what you say you can anticipate in terms of being able to evaluate what the problems are going to be. You can't do it. It's physically impossible. So to stand up here and pretend that you can and that this is somehow a process that's based on any type of logic based in the physical world is not true. You can't make that presumption.

So how in the world you can say, well -- not to mention, I haven't heard anything that says, well, this is how we're going to put the brakes in place. This is how we're going to anticipate problems. I'm sorry. I don't think you can do that in a year. I

don't think you can do it.

So, frankly, this whole presumption is a misapprehension based on money, pure and simple. And, frankly, if you can justify it -- and I think that there's things like the water will get leapfrogged down further and further south. And so to talk about what has happened in the last two years, as you did, as some type of perfunctory overview, that is a smoke screen. That is nothing more. It's what has happened in the last eighty or a hundred years that is pertinent to the water issues.

Thank you.

MARTY DUNLAP: My name is Marty Dunlap. I am a citizen who has been involved with water for a number of years.

My comments are probably more to both the Bureau and the Authority here. And that has to do with -- like Barbara said, we would be very excited to see an EIR or an EIS. This binder that I brought has to do with the Sacramento Valley Water Management agreement. These are the short-term plans that were developed to facilitate moving the water to meet this settlement agreement that was decided in 2001 -- 180,000 acre-feet of water.

I was part of two people who were part of a

public representation on the Lower Tuscan coordinating group. And we were trying to identify how this aquifer could be used in a safe manner. We kept waiting for DWR to come out with the environmental review for years. This was written in 2001. I just happened to go to my files and pulled out from the Federal Registry [sic] 2003, the Department of the Interior, Bureau of Reclamation and DWR proposed to prepare a programmatic EIS/EIR to analyze the potential effects of the short-term phase of the Sacramento Valley water management program. Ten-year program. And it's going to have all this information.

We never saw that information. We never saw any data that was part of an EIR/EIS. If you can do it, that would be phenomenal. We want science. We want bona fide science. We want the public to be able to participate in the research designs. We want to have objective technical people, not the same old people that have been used year after year for all these different types of endeavors.

And the most important thing is we want the cumulative impact analyzed. If you said you're going to do 600,000 feet, we don't want you to be measuring 100 or 200. We want you to be looking at what you really are proposing. And we want to have good science. We're

not unwilling to share our water, but we want to know what's overdraft, what's a safe yield, how do we recharge, and how do we mitigate the damages when they start.

LINDA COLE: This is a request for clarity in your document, having them -- Linda Cole -- having looked at documents for a water bank in the past and being aware that a federal project requires that you consider economic impacts as well as, including to the community. I -- when I look at these documents, frequently the use of "significant impact" is in the literature. What is significant to farmers in the San Joaquin that may have orchards would be different from someone who is farming up here on a shallow well. So I hope your document actually quantifies what you consider significant impact, because that is a sliding scale -- has been a sliding scale in every project. And it's not acceptable.

Also, I hope your project clarifies legal rights for riparian water right owners, because in the past riparian water rights were -- you could divert water to land that abutted the stream and whatever your crop didn't use -- what you didn't use -- reverted back to the stream for the next downstream user. And I believe in these water transfers what happens is, if you

started diverting water from streams a year, two years, or your farm was developed 20 years before the downstream user, then you have priority rights for that diversion. And so then you have the opportunity to sell your riparian diversion -- the quantity -- to a buyer down in your district out of the area completely. It's not reverting back to the stream to be used for the next downstream user. So if that is an impact, the whole community -- everyone downstream -- it impacts people that are only using groundwater that is not being recharged. So those things need to be written in plain English.

People need to know that, yes, this project is going to affect my riparian water rights if I am downstream. Yes, they're saying there is no significant impact if the water drops ten feet.

And then, also, I would like you to anticipate, when you're talking about economic impacts and the significance and what's going to happen with groundwater, I would like you to project total build-out in this area. As time goes on, more land is going to be developed, more communities are going to be developed. They are going to need that water. How does that water come back? And is the plan going to be to retire those permanent water uses in your area?

Thank you.

JOHN SCOTT: John Scott. I live in Butte Valley. I'm on the Butte Valley Coalition. I'm also on the board of directors of the Butte Environmental Council.

My firm position is local water stays local. And I think all water-miners, period -- I don't care if they're Crystal Geyser or if they're somebody down in Westlands, who is in my opinion the most infamous of all the water-users, because they are just wasting our water down there --

I want to bring up one point that everybody's missed. And that is, I live in the foothills; and our water level and our water table has dropped probably 25 feet in the last 25 years. And we have a very limited water table where we are in Butte Valley. It only goes down 200 feet and that's SOL. And if the Tuscan aquifer in the Central Valley drops another 50 or 100 feet and you live in the foothills, you can just pull the plug on your well, because you won't have any water. Stop the water-miners.

Thank you.

TRISH SAINT-EVENS: Good evening. Trish Saint-Evens, Orland. And I'm a member of Save Our Water Resource.

I also agree with John Scott. No water mining. Once you start, you can't quit.

When Crystal Geyser came to Orland, they used the analogy of consumptive use. They were only going to use 160 acre-feet annually. I can guarantee you, now that they've sunk their well -- by the way, we have them in litigation, so they haven't won yet. However, if and when they do go to operation, they have their well and now it's theirs. And I can guarantee you they won't stop at 160 acre-feet. No way.

JOHNNY CASPER: Good evening. I'm Johnny Casper from Concow.

First of all, I'd like to thank all you water people for coming up here and explaining your proposal to us. And thank you, ladies and gentlemen in the audience, for just showing up and listening.

A lot of us in the audience are aware of what the Bureau of Water Reclamation has done in the northernmost California counties. We've got farmers up there that have agreed to a water transfer project and they no longer have water to grow their crops. They've got this water project going and they have lost their property rights. The water people come on their property at all hours of the day and night to check their wells, et cetera, et cetera. I don't believe

that's the American way.

I personally think that we should take control of our water rights. And if we agree to sell them, that's all well and good. But my bottom line is I'd like to see it on the ballot so everybody, including those that aren't here tonight, have a chance to vote on it.

Thank you very much.

GORDON OHLIGER: Hi, folks. Am I speaking to you or to the court reporter guy? Okay. Good.

My name is Gordon Ohliger, O-h-l-i-g-e-r. My phone number and address is on the little piece of paper there in case you want to call me or something.

And I'm just a regular guy. I'm indigenous to this watershed. I've lived in this area my whole life. I was born in this area and have only moved up the watershed as time goes on. Myself, I live about 20 miles from here -- something like that. And I am one of those people that you mentioned that was sunk on a well a couple of years ago. And every September the well goes dry for a couple of days, even though I have the deepest well of any one of all my neighbors. Of nine neighbors, I have the deepest well. We talk about this a lot.

What that means is, when you want to fix

dinner, you can't have -- you have to have a jug of water to fix dinner, to brush your truth. So it's a real thing. It's not just a theory that you heard somewhere. It happens constantly.

And so for them -- for anyone to touch the aquifer, that affects me personally, so I want to speak that that's my personal, emotional reason I'm here.

The other thing is my sisters -- I come from a farming family south of here in Sacramento. My younger sister is still living at my dad's place. That's walnuts, a hundred acres of walnuts. My other sister married into another walnut family the other side of the river. And so basically about a thousand acres of walnuts. And they use riparian out of the Sac and also a lot of deep wells. Now, that is going to impact their growing -- they're making not only their living, but the cost of your food. When you leave this in a month you go, Wow, what was that meeting all about? You go down to the Safeway. Well, the cost of food -- the food comes from here. This is where it comes from. And that's going to impact that.

But, more importantly, I think probably the big thing I want to say -- you had this little map. And you're only having one meeting in Northern California, in Chico. My sisters couldn't come here tonight and

drive at night and get back home. What about the people in Burney and Elk Creek and those people that are out there? They've got to get up in the morning and work. I know Gloria's got to get up, because she's got to move walnuts in the morning. They're dry and they've got to get them on the truck. And I would appreciate -- please put that on the record, sir -- that I would appreciate if there was more input from the people that live in this area. And I'm coming to the end here.

Also, there's more than just us. There's the trees and the birds -- the greatest flyway on the planet goes right through here. That's right. We need water. They need the water. God made this thing, like you just read in your report. They're just numbers. People like numbers. But the animals and the plants, they're a part of this whole; and that's not even mentioned.

And, also, before I leave, I would just like to put in a word that I'd like to know who the heck these people are that think they own the earth and water and can sell it to someone else, because that's like evil white man stuff; and I just don't want it. So step up and let me know who the hell you think you are that you can sell the earth and sell it to someone else.

Thank you.

BARBARA HENNIGAN: My name is Barbara

Hennigan. And I want to talk about a couple of economic issues.

For all of these transfers, there's a tendency for agencies to rely on the RAND report from the 1991 drought water bank for third-party impacts as a result of fallowing because of water sales. And if you look at the research, it's pretty sophomoric. They asked 99 farmers who wanted to sell their water, Who do you do business with? They got about 250 responses. They could actually track down about 150 of those people.

Well, this is the first filter. If I want to sell my water and I know that someone is going to be harmed by it, I'm not going to give that name. I'm going to give the name of my accountant, who's going to have the same amount of business no matter what I do on the farm.

The second filter was they sent out surveys to the 150 names they could find addresses for; and they decided that if they didn't get a response it meant that someone was not going to be harmed if they farmed or did not farm. And up here we had a situation where one of the newspaper reporters went to a local cropduster and said, Will you be harmed if a certain number of acres are fallowed? And because it costs a lot of money to set up an airplane, he said yes. As a result, at least

two of his largest growers essentially fired him. So if you're an ag-dependent business, you're not going to create a stink, because you're going to offend your clients.

Now, for Butte, Glenn, and Colusa County, first of all, I'd like point out there's probably several hundred ag-dependent businesses represented just by the farmers in this room. But for Butte, Glenn, and Colusa County, they had seven responses that said it's no big deal. That is not a legitimate third-party impact research. You need to do a real third-party study.

The second economic issue is dealing with the legitimacy of comparing an acre of almonds in Butte County with an acre of almonds in Kern County. In Butte County we have almost two, two and a half acre-feet of water that comes out of the sky as rain, which means that the farmers apply another two, two and a half acre-feet. In Kern County not only do the trees require more water, but they only get three to six inches of rain. So it takes off, at the start, twice as much irrigation water to keep the same trees alive in Kern County as in Butte County.

According to the Delta vision process, it seems that somewhere between 50 and 75 percent of every

acre-foot that goes into the Delta goes out through the Bay. It boils down to, in order to keep one acre of almonds alive in Kern County, you have to be willing to take away the water for six acres of almonds in Butte County. Now, it makes no economic sense, never mind the immorality of transferring up to six times the economic hit to one region of the state.

And the third thing is the League of Women Voters is having a program on modeling. It's going to be in this building in the big room on Thursday, starting at five o'clock. And because it's a League program, we do provide food, because we don't want people to get too grouchy. And I think that it's -- a lot of political decisions are going to be based on models and we need to understand what they can do and what they can't do.

ROBERT C. EBERHART: One more thing, you guys -- just one real quick thing. I think if any water's sold -- if it's --

Oh, Robert C. Eberhart, Durham, California; and a farmer.

If any water's sold, no one person should profit. If any water's sold, it should go to the county which it is sold from; and all the money goes to the county for which it comes from. We all own the water.

No one person owns it.

And, again, I told you back there, because I was not on the mike, and I wanted you to hear that if any farmer sells water, his name should be published and how much money he's going to profit, because I think not only the embarrassment but the money figures and stuff, I think farmers would tend not to sell their water if they knew they were selling everybody out.

RICHARD MEYERS: I have one quick request that you would put up for us who haven't been involved in the NEPA --

Oh, my name is Richard Meyers. I live in Oroville, California.

You mentioned earlier about the NEPA document that's on file for the 2010 and 2011 CVP transfers. I'm wondering if that's a public document and I'm wondering how we could get access to that.

[Several persons speaking at once]

RICHARD MEYERS: I just think it would be helpful for people who are making comments to maybe, if you want to become informed before you make your comments, see what the -- they said was an environmental impact and a mitigation, including that one. And then come -- maybe it will be -- you'll have a more informed comment.

And the August 2012 meetings, which are far off in the future, I'm hoping that you're planning more in this area and not just one meeting, say, in the middle of the state or something, if you know if that's true.

UNIDENTIFIED SPEAKER [OFF MIKE]: [inaudible]

JIM EDWARDS: I'm Jim Edwards. I'm a farmer from Tehama County.

And my point is that Tehama County doesn't have surplus water to spare. I'd like to draw your attention to a couple of charts I can share with you.

First of all, this is from the Department of Water Resources 2005 land and water use data, which shows that, in 2005, 69 percent of the water that was used came from groundwater in Tehama County. That is a lot different than some of the other counties. Most of the other counties have surface water -- higher uses of surface water.

The other chart that I have here is the 2010 review of groundwater levels of key wells in Tehama County. And this is, of course, monitoring of groundwater in Tehama County. And they established trigger levels to alert people when the levels drop. And we have about eight basins nine miles square. Seven of those, in 2010, raised the trigger level.

That's all.

MS. MIZUNO: Would you like to give me that?

RICHARD MEYERS: Sure. Thank you.

DAVID JANINIS: Hi. My name is David Janinis. And thank you for coming tonight. I would like my two minutes to be spent with -- for you to outline how we have to formally say no. And that is how I would like my two minutes to be answered.

Thank you.

CAROYL SMITH: My name is Caroyl Smith.

What are your other options? That's the question I have to ask you: What are your other options? Is this it? Is this where you're going to get the water from? You're not going to back down?

And then people, obviously, say they don't want you to take the water. And I know where they're going to get it. There it is right there.

Who has the -- what is it? According to the law -- she's going to get the law on her side. They have people backing her, because that's the only thing they're going to say no to. The judge says, Nope, you don't get the water. That's how it works. We all know that's how it works. They're coming after the water, period. That's it.

Thank you.

CAROLINE KITTRELL: My name is Caroline Kittrell. I am from Chico. And I'd like to see a copy of the minutes or the -- what's being documented tonight -- go at least to Aqualliance and Butte Environmental Council. And also encourage everybody that's here to please sign the sign-up sheet for Aqualliance so that you can get on the email list so we can keep informed about this issue.

MS. MIZUNO: We're going to post comments on the Website so everybody has access.

BRAD HUBBARD: There will be a scoping report that's prepared as a result of this series of meetings, so -- and we'll post that on the Website. It won't just be the court reporter record of everything we have heard tonight.

CAROLINE KITTRELL: Can it be also be mailed to the agencies that I mentioned instead of just putting it on the Internet?

MR. HUBBARD: You mean hard copy, ma'am? We can do that. If you would put that on one of the sign-in sheets, we can make sure that we do that. But that's a request, and put both Aqualliance and --

MR. RUST: Just to add to what Frances just said, the scoping report will include not only the verbal comments you heard tonight, but they will also

include all written comments that are submitted, email or otherwise. So it will be a very comprehensive document that provides the whole outcome of these scoping meetings today and tomorrow as well as on Thursday.

JOHN DOMINGUEZ: John Dominguez. I'm a long-time resident of Chico; and I've served on a couple of water boards up in my district where I live.

And I just want to tell you that the most important thing that we could really do is organize. I mean you may go out of here and someone else comes and tells you about something that's happened at the football game this weekend. We live and die by water. And these are fighting words when it comes to water. And there are a lot of liberals here and there are a lot of conservatives here. But we're united when it comes to water. We will stand together. Together. And if it means we will go to the ballot, we'll go to the ballot.

And this is something I've never thought I would ever say, but I've been thinking about it a lot lately. California is too big; it's governed by a lot of people in the South who have a lot of money and a lot of political clout. But you know what? We have clout too. And don't you think we don't. We can organize ourselves really, really well. And I'm willing to help

and do something about it. But we maybe need to separate this state. We maybe need to be the State of Northern California.

We think -- people say, well, you wouldn't want to do that. Why would I want to do that? Oroville Lake is not really our lake. It belongs to Southern California. If I want to have Porterville Lake in my state, where I live in Northern California, don't you think I ought to be paid for it or you should be paid for it?

But we need to think about this. It sounds like that guy without a lot on top of his head is telling us, State of Northern California. What I'm telling you, this is our water. And we're not going to let them come down here and talk to us. And the next time when you do come, have all the answers when we ask you the questions.

TRISH SAINT-EVENS: Just briefly, not to be redundant, but when Crystal Geyser --

I'm sorry. Trish Saint-Evens, Orland, California. Sorry.

Not to be redundant, but when Crystal Geyser came to Orland, they did not think that they had any -- they thought they have every chance of just sinking a well and that was it; we would roll over and die. They

were so wrong. We banded together as a community. We don't have a whole lot of people in Orland, but we have a lot of power. We found a water advocacy attorney group that was more than willing to fight for our rights and has -- is continuing to fight for us as a pro bono. So there are people out there that are willing to help all of us and our water. And we do really need to band together. That is the best, most important thing that Orland did. And we may not win, but at least we can look back and we can say that we fought for our water.

ROBERT MCCOLLIN: My name is Robert McCollin and I'm a Chico resident. Can you hear me now?

I'm trying to think how I can comment usefully to your process. And I think only that I can say that this is not cost-effective. The idea of shifting water from one area of scarcity to another is just a waste of energy and money. The real problem underlying all of this is population overshoot. Without growing our environment, we don't have enough water to support all of our uses. And we've already registered huge impacts. Ninety percent of our fish and so forth have been lost to misuse of water in this state.

So to you folks who are all well-meaning professionals, "ologists," scientists, I think you need to turn your attention to yourselves and what you're

doing with your career. You need to do so something that is actually going to return the benefit of your education to the society that supported you, to the government that you work for [drowned out by applause]. That's integrity. That's what your science is for. What you guys are doing now is just following through on a bureaucratic process.

Someone said again, Go do this again. You've been doing it over and over again. It doesn't work. It will never work because you're not addressing the real problem. There's not enough water for everybody who's here. You have to get more water. And there's not more water up here that you can send down there without impacting people. There's no way. And you guys don't have -- you should start off with some idea telling us how you might mitigate that. But you don't have a clue because, frankly, there's no way to deal with something of that scale. So, bottom line, you need to make more water. That is what you need to do -- [drowned out by laughter] what Mother Nature already did when they built -- when she created this place.

What you need to do is desalinate ocean water and give water to the people in NOAA and eventually transport it through the same pipes back over to the South Valley. There's enough energy and ways there to

do it. But at any rate, the real solution is to make water. If you want to take -- if you want to actually utilize your job and your position -- if you are working for an agency that has the resources to send a man to the moon, they also can desalinate water and provide water for the state of California and other places.

BRENDA CALVERT: My name is Brenda Calvert. I'm a citizen here in Chico.

I think we're all on the same page that we all want to prevent this from happening. And the way that we need to -- we all have our reasons. I'm not a farmer. I've never been negatively impacted, but I did have the opportunity to go to Africa in 2001; and I had people come up to me and say, is it true that in America you bathe in drinking water? And it really gave me an appreciation for what water means to us and what the lack of it can be like. And so that's my experience. But we all have our reasons that we don't want our water taken away.

But what we need to do is we need more than the number of people in this room involved. We need everybody involved. We are very fortunate that we have email and Facebook and Twitter and God knows what, but we all need to go home tonight and get on the email and spread it to everybody and tell them to tell everybody

to tell it to everybody. And they need to give the information that's here for Aqualliance, for Butte Environmental Council, and all the great resources that we've been given tonight. We want to pass that along, so we can all tell everybody and these guys will be history.

GRACE MORGAN: Grace Morgan, conservation chair of the Sierra Club.

I just finished reading a very powerful document. And I don't know if you know about it about already. But everybody here should know about it, I believe. And it was written by the Environmental Water Caucus, of which there are about 20 different organizations represented -- everything from Friends of the River to the Sacramento River Preservation Trust to Carol Perkins to Butte Environmental Council to Aqualliance -- many statewide organizations. And the major thrust of this 45-page document is that, even before we consider anything like desalination -- I'm not sure how to pronounce that -- tremendous water efficiencies can be undertaken to conserve water that will allow us, as individuals, as farmers, et cetera, et cetera, to have enough water. It's a matter of changing our priorities regarding to how we farm, how we conserve. And if that -- this document is seriously

considered, we wouldn't be needing to have this discussion. You would be getting your water from your local area, which is also a major thrust of the document.

Thank you.

RICK ORTEGA: Rick Ortega, Cottonwood, California.

Somebody mentioned earlier Facebook. Yeah, you did. Yeah. You know, I just found that the other day -- Aqualliance. And I was your first friend on there. I think I'm your first friend on Facebook. It really does need to get going here. And I want to make sure you all know that I was number one.

But at the same time I have to watch what I say, because my wife is a judge. But I haven't spent 27 years in the military looking at insurgencies and political and military movements. I know that State of Jefferson thing is out there. So, you know -- I don't know if that will ever come to fruition. But, you know, where I am from in Cottonwood, there's a lot of militias. I don't belong to any of them. They tried to recruit me, but Ranger Rick ain't going down there. But you know what? I swear you have to have that option in the plan.

Thank you.

JOHN HOLLISTER: This is John Hollister again. I'm from Paradise. You have that, I guess.

One of the farmers who spoke recently said we need to unite, we need to get together. And he's absolutely right. We have two wonderful organizations here in Butte County. We have Butte Environmental Council that since the '70s, for a long time, has been providing education and outreach and various conservation things. Right now they're involved in -- they'd like to file suit against Butte County over their -- their 30-year plan, whatever is -- their plan in regards to the use of water.

In addition, Barbara Vlamis mentioned that currently Aqualliance is already -- has filed suit against the Bureau of Reclamation or -- yeah -- Bureau of Reclamation over this water transfer and also has another suit going against the State of California -- various agencies that are responsible, like fish and game and other people, to monitor the quality of water and make sure that those people who are screwing up the water clean it up. They haven't been doing that job. They haven't been doing EIR stuff they should have been doing. So Barbara and Aqualliance is also suing them over that. Both agencies have great histories. The people working for them have done so much for Butte

County. And I would hope that that continue.

And if people are really looking for information or they want to have a strong impact, I would suggest getting involved with both agencies. Butte Environmental Council is more focused on the -- I think in Butte County and Glenn County and closer areas. And Aqualliance is the whole Sacramento watershed. So they're both in the phone book. And you have Aqualliance's Internet address up there. And BEC's is www.becnet.org. So please contact them. They could also use money to help fight these lawsuits to stop this kind of nonsense or to at least force the agencies to do the science that they are supposed to do.

Thank you.

JOHN MCCAVISH: Getting tired of listening to everybody? I'm John McCavish. I'm from here in Chico.

And I have one question for -- I don't remember your name. Frances. And your position with the water agency down south?

I'd like to know the financial benefit if this were to pass for who you represent, in dollars. To know the size of the battle that we're fighting, I think we need to put in perspective what the financial gain is. How much -- I'm sure you've got a pro forma calculation -- if this passes, what it means to your

membership. I'd like to know if you would share that number with the group here.

Thank you.

MS. MIZUNO: I don't have a number for you tonight. I know you're disappointed. Our agency just represents a member agency. So we're really only buying water on their behalf. And what we're trying to do is to purchase supplemental water for our agencies that are not getting their contract supply. So the financial benefit is to the individual growers so that they can continue to farm.

UNIDENTIFIED SPEAKER: Hi. Very briefly, I'm here from Cherokee, California.

And I hear an awful lot about how it's going to be used. Just to rephrase, there's only been a couple of decent things said that really go to the point. And I'm sorry to say this. I would like a very intelligent group of people just like you to get together and figure how you're going to conserve water and sustain yourselves. And it's not just for Southern California. It's for here. If you have that in your mind, you won't be standing here figuring how to take something that you cannot measure. Can you measure how old the water is in the Tuscan aquifer? I've heard some of it is thousands of years old. Are you going to sit

around and wait for another thousand till it's reformed? That's point one.

Point two. This is somewhat fictitious. But my son the other day was suspended from school for cocaine and marijuana. I said, Hey, Mack, what's wrong with you? He says, Well, I am a willing buyer and he is a willing seller. And I'd like you to look at your children -- I'd like to look at those you trust sincerely and say, You're a willing buyer and a willing seller and justify what you're doing.

JIM TOWNSEND: I'm Jim Townsend. I'm retired. I came out of the farming industry. I worked for Butte County Rice Growers for years.

To take the water from the farmers to sell it breaks down the infrastructure of fertilizer and ag-support companies, as the lady amply put it. That's well and fine. If they're out of business and you want to grow your crops, where do you get your seed? Where do you store it? Or where do you dry it, in relation to rice?

This is a very important part of our infrastructure of the northern part of the state. If we give our water away, we're going to dry up. Our whole infrastructure will die. If you like to support the environment, if you like to support needy people, you

are not going to have the money. This part of the state is going to collapse.

This is something else to think about: The bond that they were talking about passing, that our beloved governor that just was voted out decided to put it on hold -- $11.2 billion project for enhancing our water storage and transfer -- when I first read that, you know who it benefits? The first time I read it, they said three entities in the southern part of the state. I was corrected by a gentleman that had been working with the water companies. And they said, no, it's not 3; it's 27. But they're all in the southern part of the state.

So let's not be foolish with the things that are given to us as a people and let them slip by because of our lethargic attitude. We have become fat and lazy as Americans. And our rights are being taken away as fast as we sit here. We're going to have to stand up and speak up for our whole society or we're going to be a third-world nation.

MR. HUBBARD: We want to make sure everyone gets heard. So is there anybody else who wants to come up and get on the court record?

[Several persons speaking at once]

UNIDENTIFIED SPEAKER: Well, first of all, I'm

not a farmer. My name is Terri Faulkner. And I am not a farmer. However, my horses really, really do enjoy the alfalfa. And I would really hate to give up feeding them what they so enjoy. And I would really hate giving up my chocolate-covered almonds and a few other things.

But that being said, I see a lot of buck-passing here. And I've heard no one named as a responsible party who will mitigate and fix the damages that are going to occur. So who do we sue? Who do we get the damages from and how long will it take?

And another question: Have you fixed the Casterson [phonetic spelling] mess yet down there? That water? Fresh water from Northern California being used to dilute the harmful stuff down there?

Thank you.

MR. HUBBARD: Now's the time if you want to come up. Final moments. Then I think there are some people that want to speak directly to the court reporter and not get on the mike.

UNIDENTIFIED SPEAKER [OFF MIKE]: Can you answer the question about what you're doing for conservation? There's a lot of conservation you can be doing for the Delta.

MR. HUBBARD: I think we've heard from everybody tonight. I think we met our primary

objective. Come on up here if you want to state more questions for the record.

I want to make sure that everybody knows that they can write their comment cards and submit comments via email, written. The Website is up here. It's online. It's already got the NOI and the NOP posted to it. My phone number is there.

UNIDENTIFIED SPEAKER [OFF MIKE]: I have a question, but it's not for the record. Who is paying for the EIR -- the EIS, that is?

[The period for public comments on the microphone ended at 8:21 p.m.]

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COMMENTS MADE DIRECTLY TO THE COURT REPORTER

ERIC MILLER: Eric Miller from Chico, California.

In general, I appreciate the opportunity to comment. I feel like I have a good overall understanding of the purpose. In general, I'm supportive. However, I would just like to consider some of the comments I heard tonight from the other members of the public: that the parties consider developing a fund, a financial fund, to mitigate negative impacts that may occur, whether it's to third parties or environmental concerns that were expressed. So that can

just be kind of the cost of doing business. And then also develop, in addition to the modeling, a robust field monitoring.

But, in general, I'm supportive of and understand the need and purpose. And I'm open-minded. But those are the only two issues I have.

DAVID JANINIS: So with water shortages emerging as a constraint on food production growth, the world needs an effort to raise water production similar to the one that nearly tripled grainland productivity during the last half of the 20th century. Land productivity is typically measured in tons of grain per hectare or bushels per acre. A comparable indicator for irrigation water is kilograms of grain produced per ton of water. Worldwide, that average is now roughly one kilogram of grain per ton of water used.

Since it takes 1,000 tons of water to produce one ton of grain, it is not surprising that 70 percent of world water is used for irrigation. Thus, raising irrigation water efficiency is central to raising water productivity overall. Using more water-efficient irrigation technologies and shifting to crops that use less water can permit the expansion of irrigated area, even with a fixed water supply. Eliminating water and energy subsidies that encourage wasteful water use

allows water prices to rise to market levels. Higher water prices encourage all water users to use water more efficiently. Institutionally, local rural water users associations that directly involve those using the water in its management have raised water productivity in many countries.

BOB VANELLA: I would first like to have everything mailed to me. I do not know how to use a computer, so I have to have everything mailed to me. I can't go to the Website and get the information. So I am requesting that everything be mailed to me on this today -- the comments and everything. And I would like to also have mailed to me comments that you people were not able to provide and comments that we need to know.

One of my questions would be: In 2010, how much water was bought and transferred from the north to the south? There was water transferred to the Delta. We bought the water for $35 to $50 an acre-foot; they were offering as high as $800 an acre-foot to buy our water.

The Bureau of Reclamation cannot give us a water estimate of how much water we are going to get so we can plant our crops in the north to this date. I called our water district, the Artois Water District, a week ago. They couldn't tell me how much water we were

going to have this year, the 2011 year. Down south, my understanding is, from farmers that I know down there, they have already gotten -- 50 to 75 percent of their water has been allocated to them so that they can plan their season. But in the north we don't know yet.

In the Artois Water District, we are short on water. We had a meeting which the map was presented tonight showing groundwater depths, how it's been going down. The Artois Water District does not want us pumping water anymore. They want us to use their water because so many farmers in the last three years in the Artois Water District had to drill wells because we were only getting 30- -- and I think it went down to 40-percent water. Now, this year, 2010, we got a hundred percent of our water. But if you go back and look what a hundred percent water is from several years ago, it used to be in three acre-feet per acre, now they're calling 100 percent. I believe it's 2.67 acre-feet. But they call that 100 percent. But over the long haul, if you look at the history, the acre-feet they call 100 percent keeps decreasing because they don't have enough water in the district from the Bureau of Reclamation because they won't give it to us.

So I'd like to know how they're going to address those concerns before they start coming up here

and buying more water from these people. And when you buy it from the water district, that's my water. They just lower my allocation and that gives the Artois Water District or the other districts more water they can sell because they need money to operate. We really don't have a say in it.

The Artois Water District is drilling wells. At this time they've drilled two so far. They do down to the thousand-foot level, which is called the Tuscan water in the ground. I have been told -- and I'm not sure how many thousands- or millions-of-years-old water they call it -- it's been untouched.

So what will happen -- my question is, to them and to the water district, is when that water is sucked out, what's going to happen to the other water which continues to go on down? They said, Well, we won't be around to worry about it, so don't you worry about it either. It won't happen in your lifetime. So they're not just looking at today. They don't really care about today. They care about today. But what's going to happen to my family when I pass on? They're going to farm the same ground. Our wells that are now in the 200- and 300-foot level on the west side will have to be drilled down deeper now to the 700-foot to 1000-foot level to get the same water that we used to get at the

200-foot level. In the last five years we've lost that. How are they going to put water back into the ground to supplement the water that is taken? It is going down on the west side.

The map was presented tonight, which you can look at, that showed from the Bureau of Reclamation how it was coming down. I was shocked to see that nobody had seen that map that was in front of us tonight. They should have that seen that map already and known all that information.

Number three, how are they going to replace the water? It was suggested, I'm going to say probably 60 years ago, to replenish this water. They could go up in some of the creeks and the high streams and drill shallow wells to let some of that water go down into in the aquifer. I don't think you could do that anymore with the environmental -- the way the state is set up today. But that's one way they might look at how to replace some of this water.

Would you please respond to all this information from me, please, to Bob Vanella. My address is 3068 Chico Avenue, Chico, California, 95928.

[The last public comment was received at 8:36 p.m.]

STATE OF CALIFORNIA)
COUNTY OF SAN FRANCISCO)

CERTIFICATE OF REPORTER

I, FREDDIE REPPOND, a duly authorized Shorthand Reporter and licensed Notary Public, do hereby certify that on the date indicated herein that the above proceedings were taken down by me in stenotype and thereafter transcribed into typewriting and that this transcript is a true record of the said proceedings.

IN WITNESS WHEREOF I have hereunto set my hand on this 21st day of January, 2011.

_____

FREDDIE REPPOND

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

CALIFORNIA DEPARTMENT OF WATER RESOURCES

LONG-TERM WATER TRANSFERS EIS/EIR

PUBLIC SCOPING MEETING

Wednesday, January 12, 2011

Best Western Expo Inn & Suites

1413 Howe Avenue

Sacramento, CA 95825

REPORTED BY: FREDDIE REPPOND, STENOGRAPHIC REPORTER

Wednesday, January 12, 2011 2:06 o'clock p.m.

[Questions and comments from the public began at 2:31 p.m.]

MICHAEL GARABEDIAN: Since we don't know what projects will be coming in before the EIS is done, I assume this contemplates additional environmental review after we know what the specific projects are?

BRAD HUBBARD: That is correct. We haven't even identified all the specific transfers that may occur.

MICHAEL GARABEDIAN: And you said San Joaquin. Does that mean Fresno, Kings, Tulare could be buying anywhere in California except Southern California?

MR. HUBBARD: We are covering -- yeah, the buyers' service area -- again, it hasn't formally been defined. We have not finalized that. We can't really finalize our alternatives until we complete the scoping process. But it could include those counties, yes.

MICHAEL GARABEDIAN: So we don't know what to comment on exactly except to ask for more information so we can know what to comment on. Like, PCWA could do it -- Placer County Water Agency -- anybody? Donner Heights -- Donner Summit PUV could -- anybody could apply? So the maps are not exactly accurate about where people could apply or where water could go?

MR. HUBBARD: Well, that could be one of your comments that you could provide to us. We have the ability to expand the scope or narrow the scope.

MICHAEL GARABEDIAN: So our comments would actually expand the program so we can understand what it is?

MR. HUBBARD: That could be your comment.

MICHAEL GARABEDIAN: Well, that's kind of chicken-and-egg.

UNIDENTIFIED SPEAKER: That's an interesting comment, because I hadn't thought about that, because when I see San Luis & Delta-Mendota Water Authority, I think it's limited. That was going to be one of my questions.

MR. HUBBARD: Frances, would you like to address those comments?

FRANCES MIZUNO: Through this scoping session, one of the tasks is to identify all the potential sellers, because at this point we have a list of all potential sellers. What we don't know is who all wants to be part of this document, to be identified as sellers in this program.

UNIDENTIFIED SPEAKER: So we know the sink. We just don't know the sources. And I think that helps then.

MS. MIZUNO: We've got a huge list of potential buyers, but we need to narrow down to who actually wants to be part of this document. As far as the buyers are concerned, we know the San Luis & Delta-Mendota Water Authority is there, which includes 32 member agencies that are potential buyers. East Bay MUD Contra Costa has requested to be part of this document. So that's the San Francisco Bay Area. So at least from the buyers' view, you do have kind of a limitless, where the water potentially could go to.

MICHAEL GARABEDIAN: What are the limits?

MS. MIZUNO: As far geographic areas?

MICHAEL GARABEDIAN: Where it could go.

MS. MIZUNO: I think at this point, unless others want to be included, the San Luis & Delta-Mendota Water Authority service area includes those CVP contractors from the Tracy area --

MICHAEL GARABEDIAN: Well, I looked at the list but I don't understand why that's the CEQA lead agency or how it came to be, that they are the ones doing this.

MS. MIZUNO: That is a good question. The CEQA lead agency was the kind of question that we needed to identify. To do the joint document we needed a CEQA lead. I think for ease at this point we have identified

the Authority as the CEQA lead because we're the largest buyers' group as part of this document. There's a question whether the Authority is the appropriate CEQA lead for Contra Costa and East Bay MUD. I think there's still some issues there we want to work through on that, but we hope to resolve all that through this whole scoping process.

JOSHUA BASOFIN: Are we in a question-and-answer period? Can I ask a question?

MR. HUBBARD: We prefer to have the Q&A after the open house. Can you hold your question till after the open house?

UNIDENTIFIED SPEAKER: Till 4:00 o'clock?

MR. HUBBARD: Yeah.

MS. MIZUNO: I'm okay to go ahead with it now.

MR. HUBBARD: Okay. What's your question?

JOSHUA BASOFIN: I'd rather address it now on the record.

MR. HUBBARD: Let me explain. We mentioned that what we'd do is open it up, because there's a lot of technical questions that people have that we can answer. We want to get people's input on the record. We have the court reporter here so if you want to come up. And if you don't want to talk in front of everybody, you can also come up individually to the

court reporter and express your comments. We had people last night that indicated they didn't want to speak in front of the whole group. So we have that option too. But if you want to put your comment on the record in front of everybody, you can do that.

MS. MIZUNO: Why don't you state your name and where you're from.

NANETTE ENGELBRITE: I've never seen a court reporter at a scoping meeting.

MR. HUBBARD: It's been commonly done with our San Joaquin River restoration program. We have had court reporters. It's very common.

JOSHUA BASOFIN: My name is Joshua Basofin, with Defenders of Wildlife here in Sacramento.

So what I heard from you was that, although the Bureau will be facilitating a number of water transfers within the state in the next year or ten years and although you don't know which agencies will actually be doing the transfer, you don't consider this to be a program. And so, therefore, you won't be doing a programmatic EIR; is that correct?

MR. HUBBARD: Yeah, it will not be a programmatic EIR/EIS.

JOSHUA BASOFIN: Okay. Can you explain how you intend to analyze the cumulative impacts to various

environmental resources without doing a programmatic EIR?

MR. HUBBARD: We cannot answer that question because we don't know what the project is yet. It's really going to depend on the level of the detail of the project.

CARRIE BUCHMAN: Carrie Buchman, with CDM.

The answer is generally that we're working to identify all potential people who could be involved in transfers as part of this program or other cumulative projects that may have impacts that come together with this program. So we don't need to do a programmatic -- a programmatic CEQA/NEPA document is a more general document. It does not describe impacts at the same level of detail. And we are trying to get to a more detailed level that will include cumulative impacts at a very detailed level.

JOSHUA BASOFIN: The idea behind the NEPA programmatic analysis is also, when you have an agency action that facilitates multiple programs, that you would have that programmatic analysis and then you could tier off of that for the sort of smaller, minor individual actions. So I actually think this fits pretty well within the framework of the programmatic.

MS. BUCHMAN: It could, but it would require

subsequent environmental documentation. And the goal here is to try to analyze all of the impacts as part of this.

MICHAEL GARABEDIAN: Michael Garabedian, Friends of the North Fork.

He just said there would be later environmental analysis for specific transfer applications.

MS. BUCHMAN: Exactly. And what I'm saying is that that is not the goal. If we did a programmatic approach, then there would be subsequent environmental documentation. Currently, the goal as part of this document is to be the level of detail to a sufficient point that it would not require additional environmental documentation.

MS. MIZUNO: That's why we wanted to actually identify specific sellers and specific buyers within this document which would name those, so that if Seller A wants to sell water to Buyer A, if they're already covered under this document, we would not need to do a separate document.

JOSHUA BASOFIN: I guess I'm having trouble understanding how that would be legally defensible to not doing a programmatic EIS for a ten-year program that contemplates multiple individual transfers. But I'll

just let that be on the record.

I also wanted to bring your attention to the fish and wildlife service's concurrence from last year for the water transfers program in which they discussed the potential effects to the giant garter snake. And they said, This office has consulted with Reclamation both informally and formally approximately six times over the past nine years on various forbearance agreements and proposed water transfers for which water is made available for delivery south of the Delta by fallowing rice and other crops or substituting other crops for rice in the Sacramento valley. And that's the type of water transfer that has significant impacts on giant garter snake, as conceded by the Bureau and concurred upon by the fish and wildlife service.

The concurrence further states, The need to consult with some frequency on transfers involving water made available from rice fallowing or crop substitution suggests to us a need for programmatic environmental compliance documents, including a programmatic biological opinion that addresses the cumulative affects on giant garter snakes of repeated fallowing over time.

So I just wanted to bring those suggestions from the fish and wildlife service to your attention.

MS. MIZUNO: The goal is to do that.

MR. HUBBARD: I can speak to that a little bit. Fish and wildlife is one of the agencies that has requested that we undertake a more comprehensive longer-term analysis of this, of transfers, so that we're not doing consultations every single year. They're one of the ones that have encouraged other agencies to look at transfers more comprehensively. And we think it's a good idea to look at transfers over a longer period of time and more comprehensively.

NANNETTE ENGELBRITE: Nannette Engelbrite with the Northern California Power Agency.

Just had a couple of general questions. When I looked at this, one is that it doesn't seem to me it's just transfers, right? I mean it could be groundwater storage or it could be --

MS. MIZUNO: There's different ways that the water could be made available for transfers, but we are talking transfers. What you're referring to is all the water may be made available for transfers.

NANNETTE ENGELBRITE: So in the source part of it, it could be done with --

MS. MIZUNO: It could be groundwater substitution. It could be fallowing. I think we're going to be looking at all those.

NANNETTE ENGELBRITE: Does the new

cross-canals pumping station help with this? Or will that be part of this?

MS. MIZUNO: The intertie?

NANNETTE ENGELBRITE: Yeah, the intertie.

MS. MIZUNO: The intertie probably will not help facilitate transfer, because the transfer window at this point is in the July through September period of time. Okay.

NANETTE ENGELBRITE: When they're all needing the water.

MS. MIZUNO: Yeah.

NANETTE ENGELBRITE: Are we talking about both M&I and IA water?

MS. MIZUNO: Primarily ag, but there are a couple of -- well, the San Francisco Bay area. And within our member agencies we do have a couple.

NANETTE ENGELBRITE: And my last question was the CVPI in these water transfers, there have been water transfers previously. And I was just curious as to why now we are doing the long-term water transfer EIS. Is it --

MS. MIZUNO: We've been doing water transfers, but we've just been doing annual EIS's on an annual basis as we need it. Fish and wildlife service and others have said in doing this one year we're not

looking at it more comprehensively. And the goal here is to do that so that we can have a look at a comprehensive ten-year program. And we haven't covered ten years --

NANETTE ENGELBRITE: So that's why I disagree with the programmatic, particularly if the sink is so specific to your membership and then it's kind of figuring out the program specific to it. But if it was everybody in the south and everybody in the north, then I would certainly think that would be programmatic.

MR. HUBBARD: We broadcast this out to a wider range of potential buyers and sellers. And we solicited based on -- this original list, I think, was developed from DWR and the drought water bank. We had a pretty big list to start with. We sent out -- I can't remember -- when was it, Carrie, November? We sent out a pretty large email solicitation to see who would be interested. And not all agencies expressed interest. Some agencies indicated they didn't want to be part of the process or part of the environmental document. So it's a willing buyer/willing seller thing, so we can't force anybody --

NANETTE ENGELBRITE: So are you doing this as part of CVPIA or is this outside of it?

MR. HUBBARD: The authority that we have

Reclamation has -- to review and approve transfers comes under CVPIA; that's correct. And we --

MS. MIZUNO: Most likely, what the CVP transfers would have to be in compliance with CVPIA.

Let me correct myself. When I said we limit it to the Authority members area south of the Delta, it really includes all CVP contractors south of the Delta, which does include some of those folks that could potentially be part of the program as well.

NANETTE ENGELBRITE: I guess my last comment would be, looking at project use, making sure that nonproject water that moves through federal facilities isn't used as project use or those sorts of things, making sure that it documents both sides and those issues.

MR. HUBBARD: Okay. Good comment.

We've got another hand in the back. Sir.

WALLY BIRD: Wally Bird from Chico.

I'm hearing you say you're looking for potential buyers and potential sellers. So you're looking for people that want to buy water and sell water also. So is this going to allow the expansion of property that doesn't have water now in the Delta -- or south of the Delta?

MS. MIZUNO: No.

WALLY BIRD: Okay. So you're looking for the need of existing agricultural and residential property?

MS. MIZUNO: The reason that we are in it is to supplement our contractors' water supply that has been reduced either due to drought, regulatory constraints, and so forth. So for those of us south of the Delta, it's probably not likely we'll ever get a hundred-percent water supply. So there are those years that we need to supplement supplies for ag and M&I; and those are those years that we're looking for the water transfers.

WALLY BIRD: And this reduction has come over how many years?

MS. MIZUNO: We've had reductions since CVPI was passed in about 1992.

WALLY BIRD: Has there been any expansion of agricultural lands during that period of time?

MS. MIZUNO: No. There's been reduction of agriculture because of the reduced water supply.

SUSAN TATAYON: My name is Susan Tatayon with the Nature Conservancy.

And I'm wondering if in your analysis you're going to look at past transfers. I know that most of them have been annual among bureaus and CVP contractors. But I think it would be a good indicator of potential

impacts if you looked at, for example, the transfers under forbearance agreements from 2000 to now. And I think that would be really informative.

And I also think the information from the DWR's dry year water purchase program -- I think that it would help the modeling and also give you a sense of why, for example, in -- I think it was 2001, the reason there were so many willing sellers is the rice commodities tanked. So it would be nice in the analysis to know incentives for selling, incentives for buying, impacts over the last decade or so. And that might tell you something about what might occur in the future. Just a suggestion.

MR. HUBBARD: Thank you. I think that's a good comment. I think you should probably write that comment up and express that to us formally in writing.

PAUL FORSBERG: Paul Forsberg, Department of Fish and Game. We will be supplying comments by the February 28th deadline.

Just a couple of clarifications that I have at the moment: The Federal Register talked about -- under "Supplementary Information," it says that Reclamation and DWR would facilitate water transfers involving CVP contract water supplies with CVP and state water project facilities under separate written agreement. I wonder

if you would shed some light on what the separate written agreements would be.

And the second part. Well, you want to go ahead take that one?

MS. MIZUNO: For us to convey water using either federal or for us to convey non-CVP water using federal facilities, we have to enter into a separate Warren Act contract with Reclamation for the use of those facilities. And for us to utilize banks and the state water project facilities to facilitate transfers, we would have to enter into separate written contracts with DWR to do that.

PAUL FORSBERG: And then one other question: Would we assume, since we're using state water project facilities -- we may be using state water project facilities -- that the drought water bank 2009 program criteria for mitigation would likely be the same sort of mitigation we would be looking at or previous state water project facilities?

MR. HUBBARD: Are you referring to mitigation to listed species?

PAUL FORSBERG: If in the drought water bank program, if one was going to wheel water through the state water project facilities, there was a certain set of criteria you could use for mitigation purposes. It

was a different set than what you would use for wheeling through CVP facilities. I was wondering if you were going to use a similar approach.

MR. HUBBARD: My expectation is we'll be developing our own independent mitigation criteria based on the input we receive from the resource agencies and from the public in terms of going forward with the longer-term program. So they may not be the same. We may not just adopt them. We may adopt some of them. I don't know. It's difficult to answer without knowing what our full project description is. But it's possible we'll adopt some. We may adopt some and need to tweak them based on fish and game's input or something.

MS. MIZUNO: Are you referring to mitigation on how the water would be made available and then convey using the facility? Or would the mitigation be specific because of the use of the CVP facilities?

PAUL FORSBERG: I think some of the mitigation for the drought water bank program in 2009 was picked up and used for the 2010 --

MS. MIZUNO: Are you referring to the technical paper?

PAUL FORSBERG: This was actually on the Website -- the drought water bank Website. And in the 2010 Website it looked like they used the same criteria.

I was wondering if you had a baseline starting out with that criteria and then building to something --

MS. MIZUNO: I think we'll probably start with that as a basis.

MR. HUBBARD: We can update the conservation measures and the mitigation measures in line with current science. And we plan to do that so that we are following -- may be in accordance with the best-known information at the time. If there's more information available than we had when DWR and Reclamation worked on those measures in 2009, we would certainly consider updating any measures that we decide to put in the document.

SUSAN TATAYON: I'm just wondering, are you considering an options program, since you're looking at a ten-year time period? An options program by which, you know, if the water conditions change and you had some folks wanting to buy but suddenly they don't necessarily need to.

MS. MIZUNO: I guess we haven't really gotten into those kinds of details. Those generally are terms between the buyer and seller. We are really looking at potential environmental impacts due to any transfers. Those are more terms for later.

JOSHUA BASOFIN: Are you intending to contract

with the consultant in order to do surveys for giant garter snakes in anticipation of crop-idling transfers?

MR. HUBBARD: I can answer that one. Reclamation has hired a consultant -- the prime consultant, CDM, to help assist us in preparation of, not only an EIS/EIR, but also some assistance in environmental compliance. Whatever environmental compliance is needed. That could include Section VII consultation. But you got to remember we're not even sure, because we don't have the project defined yet, whether or not we would even have potential impacts to giant garter snakes. So we don't even know if we need to do any additional work with relation to giant garter snakes at this point.

It's possible that crop idling may fall out of the scope of this document. It's possible that other types of drinking water may fall out of the scope of this document as we get more information.

JOSHUA BASOFIN: I think one thing we've seen in the past, particularly in 2009, was that there was a pretty tight time frame in terms of when the water transfers program was established and when the transfers actually were implemented; like water was being wheeled, instead of something like in the fall DWR and the Bureau established a program and then water was being wheeled

as early as the spring. So I think that there's a possibility that there could be some crop idling. It's probably important to have that survey information.

MR. HUBBARD: Let me further explain that Reclamation is partners with DWR on a giant garter snake study that will involve technical field work to identify habitat. We are partnered with the Department of Wildland Resources on that -- that study. We have a team that's involved with that. So we are actually involved specifically with that. But we are not sure -- again, we're not sure if we're going to need specific information for this project yet.

MICHAEL GARABEDIAN: Once the project is defined and the EIS is finished -- pardon me for kind of repeating my question -- could other projects come into the scope of this project later? Could other transfers --

MS. MIZUNO: I suppose it can, which would then require probably an amendment to the document. But I think what we are looking at is we want the document to remain whole. And if there are other transfers, then they probably to have to do separate environmental documents in order to facilitate those transfers.

[Comments made to the general group ended at 2:58 p.m.]

COMMENTS MADE DIRECTLY TO THE COURT REPORTER

JERRY EOENYES: My name is Jerry Eoenyes. I'm with the Northern California Power Agency, NCPA.

Just two comments: Reclamation mentioned the role that they have in the water transfer. There are a couple more roles they did not mention. One, they mentioned the accounting of the water. But they also need to account for water -- for the power that's needed to pump that water. And for some of that, they have a policy in place that states how the power will be accounted for. But they don't have the procedures that are in place that are transparent so one can easily see how some water can have project use and some water, especially the non-CVP water, requires power outside of project use to be supplied to pump that water. And they need to have a transparent accounting item so we can see the different types of water that's being pumped, that the power associated with that corresponds to that particular type of water.

The second thing is the restoration fund. They need, again, to have an accounting system that's transparent so they can easily track the restoration fund charges that's associated with the different types of water that's being transferred.

EVON CHAMBERS: Evon Chambers. I work for the

Planning and Conservation League in Sacramento. I am a water policy and planning analyst.

I encourage the Bureau and the San Luis & Delta-Mendota Water Authority to identify and consider the different criteria proposed by the state and adopted by the water resources control board. And although right now it's not required in any way, it is the best available science. And it identifies what is needed for a healthy Delta. And although sometimes the intentions of a program are good, there are few that could abuse a program. And by identifying the science available for healthy flow standards, that should be considered with the analysis of this document. That's the best available science.

[The last public comment was received at 3:10 p.m.]

STATE OF CALIFORNIA)
COUNTY OF SAN FRANCISCO)

CERTIFICATE OF REPORTER

I, FREDDIE REPPOND, a duly authorized Shorthand Reporter and licensed Notary Public, do hereby certify that on the date indicated herein that the above proceedings were taken down by me in stenotype and thereafter transcribed into typewriting and that this transcript is a true record of the said proceedings.

IN WITNESS WHEREOF I have hereunto set my hand on this 21st day of January, 2011.

_____

FREDDIE REPPOND

Greene, Alicia M.

From: Veronese, Gina
Sent: Monday, February 28, 2011 8:22 AM
To: Greene, Alicia M.
Subject: FW: Comments Addressing Water Transfer Proposal

From: Hubbard, Bradley C [mailto:BHubbard@usbr.gov]
Sent: Sunday, February 27, 2011 8:08 PM
To: Buckman, Carolyn; Veronese, Gina; Hatleberg, Shelly
Subject: Fw: Comments Addressing Water Transfer Proposal

Comment for record.

From: Randy Abbott <randyxabbott@gmail.com>
To: Hubbard, Bradley C
Sent: Sun Feb 27 20:57:20 2011
Subject: Comments Addressing Water Transfer Proposal

I want to add my voice to the objections raised at transferring Water from the Sacramento Valley bio-Region to other watersheds for either agricultural, industrial, or domestic purposes without a clear prioritization of maintaining the surface water levels and water quality of the Sacramento Valley watershed, including its subterranean hydrology.

Not only does the complex natural ecosystem - home to endangered species - rely on less than overburdened limits of resource extraction, the economies of various settlements within the Sacramento Valley also are hinged to the availability of Water, and the cost to procure and distribute Water.

Baseline levels of water quantity and quality must be used as a the basis for frequent monitoring. Such baselines must be formed at the onset of a proposed project, and remain the baseline for the project, despite any number of changes, or scope changes that may occur during the drafting process.

Baseline levels and monitoring plans should include detailed inclusion of all wells, to adequately understand the response of the complex hydrology of the large area affected.

All potential alternative water sources should be explored, such as saline processing, to ensure that economic cost impacts to the Sacramento Valley Area if given a water transfer scenario, are not greater than investments in technology that might equally serve the proposed 'needs' of points south of various Sacramento Valley hydrological systems.

All potential improvements to water use efficiencies and re-processing of local waters for appropriate uses should be considered in the project alternatives.

Thank you for allowing these comments,

Randy Abbott
Chico, Ca
Lower Tuscan Aquifer User

Greene, Alicia M.

From: Veronese, Gina
Sent: Friday, January 14, 2011 8:39 AM
To: Greene, Alicia M.
Subject: FW: Long-Term North to South Water Transfer Program

Public comment for file

From: Hubbard, Bradley C [mailto:BHubbard@usbr.gov]
Sent: Thursday, January 13, 2011 11:48 AM
To: Buckman, Carolyn; Veronese, Gina; Hatleberg, Shelly
Subject: FW: Long-Term North to South Water Transfer Program

Comment for file.

From: Tony St Amant [mailto:tsainta@hotmail.com]
Sent: Thursday, January 13, 2011 10:33 AM
To: Hubbard, Bradley C
Subject: Long-Term North to South Water Transfer Program

Mr. Hubbard,

I was at the Chico meeting on the 11th. I have two questions. What was the web link to the transfer program on the Bureau website? What the actual term you used when I asked you why the Bureau was partnered with SLDMWA in what otherwise seemed to be a commercial operation? You told me that federal law required the Bureau to support or facilitate such transfers, but I don't think the word you used was either support or facilitate.

Thanks,

Tony St. Amant
Chico

Comments on EIS/EIR Scoping for

Bureau of Reclamation Long-Term North to South Water Transfer Program, Sacramento County, CA

Tony St. Amant
27 Garden Park Drive
Chico, CA 95973
tsainta@hotmail.com

January 18, 2011

1. Any north to south water transfer program must be based on good science. If that science does not exist, it should be incumbent on the proponents of the transfer program to develop it and include skeptics in the process in such a way as to develop a common understanding of the hydrogeologic dynamics.

The simple rejoinder to this suggestion is that the job of developing a robust scientific approach is much too large and expensive for the timelines established for this EIS/EIR. The answer to that rejoinder is that the proponents of north-south water transfers have had 16 years since the controversy caused by the transfers in 1994, and they have done virtually nothing to advance the science of assessing aquifer carrying capacity and health in the Sacramento Valley. The risks and cost of that failure should not fall on the shoulders of north state groundwater users and ecosystems.

2. A recent investigation by the Glenn Colusa Irrigation District and the Natural Heritage Institute[1] has been proposed as a useful examination of conjunctive water management. It is not.

At best, the investigation is a seriously deficient baby step in the right direction. The shortcomings are significant and most of them are acknowledged in the investigation itself. See comments on the GCID-NHI investigation at the end of this document.

3. The phrase "voluntary water transfers between willing sellers and willing buyers" is a misleading over simplification of the real scope and impact of the action.

If sold and transferred surface water is to be backfilled by increased pumping of groundwater, there is a potential for adversely affecting neighbors who may rely on groundwater for economic survival. Groundwater aquifers do not conform to property lines. Consequently, increased groundwater pumping has a potential for drawing down groundwater levels across property lines and requiring neighbors to take on the cost of deepening their wells without compensation from the surface water sale; the real cause of their problem and expense.

Reliable data needs to be developed on the potential depth and breadth of groundwater drawdown over time. Short-term localized effects have been studied and documented, but the effect of increased pumping over time has only been speculated. Yet, the impact over time is by far the most dangerous threat to aquifer and ecosystem health.

[1] Sacramento Valley Conjunctive Water Management Technical Investigation Modeling Report, prepared for the Glenn-Colusa Irrigation District and Natural Heritage Institute (CH2MHill & MBK Engineers), February 2010.

As well as the potential economic impact on distant groundwater users from increased pumping, there is a potential for environmental impact that has received only the most cursory conceptual examination. Surface water sold out of the area will no longer replenish the local aquifer as it does when it is used to water crops. Pumping groundwater to backfill surface water sent out of the area could result in an aquifer drawdown that could starve surface vegetation. Moreover, an aquifer void created by the pumping could draw off an increased amount of stream water in the recharge process, causing less tributary flow into the Sacramento River, damaging riparian vegetation and further exacerbating salmon spawning problems and downstream flow shortages. These phenomena need focused and detailed assessment before a long-term conjunctive management project is implemented.

4. Transferring water to dry southern areas wastes a significant amount of water that could be put to more efficient use in its native region.

Evaporation loss in transit is not the only inefficiency of transferring surface water south. Another example is the amount of irrigation water required to grow orchard crops. About twice the irrigation water is required in the southern San Joaquin Valley compared to the Sacramento Valley. This relationship exists because about half the water in the Sacramento Valley comes from rain, but virtually all of the water in the southern San Joaquin Valley must come from irrigation.

If agricultural markets need more of what is being produced in water-short areas, maybe the state and federal governments ought to be examining how to expand production in areas where the precious resource of water can be used most efficiently instead of leading an effort to use it less efficiently.

5. There is little logical rationale—except among massive water rights holders—for allowing water rights holders to profit from the sale of water.

Water rights do not equal water ownership. The water is owned by the people of the State of California and is granted for beneficial use to individuals and agencies. A more appropriate alternative approach—assuming an environmentally sound transfer program—would be to charge the receiving agencies the estimated fair market value for transferred water, place the proceeds in a fund administered by a public executive agency, and allow claims against the fund to reimburse actual expenses incurred as a result of the water transfers.

In addition to claims for reimbursement of actual expenses caused by water transfers, the proceeds should be expected to pay the cost of administering the system. At a minimum, valid claims would include: (1) the cost differential to surface water users of pumping replacement groundwater; and (2) the cost differential to affected groundwater users of any expenses caused by the increased pumping. Public input should be solicited to ensure all potential categories of valid claims are identified before the program is implemented. Should the proceeds from the transfers not cover the cost of claims and program administration, the market value of the transferred water should be revised upward to cover the actual cost.

6. Comments on Sacramento Valley Conjunctive Water Management Technical Investigation Modeling Report, February 2010 follow (A copy was provided to GCID January 12, 2011).

Author: Tony St. Amant
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January 18, 2011

Comments on

Sacramento Valley Conjunctive Water Management
Technical Investigation Modeling Report, February 2010

Overview. The subject investigation (Investigation) was prepared by CH2M HILL and MBK Engineers for the Glenn Colusa Irrigation District (GCID) and the Natural Heritage Institute (NHI).

The primary purpose of the Investigation was to examine how to integrate the operation of surface water and groundwater systems (conjunctive water management) for the purpose of enlarging water supplies for local and regional benefits and creating operational flexibility to contribute to ecologically friendly flows in the Sacramento and Feather Rivers and the Delta.[2]

By its own terms the Investigation does not present results appropriate for implementation of a conjunctive water management program without extensive additional analysis:

> Analyses described herein should be considered a planning level analysis that tests the general viability of conjunctive water management strategies presented, and provides a general estimate of benefits that may be realized by implementation of these projects. However, *these evaluations will need to be significantly refined, both in specificity of infrastructure and operational protocols and response of the natural system to these operations, before a project of this type could be carried to the design phase*.[3] (emphasis added)

Conclusion: Based on the Investigation's own self-evaluation it is insufficient to validate the safe operability of a conjunctive water management program in the Sacramento Valley.

Comments on the Surface Water Analysis

The model used for the surface water analysis was CalSim-II, a well-established model developed jointly by the federal Bureau of Reclamation (USBR) and the California Department of Water Resources (DWR). CalSim-II is a water flow model used to simulate California State Water Project (SWP) and Central Valley Project (CVP) operations, and while it has been used to model the estimated effects of climate change[4], this Investigation did not use that capability.

Without consideration of climate change, the results of this Investigation include the implicit but unstated assumption that basic SWP/CVP water flows for the next 82 years will be as they were for the years 1922 through 2003.[5] This is a significant shortcoming. DWR's position on the impact of climate

[2] Investigation Update, June 2010, which eliminated specific reference to "the Lower Tuscan Aquifer and related deep aquifers. . . ."
[3] Investigation, February 2010, p. 14-1, Section 14, subsection 14.1, third paragraph.
[4] Using Future Climate Change to Support Water Resources Decision Making in California, California Climate Change Center, CA Department of Water Resources, May 2009.
[5] The years 1922 through 2003 are the years of actual SWP/CVP water flow used by CalSim-II.

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January 12, 2011

change is that "*Historic hydrologic patterns* [like those used in this Investigation] *can no longer be solely relied upon to forecast the water future*."[6] (emphasis added)

Conclusion: Without integration of a climate change sensitivity analysis, the surface water analysis has no utility in conjunctive water management planning or decision-making for the Sacramento Valley. As currently crafted, the Investigation provides no level of confidence that the surface water analysis would be relevant for conditions other than those experienced during the period 1922-2003.

Comments on the Groundwater Analysis

The model used for the groundwater analysis appears to have been an adaptation of MicroFEM© version 3.60, an integrated groundwater modeling package developed in The Netherlands. Referred to as SacFEM, the model is described as optimized to cover over 5,955 miles of the Sacramento Valley Groundwater Basin. However, there is no mention of peer review or other independent validation for the model adaptation—an unacceptable shortcoming for a program proposal with such huge environmental and economic implications for the Sacramento Valley. Some critical areas of interest in a validation process would be model fidelity in the areas of:

- Replicating the internal flow mechanics of dissimilar aquifers, such as the Tehama Formation, the shallow unconfined Tuscan Formation, and the deeper fractured rock Tuscan Formation;
- Replicating any flow interaction between the upper and lower Tuscan Formations;
- Replicating aquifer recharge, including postulated foothill area recharge for the Tuscan Formation(s); and
- Revealing the potential long-term, cumulative, wide-area effects on aquifer levels of extended reliance on groundwater to supplement surface water shortfalls.

The importance of such validation is emphasized by the Investigation itself:

> *The distribution of aquifer properties across the Sacramento Valley is poorly understood*. In certain areas with significant levels of groundwater production, the collection of aquifer test data, and the measurement of historic groundwater level trends in response to known groundwater production rates have provided valuable information on aquifer properties. However in the majority of the valley, these data are not available.[7] (emphasis added)

If the results of any investigation are to be used as a basis for a long-term extraction commitment from Sacramento Valley aquifers, first there must be a consensus among state and federal agencies and the interested public that program projections are based on a reasonable representation of future probabilities.

[6] Managing an Uncertain Future: Climate Change Adaption Strategies, CA Department of Water Resources, October 2008, p. 2.
[7] Investigation, February 2010, Section 8, subsection 8.3.5, p. 8-11, first paragraph.

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January 12, 2011

Conclusion: The Investigation's groundwater analysis provides no more than an interesting starting point for the robust analysis that would be required for a high confidence conjunctive water management project.

Comments on Groundwater Management and Decision Criteria

While it is arguable that conjunctive use water management and decision criteria are beyond the technical scope of the Investigation, the subject is broached in Section 5, General Operational Scenario:

> In some years, conditions in the Sacramento Valley may be so critically dry that Project pumping would be suspended altogether. For instance, if groundwater levels were already at levels of concern (according to county Basin Management Objectives or other standards), Project wells would be turned off and the Project would generate no new supplies under these conditions.[8]

The implications of this paragraph are profound and far reaching. Without a public management structure in control of the process, a conjunctive water management project would be a license for unrestricted groundwater pumping managed only by the entity doing the extraction. Response to concerns of others would be voluntary unless redressed through legal action at potentially great cost to the injured party. Because groundwater aquifers do not necessarily conform to local government boundaries there is no existing local public entity that could ensure aquifer safety across the Investigation area.

An example of what could happen without a public management structure in control of the process occurred in Butte County in 1994. Two agricultural water districts sold surface water to Southern California buyers and pumped groundwater to make up for it. Nearby wells went dry with their owners convinced that the cause was increased pumping by the water districts. The water districts never accepted responsibility citing the relatively low precipitation that year as the cause.[9] The controversy remains the basis of deep distrust 16 years later.

The point here is not to imply blame, but to emphasize that a succession of similar unresolved issues would be intolerable across the Sacramento Valley over time. The Investigation gives the example of county basin management objectives programs (BMO) as a solution to the management problem, but BMO programs fail on several accounts: (1) they are limited by county boundaries, which do not necessarily relate to aquifer hydrodynamics; (2) Glenn County exempts water districts from compliance with its BMO ordinance; (3) Butte County's BMO ordinance provides no binding enforcement mechanism; and (4) neither county ordinance deals with the potential issue of long-term aquifer depletion.[10]

Conclusions: Safe and effective conjunctive water management for the Sacramento Valley requires a public executive authority that extends across local government boundaries. No such authority now exists.

[8] Investigation, February 2010, Section 5, subsection 5.1, p. 5-1, last paragraph.

[9] At the time, Butte County had no water transfer or groundwater management ordinances in force.

[10] Of Sacramento Valley counties, Butte and Glenn Counties are the only ones known by the author to have BMO programs.

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January 12, 2011

Comments on EIS/EIR Scoping for

Bureau of Reclamation Long-Term North to South Water Transfer Program, Sacramento County, CA

Tony St. Amant
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February 14, 2011

According to U.S. Geological Survey water use data, the proposed long-term water transfer program could <u>almost double the extraction of fresh groundwater</u> from Butte and Glenn Counties.

The data in the following table is extracted from a spreadsheet at the USGS website.[1]

BUTTE & GLENN CO. ESTIMATED WATER USE 2005	Total Fresh Groundwater	Total Fresh Surface Water	Total Fresh Water
Butte, Mgal/day	308.210	481.350	789.560
Glenn, Mgal/day	278.330	462.430	740.760
Total, Mgal/day	586.540	943.780	1530.320
Total acre feet/day*	1,800	2,896	4,696
Total acre feet/year*	657,008	1,057,168	1,714,177

* Based on 325,851.385 gallons equal one acre foot.

The U.S. Bureau of Reclamation-San Luis & Delta-Mendota Water Authority Long-Term North to South Water Transfer Program proposes to transfer up to 600,000 acre feet of water per year during the period 2012-2022. The process for facilitating these transfers could be crop idling or substituting groundwater for transferred agricultural surface water.

Widespread crop idling has a potential for significant economic impact on agribusinesses and individuals who need active planting, growing, harvesting, maintenance, support, and supply activities for revenue and income. And the problem would spread quickly beyond dedicated agricultural activities to a broad range of community businesses and services. This impact would occur in a rural area with already chronic underemployment problems.

In the long-term, groundwater substitution could be as harmful or worse. The 600,000 acre feet proposed for transfer equals 91 percent of 657,008 acre feet of fresh groundwater extracted from Butte and Glenn counties in 2005. In other words, the project would almost double groundwater extractions from an aquifer that is already under stress and is expected to be in even more difficulty if current long-term snowpack projections hold up.

The potential long-term impact of such a huge increase in groundwater extraction cannot be reasonably assessed during the time-frame of this EIS/EIR process. <u>Prudence demands that the project be scrapped</u>.

[1] http://water.usgs.gov/watuse/data/2005/index.html, Estimated Use of Water in the United States, County-Level Data for 2005, caco2005.xls. (latest data available).

Comments on EIS/EIR Scoping for

Bureau of Reclamation Long-Term North to South Water Transfer Program, Sacramento County, CA

Tony St. Amant
27 Garden Park Drive
Chico, CA 95973
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February 25, 2011

According to U.S. Geological Survey water use data, the proposed long-term water transfer program could more than double the extraction of fresh groundwater from Tehama and Glenn Counties.

The data in the following table is extracted from a spreadsheet at the USGS website.[1]

TEHAMA & GLENN CO. ESTIMATED WATER USE 2005	Total Fresh Groundwater	Total Fresh Surface Water	Total Fresh Water
Tehama, Mgal/day	205.17	333.28	538.45
Glenn, Mgal/day	278.330	462.430	740.760
Total, Mgal/day	586.540	943.780	1530.320
Total acre feet/day*	1,484	2,442	3,926
Total acre feet/year*	541,589	891,309	1,432,898

* Based on 325,851.385 gallons equal one acre foot.

The U.S. Bureau of Reclamation-San Luis & Delta-Mendota Water Authority Long-Term North to South Water Transfer Program proposes to transfer up to 600,000 acre feet of water per year during the period 2012-2022. The process for facilitating these transfers could be crop idling or substituting groundwater for transferred agricultural surface water.

Widespread crop idling has a potential for significant economic impact on agribusinesses and individuals who need active planting, growing, harvesting, maintenance, support, and supply activities for revenue and income. And the problem would spread quickly beyond dedicated agricultural activities to a broad range of community businesses and services. This impact would occur in a rural area with already chronic underemployment problems.

In the long-term, groundwater substitution could be as harmful or worse. The 600,000 acre feet proposed for transfer equals 111 percent of 541,589 acre feet of fresh groundwater extracted from Tehama and Glenn counties in 2005.

The potential long-term impact of such a huge increase in groundwater extraction cannot be reasonably assessed during the time-frame of this EIS/EIR process. Prudence demands that the project be scrapped.

[1] http://water.usgs.gov/watuse/data/2005/index.html, Estimated Use of Water in the United States, County-Level Data for 2005, caco2005.xls. (latest data available).

Comments on EIS/EIR Scoping for

Bureau of Reclamation Long-Term North to South Water Transfer Program, Sacramento County, CA

Tony St. Amant
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February 25, 2011

According to U.S. Geological Survey water use data, the proposed long-term water transfer program could <u>almost double the extraction of fresh groundwater</u> from Tehama, Colusa, and Glenn Counties.

The data in the following table is extracted from a spreadsheet at the USGS website.[1]

TEHAMA, COLUSA & GLENN CO. ESTIMATED WATER USE 2005	Total Fresh Groundwater	Total Fresh Surface Water	Total Fresh Water
Tehama, Mgal/day	205.170	333.280	538.450
Colusa, Mgal/day	139.980	776.280	916.260
Glenn, Mgal/day	278.330	462.430	740.760
Total, Mgal/day	623	1,572	2,195
Total acre feet/day*	1,913	4,824	6,738
Total acre feet/year*	698,386	1,760,853	2,459,239

* Based on 325,851.385 gallons equal one acre foot.

The U.S. Bureau of Reclamation-San Luis & Delta-Mendota Water Authority Long-Term North to South Water Transfer Program proposes to transfer up to 600,000 acre feet of water per year during the period 2012-2022. The process for facilitating these transfers could be crop idling or substituting groundwater for transferred agricultural surface water.

Widespread crop idling has a potential for significant economic impact on agribusinesses and individuals who need active planting, growing, harvesting, maintenance, support, and supply activities for revenue and income. And the problem would spread quickly beyond dedicated agricultural activities to a broad range of community businesses and services. This impact would occur in a rural area with already chronic underemployment problems.

In the long-term, groundwater substitution could be as harmful or worse. The 600,000 acre feet proposed for transfer equals 86 percent of 698,386 acre feet of fresh groundwater extracted from Butte and Glenn counties in 2005.

The potential long-term impact of such a huge increase in groundwater extraction cannot be reasonably assessed during the time-frame of this EIS/EIR process. <u>Prudence demands that the project be scrapped</u>.

[1] <u>http://water.usgs.gov/watuse/data/2005/index.html</u>, Estimated Use of Water in the United States, County-Level Data for 2005, caco2005.xls. (latest data available).

Brad Hubbard
Bureau of Reclamation
2800 Cottage Way MP-410
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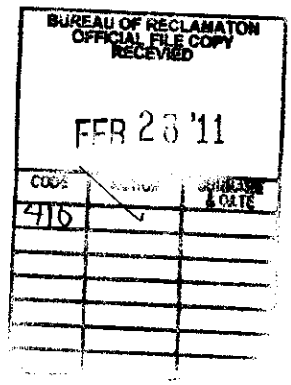
ENV 6 00

Mike Ashlock
4400 Pine Cluster
Oroville (Concow), Ca 95965

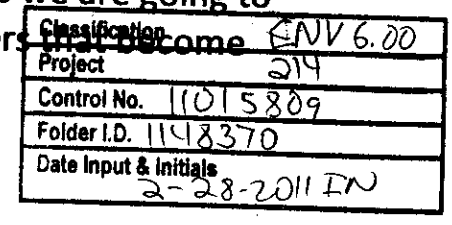


Long-Term Water Transfer EIS/EIR Scoping Comments

I recently read an Introduction to California Water, by David Carle. There was history and much general information about the system of water storage and distribution around the state. There were maps of canals and information on diversions of water from one river to another to mediate use in one river to preserve fish habitat in another, etc. Other topics were the Drought Water Bank, pumping, agriculture use, and realistic commentary on our ever-growing need on limited water resources.

As an individual who fought the Peripheral Canal back in the 70s and 80s because I was fearful of what the diversion of water would do to the delta, once again I comment on the scope of Long-Term Water Transfer. The above book also educated me about how we have circumvented the "Peripheral Canal" by name while, in essence, used canals, pump stations, and myriad other diversions to accomplish its purpose—movement of north state water south.

I have become aware of the existing "junior water right holders" that by contract must give up their water during droughts. That makes sense to me. Don't encourage junior right holders to invest in a dependence on guaranteed year-round water if it isn't available without taking it from other existing dependent entities. I'm fearful that by ignoring the ebb and flow of natural cycles we are going to *further* over commit ourselves. Junior right holders that become



dependent on their water rights even in drought times will degrade the resource of those of us already dependent on ground and surface water in the north state. Obviously the environment will also be negatively affected.

We have *already* overwhelmingly degraded the rivers in the state such that our once superb salmon and steelhead fisheries exist as mere museum exhibits reliant on humans to artificially maintain them. Most attempts to mediate the impact of our water use on natural systems are an illusion if not an outright deception when we honestly examine the effects on the environment. We aren't doing a very good job of even faking it.

As a Northern California resident dependent on ground water for my small farm and household consumption I am fearful my family's livelihood will be impacted. Our local Concow School's well has gone dry in the last few years during the summer. Their attempt to drill two more wells came up with no water. During the present year they are using bottled water in school because their well has been so degraded that it is not potable. Many neighbors in nearby Yankee Hill have run out of well water as the summer progresses these past few years.

Carle's book ends by leaving us with the choice between very different future scenarios for our state concerning water use. Like he says, we could maintain 5 times our population by the exploitation of water for human use. But what would our state become? Our present paradigm depends on the conception of "progress" on ever expanding and consuming populations. That paradigm will change. Are we smart enough to make a better choice?

Sincerely,

Mike Ashlock

Mike Ashlock

California Regional Water Quality Control Board
Central Valley Region
Katherine Hart, Chair

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Linda S. Adams
Acting Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

16 February 2011

Mr. Brad Hubbard
Bureau of Reclamation
2800 Cottage Way MP-410
Sacramento, CA 95825

LONG-TERM NORTH-TO-SOUTH WATER TRANSFER PROGRAM SCOPING COMMENTS

Thank you for providing us the opportunity to comment on the scope of the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the proposed "Long-Term North-to-South Water Transfer Program". We strongly support the US Bureau of Reclamation's decision to prepare a full EIS/EIR for this project and to evaluate the project's potential impacts to ground and surface water quality.

The Central Valley Water Board, with the State Water Resources Control Board and the US Environmental Protection Agency, has identified numerous water bodies in the in the Central Valley as impaired by various pollutants, including mercury, pesticides, and organic enrichment/low dissolved oxygen. Below are specific comments on mercury and dissolved oxygen.

Mercury
About 100 water bodies in the Central Valley are on the Clean Water Act Section 303(d) List for impairments due to mercury. These water bodies include the Sacramento-San Joaquin Delta and its major tributaries, the Sacramento and San Joaquin Rivers. The mercury impairments are due to elevated concentrations of methylmercury in fish, and consumption of those fish poses a health risk to people and wildlife species.

Mercury in the US Bureau of Reclamation's project area comes primarily from historic mercury and gold mines and from resuspension of contaminated material in stream beds and banks downstream of the mines, as well as from modern sources such as atmospheric deposition from local and global sources, waste water treatment plants, and urban runoff. Methylmercury, the most toxic form of mercury, forms primarily by sulfate reducing bacteria methylating inorganic mercury. Sources of methylmercury include methylmercury flux from sediment in open water and wetland habitats, urban runoff, irrigated agriculture, and waste water treatment plants. Water management activities, including water storage, conveyance, and flood control, can affect the transport of mercury and the production and transport of methylmercury.

In April 2010, the Central Valley Water Board adopted the Delta Mercury Control Program for the control of mercury and methylmercury in the Delta and Yolo Bypass. The goal of the Delta

Mercury Control Program is to reduce mercury pollution and restore the beneficial use of safe fish consumption for humans and wildlife. The control program, also known as a Total Maximum Daily Load (TMDL), determined mercury and methylmercury loads and assigned reductions (allocations) to sources in the watershed, including open water. The Delta Mercury Control Program needs to be approved by the State Water Resources Control Board, the Office of Administrative Law, and the U.S. Environmental Protection Agency before it becomes legally effective. This approval process is expected to be complete in late 2011.

The Delta Mercury Control Program has specific requirements for state and federal agencies, including the US Bureau of Reclamation, that manage water in the Delta and Yolo Bypass. In brief, the Delta Mercury Control Program requires the agencies to develop and implement study plans to evaluate methylmercury production and control. A detailed description of the Delta Mercury Control Program requirements, including specific tasks and schedules, can be found in Resolution No. R5-2010-0043 Attachment 1, available at: http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/central_valley_projects/delta_hg/april_2010_hg_tmdl_hearing/index.shtml

The EIS/EIR must consider and incorporate the requirements of the Delta Mercury Control Program as part of the Long-Term North-to-South Water Transfer Program. In addition, the EIS/EIR should consider the potential negative and positive short-term and cumulative effects the Long-Term North-to-South Water Transfer Program and associated transfer mechanisms may have on the transport of mercury and the production and transport of methylmercury in the Delta and Yolo Bypass where the transfer water is conveyed, in the Delta's tributary watersheds where the water is made available for transfer, and in the watersheds south of the Delta and in the San Francisco Bay Area where the water would be used, particularly in those water bodies that are identified as impaired by mercury on the 2010 Clean Water Act Section 303(d) List.

DISSOLVED OXYGEN

In 2005 the Central Valley Water Board adopted a TMDL control program for the San Joaquin River (Stockton Deep Water Ship Channel) to address organic enrichment/low dissolved oxygen. This TMDL has been approved by the US Environmental Protection Agency. The TMDL identified three main factors contributing to the low dissolved oxygen conditions – loading of oxygen demanding substances and precursors (nutrients) from upstream sources; increased residence time as a result of the geometry of the deep water ship channel; and reduced net river flows through the channel.

The proposed scope of the EIS/EIR describes the potential transfer of water from north-to-south and also east-to-west. The EIS/EIR should consider the potential negative and positive short-term and cumulative effects the Water Transfer Program and associated transfer mechanisms may have on loads of oxygen demanding substances and net flows on the San Joaquin River that will affect dissolved oxygen concentrations downstream in the deep water channel. Any project that has the potential to impact dissolved oxygen conditions in the channel should evaluate and fully mitigate its impacts.

If you would like additional information about the Central Valley Water Board's TMDL programs, please contact me at (916) 464-4621 or by email at jbruns@waterboards.ca.gov.

Jerry Bruns
Environmental Program Manager

cc: Ms. Frances Mizuno, San Luis &Delta-Mendota Water Authority, PO Box 2157, Los Banos

Greene, Alicia M.

From: Veronese, Gina
Sent: Friday, January 14, 2011 8:39 AM
To: Greene, Alicia M.
Subject: FW: North-South water transfer

Public comment for file

From: Hubbard, Bradley C [mailto:BHubbard@usbr.gov]
Sent: Wednesday, January 12, 2011 4:51 PM
To: Buckman, Carolyn; Veronese, Gina; Hatleberg, Shelly
Subject: FW: North-South water transfer

Here is a comment for the record. Thanks, Brad

From: juliegiada@gmail.com [mailto:juliegiada@gmail.com] **On Behalf Of** Julie Butler
Sent: Wednesday, January 12, 2011 3:20 PM
To: Hubbard, Bradley C
Subject: North-South water transfer

Mr. Hubbard,

I am opposed to the water transfer. Let farming practices by changed to conserve water through Permaculture and rainwater harvesting techniques, before we all run out of water, north and south. That is the sustainable method, so that our children will have a better future.

Sincerely,
Julie Butler
9050 Lasell Lane
Durham, CA 95938

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February 22, 2011

Brad Hubbard
Bureau of Reclamation
2800 Cottage Way, MP-410
Sacramento, CA 95825

Frances Mizuno
San Luis & Delta-Mendota Water Authority
P.O. Box 2157
Los Banos, CA 93635

Dear Mr. Hubbard and Ms. Mizuno:

Butte County appreciates the opportunity to provide comments on the scoping of the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the proposed Long-Term 'North-to-South' Water Transfer Program. Butte County and the region have a vested interest to assure that the Long-Term 'North-to-South' Water Transfer Program has the least impact upon its community, agricultural economy and environment. Our region's water resources provide the life blood for our agricultural-based communities, economy and environment. Much of our local water supply comes from the various groundwater basins throughout the region that are recharged through these creek and rivers. The counties of the region - Butte, Colusa, Glenn, Shasta, Sutter and Tehama - have formed the Northern Sacramento Valley Integrated Regional Water Management Group to work collaboratively on regional water and resource management issues. In consultation with our regional partners, Butte County is offering comments and recommendations. Our comments are limited by the fact that there was not a comprehensive project description provided.

The magnitude of the proposed program is daunting and raises considerable concerns. An adequate EIS/EIR may not be possible based on the length and breadth of the proposed program. As explained, it is our expectation that the EIS/EIR will assess project specific impacts including localized groundwater conditions over the entire ten-year time period of the program. The long term duration of the program raises concerns about setting an expectation on a permanent reliance on transfers. The proposed program must address how it will avoid an expectation of a permanent reliance on water provided through this program. The EIS/EIR should discuss how the project complies with SB1X that calls for a reduced reliance on the Delta and to promote regional water supply reliability. Given these overarching concerns, a transfer program of smaller scope and limited timeframe should be considered.

It is imperative that the proposed program adhere to local groundwater ordinances that have been codified since the Drought Water Bank held in the early 1990s. In Butte County, the proposed program must reference adherence to the Butte County's Groundwater Conservation Ordinance (Chapter 33 of the Butte County Code). Beyond complying with local ordinance requirements, the environmental review must be scoped consistent with the procedures of local ordinances adopted in the Sacramento Valley. Therefore, the proposed program must have an EIS/EIR of its own and cannot rely on previously conducted environmental documents from other programs. For example, the 2009 Drought Water Bank relied on the Environmental Water Account EIS/EIR and failed to adequately recognize the potential impacts.

The proposed project must approach northern Sacramento Valley with a high degree of caution especially in regards to groundwater substitution programs. As previously stated, anything less than an environmental review consistent with the procedures in local ordinances in the Sacramento Valley will not be adequate. The process and procedures (e.g., monitoring, communication, responsibilities, mitigation triggers, etc) of the proposed program must be clear, transparent and unambiguous. The EIS/EIR must include clear and specific documentation and a thorough evaluation of impacts from specific transfers covered by the proposed program over the ten year period. The EIS/EIR must take into consideration groundwater conditions are currently impacted beyond routine seasonal fluctuations as well as projected impacts from climate change. The proposed program referenced a reliance on locally adopted Basin Management Objectives (BMO). In some areas, BMO alert or trigger levels have been reached. The proposed program must clearly describe how BMOs will be utilized and how the program will address current conditions. The EIS/EIR must fully evaluate potential ecosystem impacts. Significant uncertainty exists regarding stream/aquifer interaction and that uncertainty should reflect a cautious approach regarding assessment of upstream ecological impacts. The EIS/EIR must describe potential effects on the operation of Central Valley Project and/or State Water Project facilities, including Lake Oroville. Lake Oroville is more than a part of the SWP system. It is integral to our recreation, economic and ecosystem for those in its Area of Origin. Further, the economic impacts from the program must be assessed in greater detail taking into account regional variability and agronomic conditions.

The lack of clarity on the process to monitor and mitigate third party impacts must be addressed. Transfer programs must have an unambiguous, transparent, locally vetted dispute resolution program. It is imperative that the Long-Term Transfer Program recognize that potential impacts associated with the transfer of water from the Sacramento Valley need to be addressed through this type of approach.

In conclusion, we cannot underscore that actions through the Long-Term Transfer Program could have grave economic and environmental consequences in the Sacramento Valley that must be addressed. We look forward to reviewing a comprehensive project plan. We hope that the concerns of Butte County and the region are fully addressed in the draft EIS/EIR. Thank you for your consideration.

Sincerely,

Steve Lambert, Chair
Butte County Board of Supervisors

State of California • Natural Resources Agency Edmund G. Brown Jr., *Governor*
DEPARTMENT OF PARKS AND RECREATION • Four Rivers Sector • 31426 Gonzaga Road • Gustine, CA 95322 Ruth Coleman, *Director*
(209) 826-1197

February 17, 2011

VIA EMAIL

Frances Mizuno
San Luis and Delta Mendota Water Authority
P.O. Box 2157
Los Banos, CA 93635
(209) 832-6200

Subject: NOP of Draft EIR, SCH #2011011010

Dear Ms. Mizuno,

California State Parks appreciates the opportunity to comment on the Proposed Long-Term North to South Water Transfer Program Environmental Impact Report. My comments below concern how the water transfer program may affect San Luis Reservoir State Recreation Area (SLRSRA).

California State Parks exists to "provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation."

As you know, SLRSRA is comprised of three water bodies: San Luis Reservoir (SLR), the O'Neill Forebay (ONF), and Los Banos Creek Reservoir (LBC). This State Recreation Area serves approximately 500,000 visitors a year from all over the state, country, and the world. These park visitors travel to the SLRSRA because of the water. Although park visitation occurs year-round, the highest visitation occurs between April and October.

Park visitors come to enjoy all sorts of recreational activities including enjoying the world class fishing, boating, waterfowl hunting, birding and wildlife viewing, camping, and other general day-use activities. SLRSRA is also a world renowned location for windsurfing. Several water-based special events are held here throughout the year and include fishing tournaments, jet-ski races, and triathlon events.

As the Superintendent for the SLRSRA, I submit the following issues that should be thoroughly addressed during the preparation of any environmental documents related to the water transfer program:

Recreation

The quality of the visitor's recreational experience at SLRSRA is directly related to the water level and water quality. That is, when the water levels are low, it impacts where boaters can travel on the lakes and can even prevent boaters from launching; can prevent windsurfers from windsurfing; and, can deter park enthusiasts from visiting.

Any impacts on the visitor's quality of experience while engaged in water-based recreational activities should be considered and mitigated to the satisfaction of the Department of Parks and Recreation (CA State Parks).

Public Safety

Low water levels can impact park visitors using the lakes. Boaters and windsurfers can damage their vessels and other equipment and even injure themselves or their passengers by running aground. Low water levels can even hamper rescue efforts of State Park Rangers responding to emergencies on the lakes.

Any impacts on the public's safety due to low water levels should be addressed to the satisfaction of California State Parks.

Aesthetics and Visual Resources

Open space and scenic vistas are key values for the SLRSRA. The view as seen by boaters, campers, and other park users will change if water levels drop because of this water transfer program. Any impairment of scenic vistas would lessen the sense of openness that currently pervades the park.

Cultural Resources

Cultural resources are defined as buildings, sites, structures, or objects, each of which may have historical, architectural, archaeological, cultural, or scientific importance and are referred to as historical resources. Approximately 51 prehistoric and historic cultural resources have been documented within the SLRSRA. Dozens of these sites are inundated at least part of the year.

Lower water levels may impact these historic cultural resources by exposing them to looters. Any potential impacts to cultural resources should be considered and mitigated to the satisfaction of California State Parks.

Wildlife

One of the biggest draws to SLRSRA is its excellent angling. SLR and the ONF are known for the striped bass, a recreationally important fish species. Bass spawning is determined by littoral development and lake temperature. By lowering water levels the littoral development decreases as well as the lake temperature which has a direct negative impact to spawning bass and the decrease in their populations.

The SLR State Recreation Area is part of the Pacific Flyway and hundreds of thousands of birds use these water bodies. Raptors, including bald eagles, and other birds occur in and near the park, with the largest concentrations found in areas with large bodies of water that support abundant prey such as fish or waterfowl. Suitable foraging habitat is abundant throughout the park.

Lower water levels will impact waterfowl by reducing the available fish for food. Lower water levels will also cause the water to recede, which will reduce the number of protected coves and other isolated aquatic areas birds can use.

Any impacts to fish and wildlife, and to the recreation revolving around fish and wildlife, should be considered throughout the preparation of environmental documents for the proposed water transfer program.

Infrastructure

Under an agreement with the California Department of Water Resources, approximately 2,750 acre feet of water per year can be drawn from SLR and ONF by California State Parks to serve its visitors.

California State Parks operates water treatment facilities on the SLR and the ONF. Construction on these new water treatment facilities are nearly complete. The 72,000 gallons per day (gpd) SLR Water Treatment Plant serves a developed campground and other use areas on the SLR. The 86,000 gpd ONF Water Treatment Plant serves a full-hookup campground and a very large developed day-use area.

Water transfers and lower water levels could impact California State Parks' ability to draw water from SLR and ONF. These long-term water transfers and lower water levels could result in uncovering the water intake line and pump used for water utilization for our visitors and irrigation for park landscaping.

Any impacts to State Parks' ability to draw water from these lakes should be considered and mitigated to the satisfaction of California State Parks.

California State Parks at San Luis Reservoir State Recreation Area looks forward to future opportunities for review and comments on this project as it proceeds through the program environmental review process. Please contact me at (209) 826-1197 should any of our comments need clarification. I am also happy to discuss our comments in person.

Sincerely,

Greg Martin
Sector Superintendent
Four Rivers Sector

cc: Heather Reith, DPR District Environmental Coordinator
Clarissa Sampaga, DPR Natural Resources Division
DPLA Environmental Review Unit, DWR

Greene, Alicia M.

From: Veronese, Gina
Sent: Monday, February 28, 2011 8:22 AM
To: Greene, Alicia M.
Subject: FW: Fwd: Long term water transfer

From: Hubbard, Bradley C [mailto:BHubbard@usbr.gov]
Sent: Sunday, February 27, 2011 6:01 PM
To: Buckman, Carolyn; Veronese, Gina; Hatleberg, Shelly
Subject: Fw: Fwd: Long term water transfer

Comment for record.

From: lindzer2@aol.com <lindzer2@aol.com>
To: Hubbard, Bradley C
Cc: frances.mizuno@sldmwa.org <frances.mizuno@sldmwa.org>
Sent: Sun Feb 27 17:14:13 2011
Subject: Fwd: Long term water transfer

2/26/11
Linda Calbreath
4318 Green Meadow Ln.
Chico, CA 95973

Brad Hubbard
Bureau of Reclamation
2800 Cottage Way MP-410
Sacramento, CA 95825

Frances Mizuno
San Luis and Delta Mendota Water Authority
P.O.Box 2157
Los Banos, CA 93635

I am writing to express my disapproval of the plan to transfers of water from Northern California to the Central Valley. The flora and fauna of the area rely upon our current water supply as do the farmers and individuals.
We do not want to turn our area into a desert. The Central Valley was a desert before white man's arrival to California, and it is a shame that it cannot be farmland, but that is the climate of the area.
I may not be able to articulate this as well as some, but I still want to go on record that I think it is a bad idea and I will be willing to contribute to the legal process of fighting this water transfer.

Sincerely,

Linda Calbreath

CENTRAL DELTA WATER AGENCY
235 East Weber Avenue • P.O. Box 1461 • Stockton, CA 95201
Phone 209/465-5883 • Fax 209/465-3956

February 28, 2011

Via Email bhubbard@usbr.gov,
Facsimile No. (916) 978-5290
and First Class Mail

Brad Hubbard
Project Manager
U.S. Bureau of Reclamation
2800 Cottage Way, MP-410
Sacramento, C 95825

Re: Scoping Comments for Long-Term North to South Water Transfer Program Environmental Impact Statement/Environmental Impact Report

Dear Mr. Hubbard:

Please accept these comments of the Central Delta Water Agency ("CDWA") on the scope of the proposed Environmental Impact Statement ("EIS")/Environmental Impact Report ("EIR") to be prepared by the Department of the Interior, Bureau of Reclamation ("USBR") and the San Luis & Delta Mendota Water Authority ("SLD") pursuant to the Notice of Intent published in the Federal Register, December 28, 2010, Vol. 75, No. 248, page 81642, FR Doc. 2010-32583.

The EIS/EIR is stated to be for the purpose of analyzing the effects of multi-year water transfers during the period of 2012 through 2022 from unnamed water agencies in northern California to unnamed water agencies south of the Sacramento-San Joaquin Delta ("Delta") and the San Francisco Bay Area. It is stated that the EIS/EIR will address transfers of Central Valley Project ("CVP") and non-CVP water supplies that require use of CVP or State Water Project ("SWP") facilities to convey the transferred water. It is further stated that water transfers would occur through various methods, including, but not limited to groundwater substitution and cropland idling.

It is reported that current operational parameters include the transfer of 600,000 acre feet per year, but it is not stated that such would be the maximum for the project. It is further stated that the USBR and DWR would facilitate water transfers involving CVP contract water supplies and CVP and SWP facilities.

Apparently the project is not clearly defined, since the EIS/EIR will identify potential selling parties in northern California, the methods by which water could be made available for transfer, and maximum amounts of water available through each method. The EIS/EIR would also identify potential purchasing agencies south of the Delta and the proposed use of transfer water.

Futher alternative transfer methods to make water available would apparently be investigated in the EIS/EIR, including groundwater substitution and cropland idling. It is stated that the proceeds from the water transfer typically would pay farmers to idle land that they would have placed in production, and that rice has been the dominant crop idled in previous transfers.

Please accept these comments concerning the scoping of the EIS/EIR.

1. A Complete and Adequate Description of the Project Has Not Been Provided.

In order to provide a complete and adequate ability to provide scoping comments, the project should be more fully and completely described. There should be a specific identification and designation of the transferor lands as well as the transferee lands to be irrigated with the transferred water, or other transferee water use. This would include soil characteristics and chemical elements, existing cropping, and future cropping both with and without the project, the characteristics of any project supplied urban water use, and without project supply and usage. Details of location and nature of groundwater pumping also must be provided. Further, the notice vaguely mentions current operational parameters of 600,000 acre feet annual conveyance, and use of the state and federal pumps during July through September only, but fails to state whether that will be the limit for the project. The project must be clarified to state whether the past practices are or are not part of this project.

2. Full Analysis of the Impacts from Use of Groundwater as Substitute Supply for Transferors.

With regard to the investigation and evaluation of impacts and potential impacts, one of the critical direct and indirect impacts which the EIS/EIR should fully evaluate is the use of groundwater pumping as an alternative supply by transferors. The potential impacts of increased groundwater usage are widely recognized and well-established, and the short and long term project effects should be fully evaluated. Further, the EIS/EIR should investigate, discuss, analyze, and ultimately mitigate to the extent feasible, the potential impacts from such increased groundwater pumping, including increased electrical demands for pumping, well-drilling activities, and other greenhouse concerns.

Also, the EIS/EIR must evaluate potentially substantial and cumulative impacts in all of the areas directly or indirectly affected by groundwater pumping.

3. Full Analysis Should Be Made of the Short and Long-Term Effects of Cropland Idling.

Cropland idling, or fallowing, creates a whole host of issues that must be analyzed, including but not limited to the following:

A. Lack of groundwater recharge by percolation and return surface flows to waterways from surface irrigation.

B. Habitat modification for species benefitting from farming, including waterfowl.

C. Economic impacts to the communities from loss of farm employment and adverse impacts on the local business community dependent upon actual farming.

D. Greenhouse gas effects, including carbon sink and sequestration relative to active farming, and effects of cropping changes in the area of supply and the area of usage.

E. The impacts of having food supplies grown at other than existing locations, including the need for rice to be grown elsewhere.

4. Full Analysis of the Drainage Impacts from Use of Transferred Water.

With regard to the investigation and evaluation of impacts and potential impacts, the EIS/EIR must fully evaluate the direct and indirect impacts of the use of transferred water in the already drainage impaired San Joaquin Valley. The transfer of water requires in-depth study of the drainage in the areas of delivery which directly or indirectly drain surface and subsurface waters, and, hence, the various pollutants contained in such waters and irrigated lands, into any waterways. Such waters directly or indirectly drain into waterways, including the San Joaquin River and upslope areas which generate hydraulic pressure which thereby increase the drainage of waters from the downslope lands into groundwater and the San Joaquin River. Waterlogging of the lowlands in the CVP service areas is a substantial issue, worsened by the project. The potential for such impacts is widely recognized and well-established.

The proposed project necessitates that the EIS/EIR investigate, discuss, analyze, and ultimately mitigate to the fullest extent feasible, the potential impacts from water use that would not occur absent the transfer and thereby increase impacts on the water quality of the San Joaquin River.

It is well-recognized that drainage directly or indirectly into the San Joaquin River can and does contain numerous contaminants which must be properly investigated and evaluated

(e.g., selenium, boron, molybdenum, other trace elements, etc.). Any increase in these contaminants that may arise from the project must be evaluated. The EIS/EIR must evaluate potentially substantial and cumulative impacts in all of the areas directly or indirectly affected by the project, including but not limited to the Delta.

5. Consideration of Federal Anti-degradation Laws.

The Federal Environmental Protection Agency ("EPA") requires all states to adopt an "antidegradation policy" similar to the State Water Resources Control Board's ("SWRCB") Resolution 68-16. (40 C.F.R. 131.12.) Resolution 68-16 is intended to and implements Water Code section 13000, requiring the SWRCB to regulate all "activities and factors which may affect the quality of the waters of the state" such that they "attain the highest water quality which is reasonable."

The SWRCB's Resolution 68-16 (commonly referred to as the SWRCB's "Anti-Degradation Policy") provides in pertinent part:

> "Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies."

The EIS/EIR must analyze compliance with these requirements and explain the proposed project's impacts upon San Joaquin River and Sacramento River water quality and water quality in all waters into which transferred waters may drain or supply, including, but not limited to, drainage from lands irrigated by water supplied by the project as well as water supplied by others and other sources. The significant potential for degradation of San Joaquin River and Sacramento River water quality and water quality elsewhere is a great concern, and the same must be fully analyzed and evaluated. Further, it must be determined whether the project meets the specific requirement that it be "consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies."

The transfer presents a number of troubling issues due to the substantial risk of impairment of other waters. This needs to be thoroughly investigated and analyzed in the EIS/EIR.

6. The San Luis Act of June 3, 1960, Public Law 86-488, 77 Stat. 156.

Public Law 86-488 specifically requires:

> "Construction of the San Luis unit shall not be commenced until the Secretary has . . . received satisfactory assurance from the State of California that it will make provision for a master drainage outlet and disposal channel for the San Joaquin Valley, as generally outlined in the California water plan, Bulletin Numbered 3, of the California Department of Water Resources, which will adequately serve, by connection therewith, the drainage system for the San Luis unit, or has made provision for constructing the San Luis interceptor drain to the delta designed to meet the drainage requirements of the San Luis unit as generally outlined in the report of the Department of the Interior, entitled 'San Luis Unit Central Valley project,' dated December 17, 1956." (Emphasis added.)

The drain for removal of salts from the valley has never been constructed, yet over a million acre feet of water per annum from the San Luis Unit was committed to use. With every acre foot of water delivered to the San Joaquin Valley through the Delta Mendota Canal and San Luis Unit, there is delivered a significant quantity of salt which is retained in the San Joaquin Valley or returned to the Delta via the San Joaquin River. The substantial degradation of the San Joaquin River from such drainage is well-understood and recognized.

The project will result in further impairment of water quality, and in doing so, will merely increase the volume of salt in the groundwater and return flows. Moreover, in the absence of the project it is reasonable to anticipate a reduction or change in cropping patterns and a reduction in lands in transferee areas under cultivation, thereby reducing ground and surface water quality impairment. Of course, the EIS/EIR needs to fully investigate and analyze all of these issues.

Without the required drain, the EIS/EIR must evaluate the project's impact, including cumulative impacts, ensuing from the continued irrigation of the transferee area of use, and the impacts of increasing irrigation in areas that would not otherwise be irrigated in the absence of the project. The EIS/EIR should examine and explain how the proposed project as well as existing conditions are consistent with and in compliance with PL 86-488.

7. The EIS/EIR Should Include A Range of Alternatives, including a No Project Alternative.

The EIS/EIR should evaluate a range of reasonable alternatives, including but not limited to the following:

1. No Project.

2. Reducing and curtailing water supply demand, including the elimination of the irrigation of drainage impaired lands, and alteration of farming practices, including cropping, in the transferee area.

The EIS/EIR should also include, in the context of the analysis of some of the foregoing

alternatives or otherwise, an extensive discussion of desalinization options in order to promote regional self-sufficiency and, hence, improved water reliability that would obviate the need for the project. Such a discussion would be in furtherance of Water Code section 12946 which provides:

> "It is hereby declared that the people of the state have a primary interest in the development of economical saline water conversion processes which could eliminate the necessity for additional facilities to transport water over long distances, or supplement the services to be provided by such facilities, and provide a direct and easily managed water supply to assist in meeting the future water requirements of the state."

Opportunities for environmentally friendly desalinization of ocean waters as well as brackish ground waters should be thoroughly examined.

8. Full Analysis of Impacts In the Delta.

In addition to the San Joaquin River water quality issues from return flows and accretions, hydraulic pressures, and waterlogging, other impacts outside and within the Delta should be fully evaluated. This would include effects upon Delta water use due to the periodic imposition of Term 91 conditions to protect the transferee water supply during transfers, thereby depriving Delta water users of the ability to use water during July through September.

9. Evaluate Conditions That May Be Reasonably Anticipated to Exist in the Future.

The EIS/EIR should include an analysis of the present and future water needs including environmental water needs and the needs to offset overdraft of groundwater within the watersheds of origin (See Water Code section 11460) and determine the availability of surplus water. Water not needed by the transferors may be needed by others within the watersheds of origin.

Even more so since no drainage solution has been implemented, the EIS/EIR should evaluate impacts of the project against the background of a variety of scenarios and outcomes, including but not limited to, the lack of a drain ever being implemented, substantially inadequate supplies in the transferor and transferee areas, implementation of the SWRCB Flow Study, the project's enablement of continued farming and cropping practices and urbanization that are not otherwise supportable by adequate supplies of water, and land retirement.

10. CVPIA Analysis.

The EIS/EIR should include an analysis of how the transfers will impact water purchases by the CVP to enable compliance with the Central Valley Project Improvement Act.

11. Calfed Bay Delta Authorization Act.

The EIS/EIR should include an analysis of how transfers will impact CVP compliance with the California Bay Delta Authorization Act, October 25, 2004, Public Law 108-361, 118 Stat. 1681, section 103(d)(2)(D).

Thank you for the opportunity to comment on the scope of the EIS/EIR. We look forward to the receipt of a comprehensive EIS/EIR.

Very truly yours,

DANIEL A. McDANIEL
Attorney for Agency

DAM:kk

Southern California Watershed Alliance

Planning and Conservation League

CRAB BOAT OWNERS ASSOCIATION, Inc.
2907 Jones Street
San Francisco, California 94133-1115
415-885-1180

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Working to make what is wrong, right again

February 28, 2011

Mr. Brad Hubbard
United States Bureau of Reclamation
2800 Cottage Way, MP-410
Sacramento, CA 95825
bhubbard@usbr.gov

Dean Messer, Chief Water Transfers Office
Department of Water Resources
1416 9th Street Sacramento, CA 95814
dmesser@water.ca.gov

Ms. Frances Mizuno
Assistant Executive Director
San Luis & Delta-Mendota Water Authority (SLDMWA)
frances.mizuno@sldmwa.org

Re: Scoping Comments Proposed Ten Year North to South Water Transfer of CVP and Non CVP Water Using State Water Project (SWP) and Central Valley Water Project (CVP) Facilities

Dear Mr. Brad Hubbard, Ms. Frances Mizuno & Dean Messer:

Thank you for the opportunity to comment on the proposed long term transfer of water from north of the Delta to areas south of the San Francisco Bay Delta using federal and state facilities from 2012 through 2022, from willing sellers and buyers.

1. **<u>The Department of Water Resources Not the SLMWA Joint Powers Authority Should Be the Lead State Agency:</u>**

The Department of the Interior, Bureau of Reclamation (Bureau) and the San Luis & Delta-Mendota Water Authority (SLDMWA) propose to prepare a joint EIS/EIR to analyze the effects of water transfers from water agencies in northern California to water agencies south of the Sacramento-San Joaquin Delta (Delta) and in the San Francisco Bay Area. The EIS/EIR is to address transfers of Central Valley Project (CVP) and non-CVP water Transfers of supplies that require use of CVP or State Water Project (SWP) facilities to convey the transferred water.

The courts have held DWR, not a joint powers authority such as SLDWA, has the statutory duty to serve as lead agency in assessing the environmental consequences of projects involving the SWP.[1] The proposed water sales from one basin to another will potentially have broad statewide and national impacts to groundwater supplies, State and federal San Francisco Bay-Delta estuary ecosystem through-flow and outflow responsibilities under the Clean Water Act and Porter-Cologne Water Quality Control Act.[2] Any transfers or sales also could have significant impacts on Bay Delta flow criteria and need to be analyzed.[3]

Despite assurances in the scoping documents that proposed additional diversions from the Delta would not have an impact on federal or state endangered species, the complexity of the estuary ecosystem and the national and statewide importance of these public trust resources to the entire state demand State analysis of local, regional and statewide impacts from the proposed water transfer project. Further the environmental review needs to analyze the local and statewide impacts from the proposed water transfers on energy consumption and greenhouse gas emissions due to increased groundwater pumping programs, transport through

[1] http://ceres.ca.gov/ceqa/cases/2000/PCLvDWR-2000.html

84 Cal.App.4th 315A, 100 Cal.Rptr.2d 173, 00 Cal. Daily Op. Serv. 7782, 2000 Daily Journal D.A.R. 10,331

[2] http://www.swrcb.ca.gov/laws_regulations/docs/portercologne.pdf

[3] http://www.swrcb.ca.gov/waterrights/water_issues/programs/bay_delta/deltaflow/final_rpt.shtml

the federal and state systems and needed energy to deliver the water some 200 to 300 miles away.

2. **It is not clear there is a viable federal project without identified willing buyers and sellers given State and federal legal constraints on further diversions from the Bay-Delta estuary.**

No willing sellers or buyers have been identified in the scoping documents. Without this information the proposed project is purely speculative, making the nature of the project and potential scope of its impacts indeterminable. Pursuant to the 1992 Central Valley Project Improvement Act (CVPIA) federal contractors are required to meet specific fish and wildlife restoration goals. To date these goals have not been met.[4] Further, Tribal trust responsibilities and area of origin requirements on diversions of water from the Trinity River have not been met. Any additional transfers of water out of the Bay-Delta estuary from north to southern basins need to comply with these explicit provisions of law prior to transferring additional supplies from the estuary. Further as noted in the scoping document the CVPIA places specific constraints on the transfer of CVP water including requirements that water be consumptively used as a prior condition to its transfer in order to avoid third party impacts and to encourage water conservation.

Given the highly speculative and ill-defined nature of the project it is difficult for the public to comment on whether the important constraints on any such project will be sufficiently analyzed and reviewed. In addition, with the undefined nature of the project, it is unclear that the Bureau has an authorized project to use federal facilities. As stated by the author of the federal legislation, "The purpose of the CVPIA was not to create a permanent annuity for a few contractors who become re-sale agents of a public resource, with the profit going into private pockets…The resale authority was intended for the short term, and should not be abused."[5]

[4] The timing of required Environmental Water Account (EWA) water flows is to enhance and protect fish populations and the water is to flow in Delta channels to San Francisco Bay and the Pacific Ocean to meet water quality requirements under federal and state law for outflows. Previous short term water transfer programs under the Drought Water Bank have released water from storage facilities to be exported for deliveries in the July through September period. Compliance with EWA provisions require water at critical time periods and year-round depending on the specific needs to protect fish. Potential conflicts with the proposed transfer of more water out of the Delta need to carefully examine the conflicts with the EWA, where water purchases are to provide instream flows in the Delta, rather than water to serve consumptive uses outside of the Delta.

[5] http://www.fotr.org/comments/MillerReewalComnts083104.pdf

3. CEQA and NEPA Require An Accurate Baseline Description in order to Analyze Impacts & Integration with other Planning and Environmental Procedures.

According to the scoping notice, "the water transfer provisions would occur through various methods, including, but not limited to, groundwater substitution and cropland idling, and would include individual and multiyear transfers from 2012 through 2022. Further the transfer of these water supplies would require use of CVP or State Water Project (SWP) facilities to convey the transferred water." The locations, amounts, place of use, purpose and point of diversion are not identified either for the sellers or buyers of the water proposed to be diverted from the San Francisco Bay-Delta. Without this basic information the scope of the project is unknowable. Extensive planning at both the State and federal levels are underway to ensure Bay-Delta estuary ecosystem restoration and reliable water supplies. Any long term water sale transfer project would need to fit into this ongoing planning effort.

At the heart of any adequate CEQA analysis is an accurate description or baseline of the environment conditions such that the public and decision makers are sufficiently informed regarding the impacts of the project and necessary mitigation measures. Due to the complexity of groundwater withdrawals on surrounding wells and potential injury to other water users the project needs to accurately reflect the elevation, hydrology and conditions of existing groundwater basins from which the proposed substitutions or extractions are proposed. The record is replete with examples where groundwater storage projects have overestimated the amounts of groundwater that can be safely withdrawn without injury to domestic wells and other water users.[6]

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[6] See: Incorporated here by reference,
http://www.aqualliance.net/sitebuildercontent/sitebuilderfiles/coalitionwatertransfersea_fonsi_011910final.pdf

Subject: Comments on the Draft Environmental Assessment and Findings of No Significant Impact for the 2010-2011 Water Transfer Program

"The Bureau's 2009 DWB EA elaborated on this point regarding Natomas Central Mutual Water Company (p. 39) stating that, —*Shallow domestic wells would be most susceptible to adverse effects. Fifty percent of the domestic wells are 150 feet deep or less. Increased groundwater pumping could cause localized declines of groundwater levels, or cones of depression, near pumping wells, possibly causing effects to wells within the cone of depression.*"

Also see: http://www.c-win.org/webfm_send/119

Rosedale Rio-Bravo Storage District complaint

Without identified buyers it is difficult for the public to comment on the proposed scope of water transfers and the potential for increased pollution and discharges of selenium, contaminants and salt to the San Joaquin River and Bay-Delta estuary. Westlands Water District (Westlands) largely controls the SLDMWA through membership and acquisition of other member districts. Exporting water from the Sacramento watershed to irrigate toxic selenium lands on the Westside of the San Joaquin Valley will result in additional polluted runoff and groundwater supplies. These contaminants are discharged to the San Joaquin River and Bay-Delta estuary causing additional impacts to endangered species, water pollution and long term cumulative impacts to the estuary ecosystem in terms of public health concerns, mortality and reproductive failure in aquatic systems and wildlife.[7]

Thus any environmental analysis must provide an accurate baseline so that decision-makers can understand one of the most important causes and effects of such water sales: Potential long term damage to the groundwater resources in the Sacramento Valley and the production of additional pollutants and contaminants from irrigating toxic soils in the western San Joaquin Valley, where many of the prospective buyers are likely located, with the resultant discharge of

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Also see: http://www.bakersfield.com/news/columnist/henry/x2120045792/LOIS-HENRY-More-wells-go-dry-in-Rosedale

[7] The source of much of the saline discharge to the San Joaquin River is from lands on the west side of the San Joaquin Valley which are irrigated with water provided from the Delta by the CVP, primarily through the Delta-Mendota Canal and the San Luis Unit." (D-1641, p. 83 .)

See: EPA testimony http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2011-02-24 Testimony of Erin Foresman: 'Primary sources of selenium contamination to the Delta are from oil refinery point sources and irrigation return flows from the Westside discharges into the San Joaquin River and Delta.'

and CVRWQCB January 2002 Technical Report, p. 11: Surface and subsurface agricultural drainage represent the largest sources of salt, selenium and boron loading to the Lower San Joaquin River (LSJR). The vast majority of this agriculturally derived salt and boron loading to the river originates from lands on the west side of the LSJR watershed. Soils on the west side of the San Joaquin Valley are derived from rocks of marine origin in the Coast Range that are high in salts, selenium and boron. Dry conditions make irrigation necessary for nearly all crops grown commercially in the watershed. Salt and boron are leached from these west side soils when irrigation water is applied. …The discharge of subsurface drainage has resulted in elevated salt and boron concentrations in the Lower San Joaquin River and certain tributaries…. Groundwater accretions to the river are another significant source of salt and boron loading to the LSJR as ongoing irrigation practices have led to accumulation of salts and contaminants in the unconfined and semi-confined aquifer that underlies most of the west side of the San Joaquin Valley and lands on the east side of the San Joaquin Valley directly adjacent to the river.

these contaminants to the San Joaquin River and the San Francisco Bay-Delta estuary. The environmental costs, economic burden of this pollution on society, and the damage to groundwater supplies from this chain of prospective actions must be fully disclosed and analyzed.

4. **The alternative analysis needs to examine intra-basin transfers that would result in less environmental impacts—such as water transfers from irrigated toxic soils to other SLDMWA water users.**

Absent identified sellers and buyers, it is difficult to determine if this is a water transfer program designed specifically to deliver more water to Westlands or to other users with the SLDMWA. Millions of taxpayer dollars have been spent in loans and direct payments to assist in water efficiency measures, to support subsidized crops and to treat the resultant contaminated ground and surface drainage water in the SLDMWA districts of the authority. Flood irrigation is still used within some of the districts where water rates are low. Subsidized crops are also grown. Retiring at least 300,000 acres [8] of toxic lands could result in substantial water savings making more water available for transfer within the SLDMWA boundaries. Prior to advancing additional transfers of water from the Bay-Delta estuary with the resulting polluted return flows, project alternatives must consider in-basin transfers resulting from water conservation measures and land fallowing of toxic selenium soils on the west side of the San Joaquin Valley. This type of alternative would also provide significant energy savings that needs to be analyzed.

Thank you for the opportunity to comment. Please include the undersigned organizations on the mailing list for this or similar projects.

Regards,

Adam Lazar
Staff Attorney
Center for Biological Diversity
alazar@biologicaldiversity.org

Steven L. Evans
Conservation Director
Friends of the River
sevans@friendsoftheriver.org

[8] The Bureau's Feasibility Report for the San Luis Drainage Feature Re-evaluation (SLDFRE), March 2008, makes a clear case that neither the technology nor the funding are available to meet the SLDMWA contractors' desired to handle the toxic drainage problem through a fully reimbursable program or funded by taxpayer subsidies. The National Economic Development (NED) Report Summary for the San Luis Drainage Feature Re-evaluation Record of Decision (SLDFRE ROD) concluded that any alternative with less than 300,000 acres of land retirement would be a net economic loss.

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Larry Collins
President
Crab Boat Owners Association Inc.
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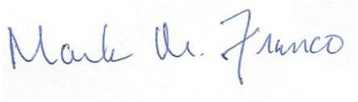

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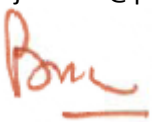

Byron Leydecker
Chair
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bwl3@comcast.net

Fred Egger, President
North Coast Rivers Alliance
fegger@pacbell.net

Bruce Tokars, Co-Founder
Salmon Water Now
btokars@pacbell.net

Greene, Alicia M.

From: Veronese, Gina
Sent: Tuesday, March 01, 2011 8:09 AM
To: Greene, Alicia M.
Subject: FW: Long Term Watedr Transfer

From: Hubbard, Bradley C [mailto:BHubbard@usbr.gov]
Sent: Monday, February 28, 2011 5:01 PM
To: Buckman, Carolyn; Veronese, Gina; Hatleberg, Shelly
Subject: FW: Long Term Watedr Transfer

Comment for record.

From: ruthann530@comcast.net [mailto:ruthann530@comcast.net]
Sent: Monday, February 28, 2011 5:00 PM
To: Hubbard, Bradley C
Subject: Long Term Watedr Transfer

Dear Sir:

I'm sending this email to you because I attended the meeting in Chico, CA and was impressed with how many people attended and how much they care about our water problems in Northern California. I will confess that I don't know much about the problems that were discussed that night, but I do know that every time I pass Lime Saddle Marina on Lake Oroville and look at the dirt where there used to be water, it brings to mind that we just might have a problem with water.

I have since done some research on this subject and I realize that I have only scratched the surface. One of the statistics that floored me was that thousands of acres that used to be productive crop land need to be cleaned. That sounds like the wasteland in the southern part of our state. How can this happen if we had used good agricultural planning? Obviously we didn't. Another statistic that got to me was that the six hundred thousand acre feet of water that would have been transferred could have provided water to Chico for eighteen years! Amazing. So many of the farmers who were present at the meeting in Chico were concerned about the water table levels and the affect that these levels would have on wells and aquifers. And if the water levels were to be damaged and the wells to go dry, who would pay for new wells? Going beyond that, why should we have to deal with dry wells at all? Another statistic was the best estimate that one third of California's current water use can be saved with existing technologies.

As I stated earlier, I have much to learn and also so many more questions to ask, but I found that I have to have some correspondence in to you by 5:00pm today, I hope to hear more about this subject and will definitely be watching and attending future meetings.

Thank you.

RuthAnn Christensen
6680 Shay Lane
Paradise, CA 95969
(530)872-7381

ENV 6.00

LONG-TERM NORTH TO SOUTH WATER TRANSFERS EIS/EIR COMMENT SHEET

There are several options to provide written comments. You can provide your written comments by turning in this form at the scoping meeting. You may also e-mail your comments directly to bhubbard@usbr.gov or frances.mizuno@sldmwa.org with the subject line "Long-Term North to South Water Transfers" or mail this form to the Bureau of Reclamation (mailing address is on the back of this card). Whatever method you choose, please note that all written comments must be received by **5:00 p.m. (Pacific Standard Time) on February 28, 2011.**

PLEASE PRINT CLEARLY. PLEASE NOTE THAT ALL COMMENTS BECOME PART OF THE PUBLIC RECORD.

BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED JAN 13 '11

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Project	214
Control No.	11003249
Folder I.D.	1148370 1-13-2011 TN
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CODE	ACTION	SURNAME & DATE
4410		
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Name: VICTORIA K. COATS

Organization (If applicable): CITIZEN/TEA PARTY PATRIOTS

Address: 1555 3RD AVE

Phone: 530 533-4548 Fax: ( )

E-mail: engandmom@COMCAST.NET

Date: 1/12/2011

Comment: I AM CONCERNED NOT ONLY WITH THE IDEA TO CONFISCATE WATER FROM NORTHERN CALIFORNIA TO SUPPORT SOUTHERN CALIFORNIA WATER NEEDS, ALONG WITH THE IMPACT ON THE PEOPLE AND ENVIRONMENT HERE, BUT ALSO THE DESTRUCTION TO OUR CENTRAL VALLEY FARMER'S BY THE WITHHOLDING OF THEIR WATER SUPPLY. THESE FOLKS (CVF) SUPPLY 50% OF THE NATION'S PRODUCE AND THIS WAS ALL DESTROYED OVER A TWO INCH DELTA SMELT NOT EVEN INDIGENOUS TO THE AREA. PEOPLE ARE MORE IMPORTANT THAN FISH, ANIMALS, AND PLANTS. WE NEED TO PROTECT OUR ENVIRONMENT BASED ON FACTS, NOT UN-SUPPORTED CONCERNS TURNED INTO AN UN-WARRANTED CRISIS.

LONG-TERM NORTH TO SOUTH WATER TRANSFERS EIS/EIR COMMENT SHEET

There are several options to provide written comments. You can provide your written comments by turning in this form at the scoping meeting. You may also e-mail your comments directly to bhubbard@usbr.gov or frances.mizuno@sldmwa.org with the subject line "Long-Term North to South Water Transfers" or mail this form to the Bureau of Reclamation (mailing address is on the back of this card). Whatever method you choose, please note that all written comments must be received by **5:00 p.m. (Pacific Standard Time) on February 28, 2011.**

PLEASE PRINT CLEARLY. PLEASE NOTE THAT ALL COMMENTS BECOME PART OF THE PUBLIC RECORD.

Name: VICTORIA COOTS

Organization (If applicable): CITIZEN/TEA PARTY PATRIOT

Address: 1555 3RD AVENUE

Phone: 530 533-4348 Fax: ( )

E-mail: angandmon@comcast.net

Date: 1/12/2011

Comment: I HAVE ADDRESSED MY CONCERNS, NOW, I WILL OFFER SOLUTIONS. DESALINIZATION IS A FABULOUS IDEA TO ADDRESS OUR WATER ISSUES. ALSO, WE COULD BUILD MORE DAMS/RESEVOIRS AND OTHER WATER STORAGE FOR TIMES OF DROUGHT. AN OUNCE OF PREVENTION IS WORTH A POUND OF CURE. QUIT LISTENING TO THE HYPE OF THOSE WITH AGENDAS. ACT ON SOLID PROVED EVIDENCE. DON'T TRY TO FIX THINGS THAT AREN'T BROKEN, AND FIX THOSE THAT ARE BROKEN. LET THE WATER THAT IS ALREADY THERE FLOW BACK TO OUR CENTRAL VALLEY FARMERS

Greene, Alicia M.

From: Veronese, Gina
Sent: Monday, January 24, 2011 10:25 AM
To: Greene, Alicia M.
Subject: FW: BUTTE COUNTY'S WATER RIGHTS

From: Hubbard, Bradley C [mailto:BHubbard@usbr.gov]
Sent: Monday, January 24, 2011 10:24 AM
To: Buckman, Carolyn; Veronese, Gina
Subject: FW: BUTTE COUNTY'S WATER RIGHTS

Another comment below. Thanks, Brad

From: Corkin, Brad [mailto:BCC6@pge.com]
Sent: Monday, January 24, 2011 10:12 AM
To: Hubbard, Bradley C; frances.mizuno@sldmwa.org; Hatleberg, Shelly
Subject: BUTTE COUNTY'S WATER RIGHTS

To: U.S. Dept of the Interior Bureau of Reclamation,
I'm writing in regards to the long-term water transfer that you are planning in the northstate from 2012 to 2022. I'm a resident of Butte country and I highly oppose any type of water transfers. You have not provided the documentation to show the cumulative effects that will be done to our aquifers from your planned water transfers. I believe taking 100,000 to 150,000 acre feet is highly detrimental to Butte county and all of the northstate AS EXISTING TRANSFERS HAVE ALREADY PROVEN TO BE HIGHLY DETRIMENTAL! The environmental as well as the economical impact could be enormous. Farmers, consumers, and residents, could easily have their wells dry up WHICH ALSO HAS ALREADY HAPPENED and a water shortage.

Please formally file this letter as a protest to your proposed project. I would also like to be updated on any new developments on this project.

Sincerely,

Brad Corkin
bcc6@pge.com

State of California –The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Ecosystem Conservation Division-Water Branch
830 S Street
Sacramento, CA 95811
www.dfg.ca.gov

EDMUND G. BROWN, Jr. *Governor*
JOHN McCAMMAN, *Director*

February 28, 2011

Mr. Brad Hubbard
Project Manager
Bureau of Reclamation
2800 Cottage Way, MP-410
Sacramento, CA 95825

Subject: Comments on Long-Term North to South Water Transfer Program

Dear Mr. Hubbard:

The Department of Fish and Game (DFG) has reviewed the Bureau of Reclamation (Bureau) Notice of Intent for the Long-Term North to South Water Transfer Program (Program) as published in the Federal Register on December 28, 2010, and submits the following comments on the scope of the proposed actions.

Project Overview

DFG understands the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) will address transfers of Central Valley Project (CVP) and non-CVP water supplies that require use of CVP or State Water Project (SWP) facilities to convey the transferred water from water agencies in northern California to water agencies south of the Sacramento–San Joaquin Delta (Delta), and in the San Francisco Bay Area. Water transfers would occur through various methods, including, but not limited to, groundwater substitution and cropland idling, and would include individual and multiyear transfers from 2012 through 2022. Buyers and sellers would be responsible for negotiating the terms of the transfers, including amount of water for transfer, method to make water available, and price.

Water transfers under the Proposed Action involving conveyance through the Delta would be implemented within the operational parameters of the Biological Opinions on the Continued Long-term Operations of the CVP/SWP (commonly referred to as the 2009 OCAP BO) and any other regulatory restrictions in place at the time of implementation of the water transfers. Current operational parameters applicable to the transfer of water include conveyance of a maximum of 600,000 acre feet per year; and use of the SWP's Harvey O. Banks Pumping Plant, and CVP's C.W. "Bill" Jones Pumping Plant during the July through September period only.

Comments

The scope of the Program is currently limited to a one-page description in the December 28, 2010 Federal Register. DFG recommends the Bureau work closely with the DFG which is a California Environmental Quality Act (CEQA) responsible agency and trustee agency for fish and wildlife resources to develop conservation measures that may be required once the project description has been developed. We also recommend you coordinate with DFG to ensure the Program complies with California Endangered Species Act requirements. Past coordination efforts with fisheries agencies were accomplished through the Agency Working Group. We advise this group be reinitiated.

In addition, DFG has the following recommendations:

- Work closely with the Department of Water Resources (DWR) which is the state CEQA lead for the Bay Delta Conservation Plan EIR/S. It is essential that you work with a common set of modeling assumptions for both programs before you conduct CALSIM model runs for the water transfer program. In particular it is important that you use the same assumptions for the environmental baseline.

- Incorporate DWR's criteria for 2011 water transfers described in the DWR/Bureau January 2011 "Draft Technical Information for Water Transfers in 2011", and the Bureau February 2010 "2010-2011 Water Transfer Program Final Environmental Assessment" including the 1993 interim implementing guidelines for the water transfer provisions of the Central Valley Project Improvement Act. These criteria should provide a good starting point to develop criteria for sellers and protective measures for fish and wildlife.

- Conduct a cumulative impacts analysis including non-CVP water transfers, other potential water transfers, and other existing water transfer programs (including the Lower Yuba River Accord, Deer Creek Flow Enhancement Program, Tehama County flow exchange project with Deer Creek Irrigation District, and water exchanges in the lower Mill Creek watershed, Tehama County) which could in the cumulative condition alter timing and quantity of reservoir releases, river flow, water quality, and reduce groundwater recharge and lower groundwater levels due to increases in groundwater transfers. The cumulative impacts analysis should include growth inducing impacts and third party impacts. Address how transfers will be coordinated between the Bureau and those proposed through the State Water Resources Control Board Section 1725 process.

- Identify, analyze and address coordination of Bureau environmental review and approval of individual proposals through various Bureau Area Offices, including coordination of monitoring and mitigation requirements.

- Agricultural lands and idled croplands can provide valuable foraging and nesting habitat for migratory and resident species. Analyze, identify and evaluate alternatives to current monitoring program requirements for cropland idling/shifting which require idled cropland with "excessive vegetation" to be disked or abated within two weeks of identification (see the January 2011 "Draft Technical Information for Water Transfers in 2011").

- Identify how the draft EIS/EIR fits in context with the Draft Environmental Assessment on Accelerated Water Transfers and Exchanges between South of Delta Contractors for Contract Years 2011-2015 (EA-10-51), which has an overlap of dates (years) identified for both Projects (i.e. 2011 to 2015, and 2012 to 2022).

- Identify potential impacts to existing environmental program requirements (for example, Section b(2) of the Central Valley Project Improvement Act, 2009 OCAP BO Reasonable and Prudent Alternatives, winter-run Chinook flow requirements, municipal water needs). Dedicated water quantity and flow timing requirements described within these documents should be identified up front and be part of the baseline condition (i.e. should be removed from consideration and/or considered when determining water delivery timing and/or quantities). This should also be done in the context of assessing future dedicated water needs (to 2022), including the context of potential climate change impacts.

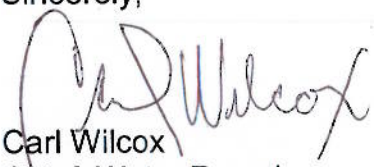
- Ensure and confirm that any proposed groundwater pumping will be compatible with state and local regulations and groundwater management plans.

- Fully identify impacts to both state and federally listed species, and species of special concern. Potential water transfers from one stream need to be evaluated not only in terms of the listed species population located on that particular stream, but also in the context of a species (or evolutionary significant unit) entire distribution/range.

- Interrelated and/or interdependent projects and/or programs should be fully researched and disclosed, given the long-term time frame of this project (to 2022). This includes the Shasta Lake Water Resources Investigation, the North of Delta Offstream Storage/Sites Reservoir Project, and the Central Valley Flood Protection Plan, all of which are currently being evaluated in the EIS/EIR level.

Thank you for the opportunity to provide project scoping comments at this time. DFG looks forward to working with the Bureau to ensure that public trust resources are adequately protected as the Program is implemented. You may contact me at (916) 445-1232, or email cwilcox@dfg.ca.gov, or Senior Environmental Scientist Paul Forsberg at (916) 323-7215, or email pforsber@dfg.ca.gov.

Sincerely,



Carl Wilcox
Chief, Water Branch
Department of Fish and Game

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Ms. Sonya Nechanicky
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Department of Fish and Game
Mr. Stafford Lehr, Fisheries Branch Chief
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Sacramento, CA 95811
slehr@dfg.ca.gov

Greene, Alicia M.

From: Veronese, Gina
Sent: Monday, February 28, 2011 10:45 AM
To: Greene, Alicia M.
Subject: FW: Comments on Long-Term Water Transfers EIS/EIR

From: Hubbard, Bradley C [mailto:BHubbard@usbr.gov]
Sent: Monday, February 28, 2011 9:25 AM
To: Buckman, Carolyn; Veronese, Gina; Hatleberg, Shelly
Subject: FW: Comments on Long-Term Water Transfers EIS/EIR

Comment for record.

From: Marty Dunlap [mailto:dunlaplegal@yahoo.com]
Sent: Monday, February 28, 2011 9:04 AM
To: Hubbard, Bradley C
Subject: Comments on Long-Term Water Transfers EIS/EIR

To Mr. Brad Hubbard,
I attended the public scoping meeting in Chico on January 11, 2011. I did make verbal comments at that meeting and would like to expand on those at this time.

Since you probably have received numerous comments on the deliterious effects of such a "project," I will direct my comments toward the preferred approach to conducting a EIR/EIS that could be satisfactory to the public interest.

There have been numerous projects designed for water transfers from the north to the south. None of these have conducted an EIR/EIS for environmental impact. For many years, the public interest has been focused on maintaining a healthy and balanced ecosystem in the northern part of the state regarding water transfers and groundwater substitution projects. Having a bonafide scientific investigation conducted into the impacts such projects and compilation of concrete data would provide the public and NGOs an opportunity to realistically evaluate the environmental impacts from such projects.

There are a few considerations that need to be included in providing data that would considered as bonafide by the public. The first is that from the outset of the project, there need to be knowledgeable representatives from the public sector who participate in the design of the EIR/EIS research model. The needs to be technical, scientific contributors working on the EIR/EIS studies who clearly are not under the "purse strings" of the water purveyors. These would include geologists, hydrologists, biologists and environmental scientists who can provide an unbiased perspective to the research design and evaluation of the data.

The "best available science" should be the mantra of such an undertaking in generating this EIR/EIS. This is a process that meets the criteria of: 1) relevance, 2) inclusiveness, 3) objectivity, 4) transparency and openness, 5) timeliness, and 6) peer review. Reasonable care must be undertaken to identify all the available and relevant scientific information for the impact of long-term water transfers.

This scientific data on the condition of the water basins in northern California is needed and those who seek to profit from the water are the entities that need to pursue compilation of this data. Some of the scientific research questions to be answered are: What are the characteristics of the impacted water basins and their

related aquifers? What is a 'safe yield" of this underground water system? How and where do the aquifers recharge themselves? What is the length of time require to replenish the aquifers when X number of acre feet are pumped out? How will overdraft be determined? What is the criteria for identifying when this aquifer is in overdraft?

Any EIR/EIS that is designed for a long-term water transfer project needs to include the maximum amount of water being considered for the project. Finally, the cumulative impacts of this project and others that are currently underway, or are being considered by other water purveyors, need to be incorporated into the research design to create a realistic understanding of the environmental impacts to the region.

Please remember that although the public may seem to be an annoying and disruptive entity to "deal with," when pursuing a new approach, the public serves an important role in balancing the progressive aims of development with ensuring long-term health and viability to the ecosystem.

Thank you,

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