3.11 Comments from Public Hearings and Responses

This chapter contains transcripts of the Draft PEIS/R public hearings held in May 2011 (as described in Chapter 1.0, “Introduction,” of the Final PEIS/R), as listed in Table 3.11-1. Individuals provided independent comments during the hearings or as representatives of elected officials or local agencies. As noted previously, each comment was assigned an abbreviation for the individual or the elected official or agency they represented (example: CCID), followed by an acronym identifying the city in which the hearing was held, including FR (Fresno hearing), LB (Los Banos hearing), SA (Sacramento hearing), or VI (Visalia hearing) (example: CCID-LB). The comments were then assigned a number, in sequential order (note that some individuals may have provided more than one comment). The numbers were then combined with the abbreviations for the individual and hearing (example: CCID-LB-3). For some comments, letters were added alphabetically to further identify related comments (example: CCID-LB-3a).

Responses to the comments follow the transcripts, and are also numbered, corresponding to the numbering assigned in the transcripts. The transcripts and associated responses are presented alphabetically by city, and responses are presented in the same order in which the comment was provided.

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Name</th>
<th>Comments Provided on Behalf of</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAM-FR</td>
<td>Cameron, John</td>
<td>Self</td>
</tr>
<tr>
<td>DADA-LB</td>
<td>D’Adamo, Dee Dee</td>
<td>Congressman Dennis Cardoza</td>
</tr>
<tr>
<td>SCHR- LB</td>
<td>Schroeder, Ken</td>
<td>Self</td>
</tr>
<tr>
<td>MICH- LB</td>
<td>Michael, Cannon</td>
<td>Self</td>
</tr>
<tr>
<td>SLCC2- LB</td>
<td>Hurley, Chase</td>
<td>San Luis Canal Company</td>
</tr>
<tr>
<td>EC2- LB</td>
<td>Chedester, Steve</td>
<td>San Joaquin River Exchange Contractors and the San Joaquin River Resource Management Coalition</td>
</tr>
<tr>
<td>CCID- LB</td>
<td>White, Chris</td>
<td>Central California Irrigation District</td>
</tr>
<tr>
<td>LSJLD3- LB</td>
<td>Hill, Reggie</td>
<td>Lower San Joaquin Levee District</td>
</tr>
<tr>
<td>EBMUD2-SA</td>
<td>Miyamoto, Joe</td>
<td>East Bay Municipal Utility District</td>
</tr>
<tr>
<td>JACO-VI</td>
<td>Jacobsma, Ron</td>
<td>Friant Water Authority</td>
</tr>
<tr>
<td>TULA-VI</td>
<td>Ishida, Allen</td>
<td>Tulare Board of Supervisors</td>
</tr>
</tbody>
</table>

Table 3.11-1.

Individuals Providing Comments on Draft Program Environmental Impact Statement/Report During Public Hearings
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3.11.1 Transcript of Fresno, California Public Hearing – May 24, 2011

Reported by: Andrea G. Banks, CSR No. 10479
2011 SAN JOAQUIN RIVER RESTORATION PROGRAM
FRESNO, CA

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SPEAKER RANSDELL: Good evening, everybody.
We would like to begin our public hearing. If folks wouldn’t mind taking a seat that would be wonderful. Good evening. Thank you. We’re getting ready to kick off the second of four hearings.

My name is Patty Ransdell and I’ll be helping to facilitate for tonight’s meeting. I wanted to give you a quick run down on what the meeting format is going to be like tonight so you know what to expect.

We’re going to have a brief presentation that’s going to provide you with an overview of the Draft Program Environmental Impact Statement and Draft Program Environmental Report as well as provide some information on the history of the San Joaquin.

The presenters for tonight are going to be Allie Forsythe with Reclamation and Kevin Faulkenberry with the Department of Water Resources. We’re going to ask that comments are held and questions are held during the presentation, because as soon as we’re done with the presentation we’re going to open up into an open house around the back of the room. Subject matter experts are available to answer your specific questions about the environmental document. And then after the open house we’re going to transition back into our formal hearing process.

And if you are interested in leaving oral comments and haven’t had a chance to fill out a speaker
San Joaquin River Restoration Program

110524 - San Joaquin River Restoration Program(Fresno).txt

card yet, please do so. They're available -- I think
there's a few over at the comment station at the front
where you registered, you can drop them in the basket.
And there's also written comment cards available if you
would prefer to just leave written comments, and you
can do that at any time. Those comments -- the comment
boxes are over there in the corner. And with that I'm
going to turn this over to Allie and Kevin.
SPEAKER FORSYTHE: All right. Thanks Patty.
I'm Allie Forsythe. I'm the program manager for the
Bureau of Reclamation in the San Joaquin River
Restoration Program. Tonight we're going to go over a
presentation. It's going to take around half an hour,
maybe a little less.
Quick overview of the presentation, we're
going to talk about the restoration program, the
settlement itself, which is the foundation of the
restoration program, give you a little history on the
settlement, talk about the goals along with some major
milestones in the settlement, then we're going to talk

about the environmental review process and the analysis
that we've completed in the program document, which you
have with you or can get a copy of at the front table.
Kevin's going to talk about the alternatives
in the document along with next steps. And then from
there we're going to talk about the public comment
process and the reason why we're out here tonight
talking to you all.

All right. Overview of the settlement, a
little bit of history here, 1942 Reclamation completed
the construction of Friant Dam, which is just outside
of town here, in the foothills.

In 1988 we were -- lawsuit was filed
challenging Reclamation's renewal of our long-term
contracts with our water users in the Friant Division,
so those folks that get water from Kern and Madera
canals. That lawsuit went on for about 18 years.
There were a variety of rulings and judgments during
that time. The most significant of which happened in
2004 when the Federal Government ruled that Reclamation
had violated California Fish and Game Code.

In 2005 to avoid a remedy phase, in essence a
judge telling us how to restore the river, the settling
parties agreed to begin settlement negotiations. And
in 2006 we reached a settlement and began implementing

it that year.

In 2009 public law 111-11 was signed by the
President. The law directs -- authorizes and directs
the Secretary of Interior to implement the settlement.
The settlement has two goals in it. The first is the
restoration goal. And that really mimics that Fish and
Game Code that the judge said we were in violation of.
And the restoration goal is to restore, maintain fish populations in good condition in the San Joaquin River from the Merced up to Friant Dam, including naturally reproducing and self-sustaining salmon and other fish. The second goal is water management goal. That's to reduce or avoid the water supply impacts to the Friant Division long-term contractors that may be a result of implementing the settlement and increasing flows down the San Joaquin River.

We have three key selling parties that all sign the settlement. The first is approximately 14 organizations and environmental and fishing organizations represented primarily by the National Resource's defense counsel. The second is the water users. Some individual water districts signed the settlement, but also the Friant Water Authority signed the settlement representing the Friant districts and then the Federal Government. And the Department of the Interior signed the settlement, along with the Department of Commerce.

We have five agencies that are working to implement the settlement. The Federal Government through Reclamation and the Fish and Wildlife Service, which are both in the Department of Interior, and then National Fishery Service, which is the Department of Commerce, along with the State of California as our
The settlement also established a restoration administrator, an outside individual who happens to be here this evening. Rod Meade is a current restoration administrator outside individual that makes recommendations to the Secretary on how we should implement key components of the settlement. It's a major milestone in implementing the settlement.

In 2006 we began work on the planning design environmental review. In 2009 we began increasing out of Friant Dam and rewetting the San Joaquin River. Earlier this year, in April, we released the Draft Program document, which we're here to talk with you about tonight. And then, early next year we plan to finalize that document, a record of decision and notice of determination.

Late 2012 the settlement directs that we're to reintroduce salmon into the San Joaquin. 2013 we're to complete our first phase of channel structural improvements, our high priority projects. And then, in 2014 we're to initiate full restoration flows.

For many of you that have been following the implementation of settlement, you know that we are behind schedule on some of our channel structural improvement projects. And those won't be done by 2013,
the vast majority of them. We're working right now with the parties to the settlement to relook at the schedule and determine, in light of where we are in the schedule, determine a process for moving forward with implementing the settlement.

The right of funding sources that we receive to implement the settlement, a few of those are from water sales. The Friant surcharge, the recovered water account and the CVPIA Restoration Fund are all water sale sources.

The legislation also directed Reclamation to renegotiate the Friant contracts to what we call "repayment contracts." So we received the capital component of the Friant Division to implement the settlement. The legislation authorized a 300 million in federal appropriations and the State has also

committed up to 200 million in State bond funding at the end of settlement.

So in the program document that we're here to talk about tonight, we look at a wide study area because the settlement does have potential to have some far reaching effects. We look from the San Joaquin River, upstream of Friant Dam. So what's going to happen in Millerton Reservoir and up stream there. We look from Friant Dam to the Merced River Complex as we rewrite that channel, what's going to happen to the
110524 - San Joaquin River Restoration Program (Fresno).txt
river channel there. We look from Merced to the Delta, and in the Delta itself. As we increase flows down the San Joaquin River, that water will move down to the Delta. We're going to try to pick some of that up and bring that back to the Friant water users. So we analyze that area in our document.

The also analyze the CVP and State water project contractor service areas. So we look at a good portion of California to make sure that we're covering all the impacts written within the restoration. So within the area from Merced down to the Friant compound, we've broken that down into five separate reaches, which you'll see in your document. We look at each Reach, the changes and the impacts within those reaches and then we also look at the flood control system. The east side of Mariposa bypasses.

So the NEPA/CEQA review process, Reclamation is the lead agency for the document under the National Environmental Policy Act, so the federal law. The Department of Water Resources is the lead agency under the California Environmental Quality Act. We began preparing the document in 2007 through public scoping at that time. And the purpose of CEQA is to analyze and disclose the impacts of the project, which in our case is implementing settlements on the human and natural environment. We really want
to get information out there so that you as the public, and agencies who will need to give us authorizations and permits to implement the settlement, understand what they're -- what's going to happen as an open and transparent process.

They understand the process and what we're looking at, along with the mitigation measures we've committed to. It also provides a technically sound information to decision makers as we move forward in implementing the settlement. So we all -- the idea is that we all have a common basis and understanding of the impacts and mitigation measures we're committing to as we implement the settlement.

So the Draft Program document looks at a

variety of resource areas. We look at everything from air quality to flood management, groundwater, socioeconomics, cultural resources. There's a whole slew of research areas that we look at in the document.

After we're done with the presentation and we have the breakout session, there will be technical experts that can talk to you about the analysis for each of these resource areas if you have specific questions on resource areas.

So in the document, we look at two levels of analysis. We look at a program level analysis for the future construction projects. These are the projects
that we don’t know a lot of detail on. We know that
they will happen sometime in the future and we
anticipate they will happen sometimes in the future.
We just don’t know exactly what is going to happen,
where those levies are going to be. So we look at
those at our program level. It provides a broad
overview of the impacts and mitigation measures that
will be needed for those projects.
We will be back out doing another public
review and public input process as we are going to
implement these future projects. But the program
document does provide the framework for these, so it
looks at measures that we would incorporate into these
future documents.

We also have a project level analysis in the
document. We look primarily at our changes in
operation at Friant Dam, our increase in flow down the
river at a project level analysis. So this will
be -- this is the detailed site specific analysis. It
will be the one and only document that looks at our
changes at Friant Dam and moving this water down the
San Joaquin River.

As your flipping through your executive
summaries you probably notice that we have not
identified preferred alternatives alternative in the
document. We felt it would be best to identify that in
I think with that, I'm going to hand the mic over to Kevin Faulkenberry from the Department of Water Resources. He's going to give an overview of alternatives and we will talk about the comment process.

SPEAKER FAULKENBERRY: Good evening, everyone. My name is Kevin Faulkenberry and I work with the Department of Water Resources; I'm chief of the south central regional office. I've worked in the program for quite a few years and have -- until recently I was the program manager. Now that's been passed onto Paul Romero, who's also with us here tonight.

We're going to start, we're going to give you an overview of six action alternatives and no action alternative. But the information we're going to give you right now is the overview alternatives. And then we will start to go through and explain each in a little more detail, at least what the differences are between the two so you have a better understanding of...
Chapter 3.0

Individual Comments and Responses

110524 - San Joaquin River Restoration Program (Fresno).txt
what each one of the alternatives offer.

All of the alternatives seek to implement
the -- to implement the settlement and be consistent
with Public Law 111-11. All of the alternatives
include implementing improved channels, construction
flows and improve fish passage and habitat through the
project area, and modify Friant Dam operations to
release interim and restoration flows. We also plan to
reintroduce spring-run and fall-run Chinook salmon. As
well, as it covers recapture, reuse, exchange and
transfer of interim and restoration flows.

The common project level actions are to, as we
said earlier, are modify Friant Dam operations to
release interim restoration flows. We want to reduce
or avoid increase in flood risk as a result of
restoration releases, convey interim and restoration
flows down stream, make sure they are getting through
the project area, and implement the short-term physical
monitoring and management plan actions related to the
program.

We also plan to recapture interim and
restoration flows in the restoration area and at
Mendota pool and wildlife refuges, in the Delta at
existing CVP and State water project facilities, and
implement a recovered water account program.

The PEIS/R provides that the complete NEPA and
CEQA compliance for these actions, as well as it will support Reclamation’s request to the State Board to modify the water rights at Friant Dam.

The common level restoration actions that are dealt with in the document are to reintroduce spring-run and fall-run Chinook salmon; recirculate recaptured interim and restoration flows, recirculation of improved channel and structures to provide fish passage and habitat.

We plan on constructing Mendota Pool Bypass

and modify Reach 2B to convey at least 4500 CFS, modify 4B1 to convey at least 475 CFS, and modify San Joaquin River Headgate Structure to enable 4B1.

We also plan to modify Sand Slough Control Structure to enable fish passage and screen Arroyo Canal to prevent entrainment and provide fish passage at Sack Dam. Modify structures and establish low-flow channel in east side of Mariposa bypasses to provide fish passage. Enable deployment of seasonal barriers at mud and salt sloughs. It also covers modify Chowchilla Bypass bifurcation structures to provide fish passage and prevent entrainment. And we also want to fill in our and/or isolate highest priority gravel pits. Those will be identified later on in the process.

Common Program-level Restoration Actions
continued, we would have additional channel and structural actions, enhanced spawning gravel. Prevent potential -- potential for redd superimposition and/or hybridization. Supplement the salmon population. Modify flood plain and side channel habitat. Enhance in-channel habitat. Reduce potential for aquatic predation of juvenile salmonids and reduce potential for fish entrainment. Enable fish passage at additional locations.

Other actions include implement long-term management actions under the physical monitoring and management plan.

Now, the alternatives as I pointed out earlier when we first started, they’re basically one no action alternative and six action alternatives. And this slide will give you some key -- it helps to define the key differences between the six action alternatives.

Basically, the six action alternatives differ in two basic ways. The first one is A1, B1 and C1. All are included in 475 CFS and Reach 4B1. A2 and C2 include at least 4500 CFS and Reach 4B1. And, then, the additional difference is where the water is captured, or recaptured after release. And in A1 and A2 there is a Delta recapture. B1 and B2 is San Joaquin capture. And then C1 and C2, we have the new pumping plant recapture.
Okay. This is the alternative. Once again with a little more detail, and you'll see a lot of replication as we go through, but it's important for you to understand the difference between these because it's a key to understanding the document and what alternatives we will select later on.

The A1 alternative includes all common program and project-level actions, which we discussed earlier.

Conveyance of at least 475 CFS through Reach 4B1; remaining interim and restoration flows are conveyed through the east side and Mariposa bypasses. The potential for recapture is in the restoration area and the Delta using existing facilities.

Okay. An alternative A2 is the same, except that it has a maximum flow of 481 or at least 4500 CFS for 4B1.

Okay. Alternative B1 and B2 is a -- it says all common program -- again, all common program and project level actions, conveyance of at least 475.

Remember, it's one of the -- it's one of the -- it's the first full one. It's B1, so it's a 475 to Reach 4B1. And the difference is that we have -- we had added on another area where we can possibly put water out, which is additional to the restoration area and Delta using existing facilities, but we also added between the Merced River and the Delta using existing facilities.
1 Delta using existing facilities, along the San Joaquin River between the Merced River and the Delta using existing facilities, and additionally at a new pumping plant on the San Joaquin River below the confluence of the Merced River.

And, then, the C2 is at -- everything is the same as C1, except that in 4B1 you'll have at least 4500 CFS.

So that concludes the basic difference of the alternatives. If you can keep that in mind, and somehow keep that in track when you’re reviewing the document, it will help a lot with your reviewing.

So I guess we’ll go back to Allie and she will finish up.

SPEAKER FORSYTHE: All right. Speaking of reviewing the document, the whole purpose in releasing the Draft Program document is to get your comments and input on the document. Public participation is really a potential. It's key to what we're doing here in
Both NEPA and CEQA require that we evaluate and provide written -- excuse me -- written responses to comments on environmental issues. So if you submit your comments either tonight or in writing, rest assure that we will take all of those into consideration and provide responses in the final. It's very helpful for us if your comments focus on the sufficiency of the document and identifying possible impacts.

If there's alternatives that we missed or different ways that we can implement the settlements that we have not considered in the document, those things are very helpful to us.

And also mitigation measures. Have we really covered everything in terms of impact and mitigation in the document? The more detailed and specific that you can be in your comments, the easier it is for us to make sure that we adequately address your comments. So if comments are very vague in general, it's very difficult for us to understand -- to understand what you mean and to make sure that we can change the draft as reflected in the final change. The mitigation measures, do those adequately address those comments in the final?

So I would encourage folks to be very detailed and specific to the extent you can in your comments.
So the comment period, we did start out with a 60-day comment period. We have extended that 30 days based on a request and now comments are now due July 21st.

In the final document, we anticipate that to come out in earlier 2012, it will include responses to all the comments that we receive on the draft. It will also include changes, if any are necessary, to the draft document along with identifying the preferred alternative.

We anticipate signing a record of decision for the federal components and then a notice of determination for the State components shortly after release the final document in early 2012.

So tonight you can provide verbal comments during our public hearing session of the meeting and also you can provide written comments. There is a station over on the side here where you can provide your written comments in boxes.

If you would like to take some time to formulate your comment for the review of the document you can mail your comments or e-mail them to either Reclamation or DWR. You can send them to both of us or one or the other. The -- just a reminder that your comments are due on July 21st by 5:00 p.m.

So with that I'm going to turn it over to Patty. She's going to talk about how we're going to
I mentioned before, the subject matter experts available to answer your specific questions. We're going to do that for about 50 minutes and then we're going to reconvene and begin the actual official public hearing where we will accept oral comments. Pete Lucero will be our hearing officer and he will guide us through the formal oral commenting process. So with that please feel free to start asking questions of our experts. They're all ready to answer. Thank you.

(Open House Break.)

SPEAKER RANSDELL: We're going to reconvene into the public speaker process. Please, turn in is all speaker cards now.

HEARING OFFICER LUCERO: Good evening. My name is Pete Lucero, I'm the Public Affairs Officer from the Reclamation of Sacramento and I'll be the hearing officer today.

I have one card for one person to make a comment. So if anybody is interested in making a comment just bring it up to me or give it to someone over there and we will get you on the microphone.
So I want to welcome you all to this public hearing on the San Joaquin Restoration Draft Program, Environmental Impact Statement and the Environmental Impact Report. This is one of four hearings being held in accordance with the requirements of NEPA and CEQA.

As I said, my name is Pete Lucero. I'm the regional officer for the Reclamation in the mid-Pacific region and I'll be serving as the hearing officer. The court reporter will be recording the proceedings today.

We're accepting verbal and written comments on a draft EIS. You should have completed a speaker card. If you have not completed a speaker card and you would like to provide verbal comments, please obtain a card at the registration table. If you filled out a card, but didn’t turn it in at the registration table, please turn it in now.

You may also provide written comments today by filling out a comment card, which is also available at the registration table. And you can turn those in over there on the boxes at that table. If you're speaking and would like to submit them to us, please fill out the top portion of the comment card, attach your comments and provide them before you leave.

Written comments can be submitted at this hearing or to the address, fax or e-mail address indicated on the comment card. Your comments must be
receive equal consideration.  
Now, I want to take a moment to explain what 
happens next with this process. All of the comments 
will be reviewed and responses to comments will be 
prepared. A final FEIS/R will be prepared that will 
include the responses to the comments. The final 
FEIS/R will be available for a 30-day period after 
which Reclamation and the Department of Water Resources 
will make a decision on the project. Reclamation will 
present a record of decision to document that decision 
and the Departments of Water Resources will prepare 
findings and a notice of determination. 

Today we will proceed in this manner. I will 
call all one speaker to the front in order for you 
to -- in the order that you turned in your cards. If I 
call your name and you are not present, John, you'll be 
removed to the end of the speaker list. And you have 
about 45 minutes to make your comments because this is 
an hour long presentation. So when it's your 
turn -- if anyone else want to speak just bring your 
card and we will get you on the microphone. 

So with that I'll invite John to come up and 
speak. John if you wouldn't mind, please, state your 
name and you can actually use the microphone over
1 reporter, please. Thank you.
2
3 SPEAKER CAMERON: My name is John. Can
4 everybody hear me? Okay. I belong to the Fly
5 Fisherman Conservation. And the comment I'm going to
6 make are my comments because we haven't come up with
7 an official position. This thing is not too far from
8 what I'm saying.
9
10 I went to the meeting in Los Banos and I asked
11 the question, has there been consideration of
12 recreational angling? And the answer was "no." Came
13 away from that meeting thinking well, what's going to
14 happen if they're going to put salmon in the San
15 Joaquin River? They're going to have to close that
16 throughout -- at least during a portion of the year.
17 And we have a very popular trout fishery up here just
18 below the dam at Friant.
19
20 And when that happens, then, the people who
21 are used to going there are going to have to go
22 somewhere else. They're going to go to the Kings
23 River. Now, the Kings River -- I don't know if you're
24 familiar with this area, the Kings River already has
25 too many fish in it and not enough law enforcement.
26 The other thing that's going to happen is the wardens
27 that would be taking care of the Kings River are going
28 to have to go, or they're going to have to get someone
From somewhere else to take care of those salmon in the San Joaquin River or they're not going to make it back. I mean, that's just reality. And so what my concern is, what's going to happen is they're going to take the law enforcement and put it on the San Joaquin River and not add anything. The other thing is that we're going to have a lot more fisherman over there. And sure enough, what did I read in the mitigation in the EIR was that in order to mitigate the loss of angling, recreation angling fishing, in the San Joaquin River they're going to move over to the Kings River. Imagine my lack of surprise at this.

So what I'm saying is we need to think of number one, adding enforcement and not just shifting it from one place to another. Two, we need to look at other places to mitigate this lack of loss of local angling.

One of those could be, there's a project -- I don't know if you're familiar -- from Fresno River West. River West is a project to open up a stretch of the San Joaquin River from, I think, Highway 41 down to the park -- I can't think of the name of the park right now. Anyway, there's a section of the river that's going to be open. Not only that, but part of that involves ponds that could be a warm water fishery that
are currently not being utilized because it's not legal
to go in there right now, but it will be because this
is public plan. So the River West project would be a
mitigation.

Another mitigation that could be -- would be
the Avocado Lake Park. Avocado Lake Park is next to
the Kings River. The trout are being planted there
right now. Trout that are currently going into Friant
can go, instead, to Avocado Lake Park to induce more
angling there instead of Kings river.

So basically that's what I'm saying. They
need to -- the mitigation of shifting fisherman from
one resource to another one that's already overused is
not a mitigation. We need other things. We need to
add enforcement and not just shift it from one place to
another.

Forty-five minutes I have? Nothing else.

Next.

HEARING OFFICER LUCERO: Thank you, sir. Does
anyone else want to make an oral statement? Okay.
That being said we're required to have this public
hearing open for one hour depending on whenever we
started. So what we will do now is suspend the
hearing, unless someone wants to speak. We will reopen
the hearing for that period of time and then suspend it
again until the hour has ended. So right now we will
be in suspension and we will readjourn -- reconvene
approximately 55 minutes from now. Thank you, very
much.

(Public Comment Portion Suspended.)

HEARING OFFICER LUCERO: So does anyone else
have a comment to make on the record? If not, then I
will -- then, I just thank you all for your
participation. Appreciate you coming out today to
provide your comments. And please remember that the
deadline is 5:00 p.m., on July 21st for your written
comments. I appreciate this and we are now adjourned.
Thank you.

(Whereupon, the meeting concluded at
approximately 08:24 p.m.)

STATE OF CALIFORNIA,
COUNTY OF TULARE

Page 26
I, ANDREA G. BANKS, a Certified Shorthand Reporter
in and for the State of California, do hereby certify:

That the foregoing proceedings were taken at the
time and place herein set forth; that any witnesses in
the foregoing proceedings, prior to testifying, were
duly sworn; that a record of the proceedings was made
by me using machine shorthand which was thereafter
transcribed under my direction; that the foregoing
transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the
original transcript of a deposition in a Federal Case,
before completion of the proceedings, review of the
transcript [ ] was [ ] was not requested.

I further certify that I am neither financially
interested in the action nor a relative or employee of
any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my
name.

Dated: ____________________________

______________________________
ANDREA G. BANKS, CSR NO. 13479
Responses to Comments from John Cameron, Provided on Behalf of Self

CAM-FR-1: As described in Impact REC-4 on pages 21-33 through 21-35 of the Draft PEIS/R, DFG may elect to impose new restrictions or close portions of the San Joaquin River to reduce the likelihood of anglers inadvertently catching salmon or intentionally poaching salmon. Impact REC-4 is evaluated at a program level of detail in the PEIS/R. If DFG were to impose new restrictions or close portions of the San Joaquin River to prevent inadvertent catch or poaching of salmon, DFG would develop project-level environmental documents to comply with CEQA before implementing new regulations, including the potential for additional impacts to occur related to a need for increased enforcement capability. Additionally, as described in Chapter 21.0, "Recreation," of the Draft PEIS/R, to help protect public safety, Mitigation Measure REC-12 includes as key partners all emergency rescue, response, and enforcement agencies in all reaches of the San Joaquin River expected to experience expanded recreation activity, and Fresno County and DFG. Although this mitigation measure specifically targets the San Joaquin River, Fresno County operates the parks providing access to the Kings River, where some displaced San Joaquin River anglers may go to fish, and the Fresno County Sheriff's Department patrols the Kings River (as does the Kings County Sheriff's Department). DFG is responsible for enforcement of all provisions of the California Fish and Game Code, and enforces fishing regulations on the Kings River. Implementation of this mitigation measure would provide the opportunity to engage these and other agencies regarding the potential need for increased enforcement on the Kings River that may arise from a shift in angling activity from the San Joaquin River to the Kings River. See also MCR-9, “Recreation Impacts and Kings River,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R. Text has not been revised.

CAM-FR-2: The commenter is correct. Mitigation Measure REC-5 would enhance remaining warm-water fishing opportunities or create new opportunities in the Reach 1 vicinity. Specific actions to enhance warm-water fishing opportunities would be developed in cooperation with SJRC, SJRPC, DFG, Fresno County, and other agencies participating in management of the San Joaquin River Parkway, as described in Chapter 21.0, “Recreation,” of the Draft PEIS/R. Enhancement actions could include improvements to facilities such as Sycamore Island Park (owned by the SJRC and operated by a concessionaire) and Woodward Park (owned and operated by the City of Fresno) where warm-water fishing opportunities exist and will remain. Creation of new opportunities could occur at existing ponds, including enhancing and stocking of existing ponds, such as those within the River West – Fresno (Spano River Ranch) and River West – Madera (Proctor-Broadwell-Cobb property) San Joaquin River Parkway sites, where plans for restoration and recreational access are being developed (City of Fresno 2011, Madera County 2011), or through development of new ponds in the vicinity of the parkway but in locations that would not create potential conflicts with Settlement goals. In addition, DFG would conduct project-level analyses in compliance with CEQA and in accordance with CEQA Guidelines Section 777.8, et seq., which would evaluate and determine potential impacts and mitigation measures for recreational issues.

See also MCR-9, “Recreation Impacts and Kings River,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, for additional information relevant to this comment.
CAM-FR-3: The commenter is correct. In addition to on-stream trout angling opportunities at the Kings River, San Joaquin River anglers have the opportunity to fish for trout at 83-acre Avocado Lake (adjacent to the Kings River), as the lake is also stocked with trout by DFG. This could further reduce the additional fishing pressure on the Kings River from displaced San Joaquin River anglers. See also MCR-9, “Recreation Impacts and Kings River,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, for additional information relevant to this comment.

CAM-FR-4: This comment is substantially similar to CAM-FR-1. See response to comment CAM-FR-1.
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3.11.2 Transcript of Los Banos, California Public Hearing – May 25, 2011

PUBLIC HEARING ON THE
SAN JOAQUIN RIVER RESTORATION
DRAFT PROGRAM EIS/R

Wednesday, May 25, 2011
6:00 - 8:30 PM
Merced County Fairgrounds, Germino Room
403 F Street
Los Banos, CA 93635

Reported by:
LISA S. COELHO, CSR #9487
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PALERMO REPORTING SERVICES 209.577.4451
SPEAKERS

PATTI RANSDELL, SJRRP Project Team
ALICIA FORSYTHE, Bureau of Reclamation, Program Manager
KEVIN FAULKENBERRY, California Department of Water Resources, Program Manager
PETE LUCERO, Bureau of Reclamation, Public Affairs Officer
DEE DEE D'ADAMO, Senior Policy Advisor to Congressman Dennis Cardoza
KEN SCHROEDER
CANNON MICHAEL
CHASE HURLEY
STEVE CHEDESTER
CHRIS WHITE
REGGIE HILL

(State of California and Federally certified Spanish Language Interpreter Pedro Fuentes was present and available for use during the hearing.)

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MS. RANSDELL: Thank you. This is the third of fourth identical meetings related to the Draft Program Environmental Impact Statement and Environmental Impact Report for the San Joaquin River Restoration program. So all glad to see you all turned out tonight.

We're going to start out with a brief presentation that's going to provide you with a little background on the restoration program itself, and it's going to provide you with an overview of the actual environmental document. We ask that you hold on to your questions because as soon as the presentation's over with, we're going to open up into an open house. And we have subject matter experts at the tables against the back wall that can answer any of your specific questions about the document.

Over here we have the resource areas that are going to be studied -- or have been studied, excuse me, alternatives are over here, an overview of the overall program, and then we have a conference station set up over here.

Tonight's presentation is given by Ali Forsythe with Bureau of Reclamation and Kevin Faulkenberry with the Department of Water Resources. So after the brief open house, will be about 50 minutes or so, then we're going to open up the formal public hearing process where we will
receive oral comments. And if you would like to provide
us with oral comments, there's speaker cards at the back
table. Please fill one out and just drop it in that
basket. Okay?

And I think we're ready for Ali.

MS. FORSYTHE: All right. Thanks, Patti.

I'm Ali Forsythe. I'm the program manager for
the San Joaquin River Restoration Program for the Bureau
of Reclamation. Tonight we're going to do -- we're going
to give you about a 20-minute presentation overview of the
program. We're going to talk about the goals of the
program along with major milestones. We're going to talk
about the environmental review process and the analysis
that you can see in the document, in the Draft Program
Environmental Impact Statement -- Environmental Impact
Report. Kevin Faulkenberry is going to talk about
alternatives and next steps, and then I'll wrap up our
presentation with public comment process and where we go
from here.

So quick overview of the settlement and a little
bit of history here. Friant -- or, excuse me, Reclamation
built Friant Dam and completed the structure in 1942. In
1988 a lawsuit was filed challenging our renewal of the
long-term contract with the Friant Division water users.
We were in litigation on that lawsuit for about 18 years.
There were a variety of rulings and judgments during that time, the most significant of which happened in 2004 when a federal judge ruled that Reclamation had violated California Fish & Game Code.

In 2005 all the parties to the settlement began negotiations to -- excuse me. All the parties to the litigation began negotiations to try and come up with a settlement, and in 2006 a settlement was reached and we began implementing it late that year.

In 2009 Public Law 111-11 was signed into law by the president, and that law actually authorizes and directs the Secretary of the Interior to implement the settlement.

Settlement has two goals. The first is the restoration goal, and the restoration goal really mimics that California Fish & Game Code that the judgment found we were in violation of. The restoration goal is to restore and maintain fish populations in good condition in the main stem of the San Joaquin River from Friant to the Merced River confluence, and that includes salmon and other native fish.

The second goal is the water management goal, and it's to reduce or avoid water supply impacts to all of the Friant Division long-term contractors that will result from us putting additional water into the river and
restoring the San Joaquin River

We have three key parties to the settlement that were signatories. The first is about 14 environmental organizations primarily led by the Natural Resource Defense Council. The second is the Friant Water Users, and there were -- the Friant Water Users Authority was a signatory along with some of the member districts. And the third is the Federal Government. Both the Department of the Interior and the Department of Commerce were signatories to the settlement.

We have five agencies, five state and federal agencies, that are implementing the settlement. Within the Department of Interior it was the Bureau of Reclamation along with the Fish and Wildlife Service. And within the Department of Commerce it's the National Marine Fishery Service. And then the State of California is also one of our key partners through the Department of Water Resources and the Department of Fish & Game.

The settlement also established an outside individual that makes recommendations on how we implement key components of the settlement. He's called the Restoration Administrator.

So major milestones as we work to implement the settlement. In 2006 we began the planning, the design, and the environmental review. In 2007 we began our
interim flow releases. These were our initial releases out of Friant Dam to rewet the San Joaquin River system. In April of this year we released the Draft Program document which is what we're here today to talk with you all about.

We expect to complete a final document in 2012 along with a record of decision shortly thereafter. In late 2012 the schedule of the settlement has us reintroducing salmon into the river, and then in 2013 the schedule of the settlement has us completing the first phase of channeling habitat improvement projects. In 2014 we're to re -- excuse me. In 2014 we're to initiate our full restoration flows which is our full releases down the river.

Now for those of you that have been following the settlement, you know that some of these channel and structural improvement projects that are required in the settlement to be completed in 2013 are behind schedule. Some of those projects may be key to reintroducing salmon into the river, and we're working right now with the parties to the settlement to look at where we are in this, in the implementation of the settlement, and find a solution to figure out how we implement this and reevaluate the schedule.

There are a few key funding sources to implement
the settlement. One of those is water sales. We have
three sources of water sales: the Friant surcharge,
Recovered Water Account, and then the CVPIA Restoration
Fund. Those fundings actually come from the sale of water
from the Bureau of Reclamation.

There's Friant Capital Repayment. The
legislation authorized Reclamation to renegotiate the
Friant contracts and convert those into repayment
contracts. So they're repaying the capital component of
the project, and that money goes into the settlement.
There's also up to 300 million in new federal
appropriations, and the State has committed up to 200
million in State bond funding.

We looked at a wide study area in the document to
make sure we captured the impacts of everybody in the
settlement. So we looked at the San Joaquin River
upstream from Friant Dam, primarily Millerton Reservoir as
we change elevations within the reservoir itself. We
looked at the river from Friant all the way down to the
Delta and the Delta itself.

As we increased flows down the river and run that
water all the way down to the Delta trying to pick some of
it back up, we will have some potential impacts all the
way through the whole system. And then we also looked at
the Central Valley Project and the State Water Project
users and their water service areas.

You'll notice in the document within the restoration area, which is within the area from Friant Dam to the Merced River confluence, we actually broke that down into five distinct reaches. Its impacts are potentially different in each reach. And then we also looked at impacts within the Eastside and Mariposa bypass system.

All right. So Reclamation is the lead agency under NEPA, the National Environmental Policy Act, for preparing the document. And the Department of Water Resources is the lead agency under CEQA, the California Environmental Quality Act, for the document. We began jointly preparing the document in 2007 with public scoping which I believe at that time we were actually in this room here holding some of our scoping meetings.

The purpose of the document is to analyze and disclose the environmental impacts of implementing the settlement both on the human environment and the natural environment. It provides the public and the agencies full disclosure of impacts in an open and transparent manner, and it also provides technically sound information to decision makers as we move forward in implementing the settlement.

We looked at a wide variety of resource areas in
the document, everything from air quality to groundwater
hydrology, socioeconomic, visual resources. I'm not going
to go through each one of those. But if you have specific
questions on resource areas, we have technical experts
here tonight that can answer those questions.

In the document we look at two levels of
analysis. The first is the program level analysis, and we
look at our future construction projects at a program
level. These projects, we don't have a lot of detail on
them right now. We're not sure exactly what we're going
to do, so we give them kind of a broad overview of
analysis.

We look at potential impacts and mitigation
measures to the extent that we can anticipate and know
those now. Subsequent environmental compliance would be
necessary for these future construction projects. We'll
be back out with the public, with you guys, soliciting
your input and getting your comments on those future
construction projects when we have more detail on those.
But the program document does provide a framework for
these future projects, including identification of impacts
and potential mitigation measures that we'll use in those
projects.

We also include a project level analysis. This
is primarily for Reclamation and the reoperation of Friant
Dam, so us revising the San Joaquin River with what we call our interim and restoration flows and conveying those flows down the river. So we look at this in a very site specific, very detailed analysis, and the program document will be the only document that covers our reoperation of Friant Dam.

As you have probably flipped through your executive summaries, you've probably been looking for the preferred alternative and notice that there is no preferred alternative in there. Right now we have not identified a preferred alternative. We expect to do that in the final document, and the purpose of that was we wanted to get the public input and public comments on all of the alternatives to help us in evaluating and collecting a preferred alternative. So we do anticipate that we will have a preferred alternative identified in the final document.

And I think with that, Kevin is going to give you an overview of alternatives, and then I'll follow up with talking about the comment process.

MR. FAULKENBERRY: Thank you, Ali. My name is Kevin Faulkenberry. I'm the chief of the south/central region office with the Department of Water Resources. I have been working on the San Joaquin River Restoration Program for quite some time, but I guess my role changed a
little bit now. I'm no longer program manager. That position's been passed on to Paul Romero who's also here in the building.

And so today I'm going to talk to you a little bit about the alternatives that are laid out in the document, and we'll give you some of the bases for those alternatives. And there are probably -- there are six action alternatives and one no-action alternative. All the alternatives seek to implement the settlement and can be consistent with Public Law 111-11.

Also, the alternatives are -- include implementing channel improvements and structures necessary to convey flows and provide fish passage and habitat. And modify Friant Dam operations to release interim and restoration flows and make sure that we're able to reintroduce spring-run and fall-run Chinook salmon. And also recapture, recirculate, reuse, and exchange transfer of -- and transfer interim flows, interim restoration flows.

The common project level actions that are included in here are the modification of Friant Dam operations to release interim and restoration flows, being careful not -- to reduce or avoid increases in flood risks as a result of those releases. And we want to be able to convey interim and restoration flows downstream through
the system. Also, implement the short-term and
physical -- the short-term physical monitoring and
management plan actions.

We also want to recapture interim and restoration
flows in the restoration area at Mendota Pool and the
wildlife refuges. In the -- also in the Delta an existing
CVP and State Water Project facilities. We also want to
implement a recovered water account program. PSR provides
the complete NEPA and CEQA compliance for these actions as
well as will support Reclamation's request to the State
Board to modify water rights for Friant Dam.

I can hear clicking. There we go.

Some of the common program level restoration
actions include the reintroduction of spring-run and
fall-run Chinook salmon, the recirculation and recapture
of interim and restoration flows, the improvement of
channels and structures to convey flows to provide fish
passage and habitat. That includes constructing Mendota
Pool Bypass and modify Reach 2B to convey at least 4500
cfs and modify Reach 4B1 to convey at least 475 cfs.

We also want to be able to modify the San Joaquin
River headgate structure to enable flow routing into Reach
4B1. Additionally, modifying the sand slough control
structure to enable fish passage. Also screening the
Arroyo Canal to prevent entrainment and provide fish
passage at Sack Dam. Also, additionally want to modify
and establish low-flow channel in the Eastside and
Mariposa bypasses to provide fish passage and enable
deployment of the seasonal barriers of both mud and salt
slough in the system. And modify Chowchilla Bypass
bifurcation structure to provide fish passage and prevent
entrainment. And, also, in the upper reaches to fill
and -- or isolate highest priority gravel pits.

So is it going to click this time? Oh, there.

Continuing on in the same line of the program
level restoration actions, the -- we would want to enhance
spawning gravel, prevent the potential for redd
superimposition and hybridization, supplement the salmon
population, modify the floodplain and side-channel habitat
in those areas, enhance in-channel habitat, and reduce
potential for aquatic predation of juvenile salmonids. We
also want to reduce the potential for fish entrainment and
enable fish passage at additional locations.

Other actions include implementing the long-term
management actions under the Physical Monitoring and
Management Plan. There we go.

Okay. So now we're back to some of the basics of
the alternatives evaluated. Now this is really important
when you're reviewing the document is understanding the
difference between the alternatives, and here are two
basic ways to do it. There are six -- there is one
no-action alternative and six action alternatives, and
they differ in this way. A1, B1, and C1 all include at
least 475 cfs through Reach 4B1. Alternatives A2, B2, and
C2 have at least 4500 cfs to Reach 4B1.

Now, additionally, the other way the alternatives
are broken up is by where the water is recaptured. If the
additional recapture is a Delta recapture, then it's A1
and A2. If you additionally add San Joaquin River
recapture, it's B1 and B2, and if you have a new pumping
plant recapture, it's C1 and C2. So we're going to get a
little more detail on each one of those

Alternatives A1 and A2 with Delta recapture, just
a little more detail on what we just explained to you, but
all common program and project level actions that we
mentioned before in conveyance of at least 475 cfs through
Reach 4B1, remaining interim and restoration flows
conveyed through the Eastside and Mariposa bypasses, the
potential of recapture of re -- of interim and restoration
flows in the restoration area and Delta using the existing
facilities. The A2 is the same as A1 except that 4B1
would have at least 4500 cfs with integrated floodplain
habitat included.

Okay. B1 and B2, similar to A1, all common
program and project level actions. And we have -- again,
we'd be conveying at least 475 through Reach 4B1 with the
remaining going through the Eastside and Mariposa
bypasses. But when you come to the potential for
recapture on top of restoration area, Delta using existing
facilities, we add on along the San Joaquin River between
the Merced River and the Delta using existing facilities.
Again, the two -- or alternative B2 changes the flow and
Reach 4B1 from 475 cfs to at least 4500 cfs.

See, you're right.

Okay. Now, on C1, again, these include our --
not again. All common actions and program level actions
are included here. Project and program level actions, I'm
sorry. The conveyance again is 475 cfs. The -- with the
remaining going through the Eastside/Mariposa bypasses and
the potential of a recapture of interim or restoration
flows.

It is the restor -- again, in the restoration
area, the Delta using the existing facilities along the
San Joaquin River between Merced River and the Delta using
existing facilities, and additionally at a new pumping
plant on the San Joaquin River below the confluence of the
Merced River. Now, again, the difference between C1 and
C2 is that C2 will have been set up 475 cfs, and Reach
4B1, it will be 4500 cfs.

So with that, that concludes -- again, these are
important items you want to think about later on when
you're reviewing the document. It gives you -- it's the
basic outline and understanding of how the alternatives
are laid out. So you want to keep this in mind as much as
possible in reviewing the small little document you guys
got there to read. I'm sure you'll find an opportunity to
fall asleep many nights. And with that, I think we'll
turn it over to Ali.

MS. FORSYTHE: All right. So commenting on the
document. Public works participation is an essential part
of the NEPA and CEQA process, of the environmental review
process. NEPA and CEQA both actually require that we
evaluate and respond in writing to comments that are
submitted during the public comment period.

It's very helpful for us if your comments focus
really on the sufficiency of the document and identifying
and analyzing possible impacts, possibly identifying
alternatives that would be viable that we missed or
talking about the adequacy of the mitigation measures in
the document. For us the comments that are very specific
and detailed are really the most helpful. The more
information and the details that we can have from you in
your comments, the better we can address those in the
final. Whether it's changes to the document or adding
mitigation measures, the more detail helps us to really

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incorporate that additional detail into the final.

The general kind of vague comments are very
difficult for us to understand what your thought process
are -- was and how to change the document to address your
comments. So I'd encourage you to be as detailed as
possible.

In the comment period we started with a 60-day
comment period. We did get a request for an extension for
30 days. So we've granted that request, and our comment
period now ends July 21st. So gives you a little bit more
time to review the document. We anticipate completing a
final in 2012, early 2012 time frame, and the final will
include responses to comments on the draft document along
with changes, if any are necessary, to the draft document
and will also identify the preferred alternative in the
final document.

We anticipate signing the Record of Decision for
the final side of things and then the Notice of
Determination for the state component in early 2012 after
the circulation of the final document. The Record of
Decision and Notice of Determination are really the final
decision documents out of this process.

So just a quick reminder. You can provide verbal
comments this evening during the public hearing portion.
You can also provide your written comments in the boxes

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over here on your right. If you'd like to take some time

to look through the document some more and provide your

comments in writing at a later date, you can send those

into the addresses available on the screen. Either mail,

fax, or e-mail is fine. You can send them to Reclamation

or send them to both of us. If you send them to one,

we'll get them to both, so -- and a quick reminder that

your comments are due by 5:00 PM on July 21st.

So with that, I'm going to turn it over to Patti.

She's going to talk about the rest of the meeting for this

evening and our breakout sessions along with the hearing

session.

MS. RANSDELL: All right. Thank you. So we're

going to break up into the breakout sessions now. I want

to remind folks that if you would like to speak during the

oral hearing portion, please fill out a speaker card. It

looks like this, and you can put it in the basket at the

back of the table. And we will have subject matter

experts at each of the tables: the resource areas, the

alternatives, and then the program overview. They'll be

there to answer any of your specific questions. We're

going to have the open house for about 50 minutes, and

then we will reconvene. And Pete Lucero there in the back

will guide us through the public formal hearing process.

So please go ask some questions.
(Recess for Open House Stations.)

MS. RANSDELL: Excuse me. We're going to go ahead and convene the formal public hearing. If you would like to make any oral comments, please fill out a speaker card, and we'll take it right over to Pete. Thank you.

MR. LUCERO: Good evening, all. So if you could take a seat or suspend your conversations, that would be great. Thank you.

I want to welcome everybody to this hearing on the San Joaquin River Restoration Program -- Draft Program Environmental -- excuse me, Draft Program Environmental Impact Statement and Environmental Impact Report. This is one of four hearings being held in accordance with the requirements of NEPA and CEQA.

My name is Pete Lucero. I'm the public affairs officer for the Bureau of Reclamation mid Pacific region, and I'll be serving as today's hearing officer. The court reporter will be recording all of the proceedings as well.

Today we're accepting verbal and written comments on the Draft PEIS. To provide verbal comments you should have completed a speaker's card. And if you have not completed one and would like to provide verbal comments, please do it now and either give it to someone in the back, bring it to me so we can get you in line to speak. And I have one card. So if anybody else wants to talk,
this will be a very brief hearing otherwise.

Chris, you want to talk?

MR. WHITE: Yes.

MR. LUCERO: We're going to need a card from you, my friend. So that would be great if you can fill that out, Chris. Thank you.

So written comments can be submitted at this hearing or to the address or e-mail or fax that is on the comment card. Your comments must be received by 5:00 PM on Thursday, July 21st. Please be assured that written and verbal comments will receive equal consideration.

So I want to take a moment to explain what happens next with this process. All the comments will be reviewed, and responses to comments will be prepared. Assuming all major issues can be addressed, a final PEIS/PEIR will be prepared that will include the responses to the comments.

The final PEIS will be available for a 30-day period after which Reclamation and Department of Water Resources will make a decision on the project. Reclamation will prepare a Record of Decision to document the decision, and Department of Water Resources will prepare findings and a Notice of Determination.

So I'll call the speakers up one at a time, all two of them, and we'll give you probably five minutes at
the most to make your comment. If you need more time, I
think we can fit you in in the hour, and we'll deal with
that as it happens. So if you would, when you come up to
the microphone and I call your name, just come up, state
your name, and please make your comment. You can direct
them up to the front of the room

So Dee Dee D'Adamo who is a representative from
Congressman Cardoza, you're up first. Thank you.

MS. D'ADAMO: Good evening. Thank you for
this -- is this on? Okay. Dee Dee D'Adamo, senior policy
advisor to Congressman Dennis Cardoza. Thank you for
being here this evening and thank you for the opportunity
to provide comment.

My boss, Congressman Cardoza, has recently
provided two letters regarding this subject, the San
Joaquin River Restoration Program: one on April 25th to
Director Jack Lew of the Office of Management and Budget
and then one on May 5th to Don Glaser, the regional
administrator -- the regional director to the U.S. Bureau
of Reclamation. Both letters are essentially the same.
and I'd like to formally submit them to the record. There
are copies in the back of the room.

I'm here to -- I know many of you are already
aware of these letters, but I'm here to formally submit
them to the record and also to provide them to those that
are in the audience this evening and to just speak to the
general topic.

First of all, the Congressman has met with Don
Glaser several times regarding his concern that there
appears to be a significant gap in funding. This is a
massive program, and we do want to compliment the Bureau
for listening to our concerns and spending a lot of time
out here on the ground. We really do think that you're
doing, with respect to the limited resources you have, a
very good job and much better job communicating with our
constituents, and we truly do appreciate that.

Having said that, though, by the Bureau's own
figures and on these letters we've attached a chart, a
cash flow analysis. This is a chart that we received from
the Bureau. It's somewhat outdated. It's back from
October, but it does clearly illustrate that there is a
funding gap between what the program seeks to accomplish
and the available funding that the Bureau has at its
disposal.

And so the Congressman feels that it's really
best to sit down and relook at the program and these
deadlines, the schedules that are outlined in the
documents and Reclamation documents and provide the public
with an updated schedule, one that reflects the reality of
the limited funding that's available. And not just with
respect to the restoration flows, the interim flows, but
then also with respect to reintroduction of fish.

So it's important to go back and take a look at
the entire program, figure out what's more realistic, and
make adjustments. We think that that is the best way to
move forward and the most constructive way on this program
and also in fairness to all those that are here and not
here spending an awful lot of time working on this
program.

So I'll leave these letters with you, and thank
you for the opportunity to provide comment.

MR. LUCERO: Thank you very much.

Next up is Ken Schroeder.

MR. SCHROEDER: My name is Ken Schroeder. And
talking to a couple different people, they thought I
should make a public comment on this, that you're talking
about barriers on mud slough, salt slough and all that.
Well, the salmon runs run the same time as the duck season
down there, so if you do that without considering the
people down there hunting, it will limit our access in
that area.

I appreciate you guys listening to me. Thank
you.

MR. LUCERO: Thank you, sir.

Next up is Cannon Michael.
MR. MICHAEL: Good evening. My name is Cannon Michael, and I'm with Bowles Farming Company. Sixth generation of my family to be in California agriculture, and we farm along Reach 4B. My comments tonight will be brief, and I'll have some written comments as well.

I think it's important when you make these presentations such as this that when the funding stream is displayed, that it's maybe made a little more clear as to when that funding is actually available to do projects. As it is right now, landowners are spending their own funds to mitigate impacts to the program already and not having a clear channel for reimbursement for those projects they're having to implement and as a result of the program being implemented in the way that it is.

The funding for the program needs to be -- the schedule of the program needs to match the funding that is available, and it's currently not -- that's not happening. And we as landowners have been trying to be supportive. Our water district is trying to work with the Bureau to install a fish screen for our diversion off the San Joaquin. And again, we have expended a considerable amount of money also, again, with no clear evidence that we're going to be reimbursed.

So in order to make this project work, it's going to take a significant amount of money, and this doesn't
seem clear to the people who watch a presentation like this and see a lot of large dollar numbers on the screen, without that being clear as to when that money's coming and if it is readily available. As you present to the people who are out here, it's actually kind of a little confusing and something that should be cleared up.

But I'll have further comments that will be written that I'll submit. Thank you for the opportunity.

MR. LUCERO: Thank you, Mr. Michael

Next up is Chase Hurley.

MR. HURLEY: Good evening. My name is Chase Hurley, the general manager for San Luis Canal Company and located in Reaches 4 and 4B of the San Joaquin River.

Just a couple things. As we talked about the PEIS, the Bureau is -- it's been a lengthy process. It's a very technical document that the Bureau's been working on for a couple years. We as landowners and districts ask that the program allow the public the ample amount of time and the appropriate amount of time to review and comment.

We don't know a lot of the technical issues. We have to go out and have someone do that for us at a cost. And so you potentially could be getting another suggested comment period, and we ask that you look into maybe giving us more than a 30-day extension just because of the amount of time it took you and the State to put that document.
We've been very cooperative in allowing the Bureau to move forward on site specific projects such as the one Cannon talked about when we really truly believe that these building block projects shouldn't have even been started until this PEIS was done. It's hard to imagine these site specific projects being done before we even know what the overall goal is.

You had one slide up here that talked about your overview of alternatives, and it talked about four goals. Just want to talk about each one of those a little bit. The first one is modifying Friant operations to release interim flows. And you had another one on there that talked about recapture, exchange, transferring of interim flows.

This local group right here has been working closely with all the affected parties to put those two in action, and we've actually made progress. And we've done that without even a lot of site specific agreements in place. So I think we've truly been working with you folks on those two.

The third one is to improve channels and structures. We, as Cannon just said, the canal company along with all the other districts in the area and the landowners have actually been working really hard with you together.
folks on there. All we ask is that we see some type of
guaranteed stream of revenue to help implement those
phase-long projects. Because your fourth alternative up
there in terms of your goal was the reintroduction of
spring-run. We truly believe that you can't -- you
shouldn't and don't have the authority to release those
until those Phase 1 projects are complete.

We remain very committed to the implementation of
the program. We're behind it 100 percent. There's got to
be a lot of things done as long as you focus on the
following: Construct the project in a fiscally sound
manner; you think about phasing this thing in a more
appropriate manner, and you get a real strong bond between
the State and Federal partnership. You don't put the
third party folks on the river at ESA risk. And you've
got to really remember the true importance of private
property rights and remember that these farmers out here,
they're not only farming but they're providing for and
paying for flood protection.

That's all I have. Thank you.

MR. LUCERO: Thank you, Mr. Hurley.

Next up is Steve Cheester.

MR. CHEESTER: Good evening. I'm Steve
Cheester. I'm the executive director of the San Joaquin
River Exchange Contractors Water Authority. And I don't
know any of you guys, so first of all I'd like to thank you for the chance, the opportunity to provide these comments at first. We will be providing substantial comments to you in written -- in writing, in written form.

One of the things we'd like to ask for is an extension of comment time period. I know mentioned earlier at least 60 days more. I mean it is an 8,000-page document, and I can guarantee there's no way we can get through it in the time period that's been allotted even with the extension. We appreciate that, but we're going to need more time. So we'll put that in writing also, but we do need that.

Secondly, you're going to hear sort of a broken record, but I think that's part of the purpose for this, is that funding, schedule, fishery introduction are just key. You've got to get the fishery introduction in sync with how the schedule's going to be implemented in the Phase 1 project, and that requires appropriate funding. Until that gets worked out, I think -- I realize this document is trying to cover everything in a broad sense, but it's going to be difficult to move forward on the more site specific documents. Also, we need mitigation measures clearly identified and done prior to impacts being done.

And with that, again, we have -- we will be
providing a lot of comments, and we will look forward to your responses. Thank you.

MR. LUCERO: Thank you, Mr. Chedester.

Next up, Chris White.

MR. WHITE: Hi there. Chris White, general manager of Central California Irrigation District. Thanks for the opportunity to talk on this issue and provide comment.

One, I wanted to thank, first of all, the Congressmen Cardoza and Costa for working on this issue and especially on the funding and the scheduling issues that are -- we see as a real problem for this program moving forward.

Our comments come to you from the perspective of a group of local district agencies and landowners who are committed to making the program a success within the confines of the settlement and the legislation that was originally adopted.

Then we come out with a set of Phase 1 projects that are estimated at a half a billion dollars that is so severely underfunded that we just -- we can't fathom a way forward that builds these projects in a successful way in time to meet the schedule deadlines and put fish back in the river, reintroduce fish back in the river in 2012. We just can't see how that happens.
And Chase Hurley earlier discussed the fact that the issue of transferring ESA risks onto the landowners. That’s the ESA risks that we’re seeing is we end up with protected fish in the river without sufficient flows, without sufficient infrastructure having been built. And that does transfer the risk onto the landowners, and that’s an issue that would be unacceptable to us.

I would also echo the request for additional time for response to comments. And hand in hand with that, I know that the program has been responsive in the past in making people available, but I -- it’s -- we’ve got a few questions that we’d like to spend some time one on one in trying to make sure that we’ve got the issue right before we do comment. So if we could get some time along those lines, it would be helpful.

And this is a tough -- this is a tough project to move ahead from where we’re at. We’ve been involved in about a year and a half of interim flows. We’ve been in flood flows for quite some time. We’ve already had a landowner impacted. We’ve had levee failure up in Reach -- up in Reach 2B. We’ve struggled in trying to help the program get enough monitoring wells in the ground.

Those issues are coming along, but they’re not coming along at the pace that’s needed and envisioned in
the settlement. And it's not because we're not all trying
to get us there. It's just because we have a schedule
that is almost impossible to meet.

And thank you very much for the time. We will be
providing written comments on this issue and written
comments on the 55-pound document. Thank you.

MR. LUCERO: Thank you, Mr. White.

Next and last is Mr. Hill, Reggie Hill. And if
anyone else wants to come up to speak, I would need a card
from you very shortly. Thank you.

MR. HILL: Good evening. I'm Reggie Hill with
the Lower San Joaquin Levee District.

I'm not going to reiterate all the comments that
have already been made because this is a community. This
is how we're going to respond to this type of a document,
and we're going to be working holding hands because what
happens with one location affects everybody.

So we're going to -- what I wanted to address is
something I've discussed with the program representatives,
is the fact that even before we get to this point of
putting something on the ground, we're being financially
impacted. Like what Chase Hurley had mentioned earlier
about committed and doing money up front and not getting
any pay back.

The district, we receive no State or Federal
funding. We don't sell anything. We just -- our revenue is based upon the assessments that we place upon these landowners behind me. And basically what happens is we have a certain amount of budget money that we use for the O and M of the project to make sure that we maintain the project and our obligation to a certain standard that's accepted by the Army Corps and the Department of Water Resources.

If we have to divert that money away from any of that O and M, it affects our ability, it makes us -- exposure to certain liability because we're not addressing certain aspects of our O and M standard. And those are the things that are real, and that's going to affect our ability to acquire any type of operating insurance. Because believe it or not, the insurance carriers do read reports from federal agencies.

And so, therefore, we're being expected -- where we have certain units that are not going to be accepted as up to standard for Army Corps regulations, then we're going to be in trouble as far as being able to acquire any type of insurance to basically operate the O and M of this project.

So as I said, I submitted written comments on the table over there, but I appreciate the time and efforts and thank you.
MR. LUCERO: Thank you, Mr. Hill.

Is there anyone else who would like to make a comment this evening? That being said, well, we are required to be here for an hour for the public hearing portion. What we'll do is we'll suspend the public hearing portion as soon as I'm done here, and we will be in recess until about 8:30 when we will close the hearing.

However, if anyone determines that they'd like to make a statement on the record in the meantime, we'll go back on the record, you can make your verbal comment, and then we'll play it by ear from there. Okay? So with that being said, we're in recess. Thank you.

(Recess.)

MR. LUCERO: With no one wanting to speak anymore, we'll adjourn the meeting now. Thank you.

(Time noted: 8:30 PM.)
STATE OF CALIFORNIA,)
)
COUNTY OF MERCED.
)

I, LISA S. COELHO, a Certified Shorthand Reporter
in and for the County of Stanislaus, State of California,
do hereby certify:

That on May 25, 2011, thereof, I reported
verbatim in shorthand writing the foregoing proceedings:

That I thereafter caused my shorthand writing to
be reduced to typewriting, and that the foregoing
transcript constitutes a full, true, and correct
transcription of all proceedings had and given.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my Official Seal this 6th day of June 2011.

LISA S. COELHO, CSR #9487
Certified Shorthand Reporter

PALERMO REPORTING SERVICES 209.577.4451
Responses to Comments from Dee Dee D’Adamo, Provided on Behalf of Congressman Dennis Cardoza

DADA-LB-1: Comment noted. The cited letters were received and are responded to in Section 3.4.1, “Congressman Dennis Cardoza,” and Section 3.4.2, “Congressman Dennis Cardoza and Congressman Jim Costa,” of this Final PEIS/R.

DADA-LB-2: Comment noted. Text has not been revised.

DADA-LB-3: The Settling Parties have recently developed a Third-Party working draft Framework for Implementation for the SJRRP. The Framework for Implementation outlines the actions to be taken to implement the SJRRP and presents a schedule and budget for these actions. The Framework for Implementation schedule was developed with input from water agencies/districts and landowners downstream from Friant Dam who may be affected by implementation of the Settlement, and is intended to be protective of these Third-Party interests while meeting the requirements of the Settlement for expeditious action. The Framework for Implementation also provides an accounting of future funding needs and the remaining funds available to implement the SJRRP. The Framework for Implementation can be found on the SJRRP Web site at www.restoresjr.net. While the Framework for Implementation presents a revised schedule for implementation of the Settlement, it does not result in new significant environmental impacts, a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts.
Response to Comment from Ken Schroeder, Provided on Behalf of Self

SCHR-LB-1: An unknown portion of the approximately 3,300 waterfowl hunters who visited the San Luis National Wildlife Refuge during the 2010–2011 season hunted in the Freitas unit, and accessed the unit via the San Joaquin River and Salt Slough, which bisects the unit. Approximately 1,300 waterfowl hunters visited the China Island unit during the 2010–2011 season, but the unit is accessible by road, and it is not known how many hunters accessed the area via the San Joaquin River and Mud Slough. The potential for the proposed seasonal barriers to conflict with hunting access and opportunities in these units depends on the several undetermined factors in how the barriers would be implemented.

Temporary or permanent barriers may be implemented at Mud and Salt sloughs, as described in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R. Temporary barriers could include acoustic bubble screens or rock barriers such as used at the Head of Old River. Bubble screen barriers would not pose a hindrance to boat passage. Rock barriers would need to be portaged, which may be feasible for trailer-launched and hand-launched boats (e.g., canoes and kayaks) at Mud Slough, where staffing of the barrier may be possible. (The project proponents would collaborate with USFWS and DFG to support staffing of portages for trailer-launched boats as needed.) Only portaging of hand-launched boats may be possible at Salt Slough, because staffing of a portage for trailer-launched boats would likely not be feasible at this remote site. Alternatively, hunters may launch boats at the Salt Slough boat access area in the South Freitas unit, about 8 miles downstream from the mouth of the slough, on the east side of Highway 165, and navigate into the North Freitas hunt zone west of Highway 165. Permanent barriers (e.g., bottom-hinged gates) would have a similar impact on boat access to the slough as a temporary rock barrier.

The timing of when the barriers would be operational is also an important factor in determining potential conflicts with boat passage for hunters. Barriers to prevent adult fall-run Chinook salmon from entering Salt and Mud sloughs would need to be operational during October and November, when fall-run fish typically migrate in the San Joaquin system. This would partially overlap with the waterfowl hunting season, which runs from late October through January. Barriers to prevent adult spring-run Chinook salmon from entering Salt and Mud sloughs would need to be operational during spring and summer, when spring-run fish would be expected to migrate in the San Joaquin system. This period of operation would not overlap with the waterfowl hunting season, and so the barriers would not create a conflict with boat access to the sloughs.

In summary, there are several factors that would reduce the potential conflict of the seasonal barriers with hunters’ boat access to the sloughs: (1) some types of temporary barriers (e.g., bubble curtains) would not conflict with boat access, (2) other types of temporary barriers and permanent barriers could potentially be portaged by trailer-launched and/or hand-launched boats, (3) boat access is available to Salt Slough downstream from the proposed barrier at the mouth of the slough, and (4) only barriers operated to prevent migrating adult fall-run Chinook salmon from straying would conflict with boat access and for only a portion of the waterfowl hunting season. It should also be noted that ample opportunities for waterfowl hunting in other units of the San Luis
National Wildlife Refuge, and North Grasslands Wildlife Area would be unaffected. For these reasons, impacts to recreation would be less than significant. This additional analysis does not change any conclusions presented in the Draft PEIS/R. Text has not been revised.
Response to Comment from Cannon Michael, Provided on Behalf of Self

MICH-LB-1: The Implementing Agencies and Settling Parties recognize that appropriated funding needs for the SJRRP will remain a critical focus throughout the next several years. The Settling Parties have also recently developed a Third-Party working draft Framework for Implementation for the SJRRP (SJRRP 2012b). The Framework for Implementation outlines actions to be taken to implement the Settlement, and presents a schedule and budget for these actions. The Framework for Implementation also provides an accounting of the remaining funds available to implement the SJRRP. While the Framework for Implementation presents a revised schedule for implementing the SJRRP, it does not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts identified in the PEIS/R. The Framework for Implementation can be found on the SJRRP Web site at www.restoresjr.net.

See also MCR-2, “SJRRP Funding Availability, Sources, and Cost Estimates,” and MCR-3, “Order and Schedule of Implementing Settlement Actions,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, for additional information on funding and the revised schedule of activities.
**Responses to Comments from Chase Hurley, Provided on Behalf of San Luis Canal Company**

SLCC2-LB-1: The comment period was extended to September 21, 2011, in response to this and other comments.

SLCC2-LB-2: Comment noted. Section 1.1.1, “Stipulation of Settlement,” of the Draft PEIS/R describes the two primary goals established by the Settlement, the Restoration Goal and the Water Management Goal. Section 1.4, “Purpose and Need for Action and Project Objectives,” of the Draft PEIS/R states the purpose and need of the proposed action, which is to implement the Settlement, consistent with the Act. The Implementing Agencies identified several objectives, which are listed on page 1-14 of the Draft PEIS/R. As described in Section 1.1.3, “Scoping and Public Involvement Process,” of the Draft PEIS/R, the Implementing Agencies have conducted extensive public and stakeholder outreach activities to engage and inform all interested parties of SJRRP activities, including development of this Draft PEIS/R.

As described in more detail in MCR-2, “SJRRP Funding Availability, Sources, and Cost Estimates,” in Chapter 2.0, “Master Comments and Responses,” of this Final PEIS/R, the Settling Parties have also recently developed a Third-Party working draft *Framework for Implementation* for the SJRRP (SJRRP 2012b). The *Framework for Implementation* outlines actions to be taken to implement the Settlement, and presents a schedule and budget for these actions. The *Framework for Implementation* also provides an accounting of the remaining funds available to implement the SJRRP. While the *Framework for Implementation* presents a revised schedule for implementing the SJRRP, it does not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts identified in the PEIS/R. The *Framework for Implementation* can be found on the SJRRP Web site at www.restoresjr.net.

SLCC2-LB-3: Comment noted.

SLCC2-LB-4: The Settling Parties have also recently developed a Third-Party working draft *Framework for Implementation* for the SJRRP (SJRRP 2012b). The *Framework for Implementation* outlines actions to be taken to implement the Settlement, and presents a schedule and budget for these actions. The *Framework for Implementation* also provides an accounting of the remaining funds available to implement the SJRRP. The *Framework for Implementation* can be found on the SJRRP Web site at www.restoresjr.net. While the *Framework for Implementation* presents a revised schedule for implementing the SJRRP, it does not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts identified in the PEIS/R. The *Framework for Implementation* can be found on the SJRRP Web site at www.restoresjr.net.

The comment asserts that the lead agencies do not have authority to reintroduce spring-run Chinook salmon prior to the completion of Phase 1 activities. Paragraph 11 specifies
channel and structural improvements (Phase 1 and Phase 2 improvements) described as “necessary to fully achieve the Restoration Goal.” The Settlement milestone dates include spring- and fall-run Chinook salmon reintroduced by December 31, 2012; Paragraph 11(a) actions (Phase 1 improvements) completed by December 31, 2013; initiation of full Restoration Flows by January 1, 2014; and Paragraph 11(b) actions (Phase 2 improvements) completed by December 31, 2016. As described in MCR-3, “Order and Schedule of Implementing Settlement Actions,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the dates for completing Phase 1 and potentially Phase 2 improvements may change pending completion of compliance, coordination, consultation, data collection, and related efforts, and in compliance with the provisions of the Settlement and the Act. However, neither the Settlement nor the Act links the progress in completing Phase 1 and Phase 2 improvements to salmon reintroduction. Furthermore, The Settlement does not specify that the Phase 1 projects need to be completed prior to the reintroduction of Chinook salmon. Rather, the Settlement envisioned that both spring-run and fall-run Chinook would be reintroduced prior to the completion of the Phase 1 and Phase 2 projects, as presented in the Settlement’s milestone dates.

See MCR-2, “SJRRP Funding Availability, and Sources, and of SJRRP Funding, and Cost Estimates,” and MCR-3, “Order and Schedule of Implementing Settlement Actions,” in Chapter 2.0 of this Final PEIS/R for additional information relevant to this comment.

SLCC2-LB-5: As discussed in response to comment SLCC2-LB-4, the Settling Parties have recently developed a Third-Party working draft Framework for Implementation (SJRRP 2012b) for the SJRRP. The Framework for Implementation outlines the actions to be taken to implement the SJRRP, and presents a schedule and budget for these actions. The Framework for Implementation schedule was developed with input from water agencies/districts and landowners downstream from Friant Dam who may be affected by implementation of the Settlement, and is intended to be protective of these Third-Party interests while meeting the requirements of the Settlement for expeditious action. The Framework for Implementation also provides an accounting of future funding needs and the remaining funds available to implement the SJRRP. The Framework for Implementation can be found on the SJRRP Web site at www.restoresjr.net. MCR-2, “SJRRP Funding Availability, Sources and Cost Estimates,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, provides more detail on funding for implementation of the Settlement, and MCR-3, “Order and Schedule of Implementing Settlement Actions,” provides more detail on the schedule of implementation of the Settlement.

Regarding potential risk to landowners due to the presence of Federal and State special-status species, the Implementing Agencies are examining several potential protections for landowners and agencies who will continue to conduct routine agricultural and operations and maintenance activities in the Restoration Area after protected spring-run Chinook salmon are reintroduced to the San Joaquin River. Specifically, NMFS is developing a 4(d) rule under Section 4(d) of the ESA where NMFS may elect to allow take for the experimental population if the take is incidental to a lawful activity, such as agricultural
activities, and is unintentional or not due to negligent conduct. Additionally, DFG may permit take of endangered, threatened, or candidate species, including spring-run Chinook salmon, if specific requirements are met, including that the take is incidental to otherwise lawful activities and the impacts of the take are compliant with Fish and Game Code Section 2081. Protections for landowners and agencies are further discussed in MCR-6, “Third-Party Concerns and Outreach,” in Chapter 2.0 of this Final PEIS/R.

Regarding flood protection for landowners in the Restoration Area, all action alternatives, as described in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R, include measures to minimize increases in flood risk due to implementation of the Settlement. These measures include the establishment of a Channel Capacity Advisory Group to provide independent review of estimated then-existing channel capacities, monitoring results, and management actions to address vegetation and sediment transport within the Restoration Area; maintaining Interim and Restoration flows at or below estimates of then-existing channel capacities; and monitoring erosion and performing maintenance and/or reducing Interim and Restoration flows as necessary to avoid erosion-related impacts. These measures are described in more detail on pages 2-22 through 2-28 of the Draft PEIS/R, as well as in Appendix D, “Physical Monitoring and Management Plan,” of the Draft PEIS/R.
Responses to Comments from Steve Chedester, Provided on Behalf of San Joaquin River Exchange Contractors and the San Joaquin River Resource Management Coalition

EC2-LB-1: The comment period was extended to September 21, 2011, in response to this and other comments.

EC2-LB-2: As described in MCR-2, “SJRRP Funding Availability, Sources, and Cost Estimates,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the Settling Parties have also recently developed a Third-Party working draft Framework for Implementation for the SJRRP (SJRRP 2012b). The Framework for Implementation outlines actions to be taken to implement the Settlement, and presents a schedule and budget for these actions. The Framework for Implementation also provides an accounting of the remaining funds available to implement the SJRRP. While the Framework for Implementation presents a revised schedule for implementing the SJRRP, it does not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts identified in the PEIS/R. The Framework for Implementation can be found on the SJRRP Web site at www.restoresjr.net.

Consistent with authorities, including NEPA, CEQA, and the Act, the Draft PEIS/R identifies feasible mitigation measures for all potentially significant impacts. Text has not been revised.
**Responses to Comments from Chris White, Provided on Behalf of Central California Irrigation District**

**CCID-LB-1:** As described in MCR-2, “SJRRP Funding Availability, Sources, and Cost Estimates,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the Settling Parties have also recently developed a Third-Party working draft Framework for Implementation for the SJRRP (SJRRP 2012b). The Framework for Implementation outlines actions to be taken to implement the Settlement, and presents a schedule and budget for these actions. The Framework for Implementation also provides an accounting of the remaining funds available to implement the SJRRP. While the Framework for Implementation presents a revised schedule for implementing the SJRRP, it does not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts identified in the PEIS/R. The Framework for Implementation can be found on the SJRRP Web site at www.restoresjr.net.

**CCID-LB-2:** The Implementing Agencies are examining several potential protections for landowners and agencies who will continue to conduct routine agricultural and operations and maintenance activities in the Restoration Area after protected spring-run Chinook salmon are reintroduced to the San Joaquin River. These protections are specific to Federal and State laws pertaining to reintroducing populations of protected species. These protections may include development by NMFS of a rule under Section 4(d) of the ESA to allow take for the experimental population if the take is incidental to a lawful activity, such as agricultural activities, and is unintentional or not due to negligent conduct. Additionally, DFG may permit take of endangered, threatened, or candidate species, including spring-run Chinook salmon, if specific requirements are met, including that the take is incidental to otherwise lawful activities and the impacts of the take are compliant with Fish and Game Code Section 2081. See MCR-6, “Third-Party Concerns and Outreach,” for further information related to this comment.

**CCID-LB-3a:** The comment period was extended to September 21, 2011, in response to this and other comments.

**CCID-LB-3b:** The Implementing Agencies recognize and appreciate the cooperation and involvement of CCID and other Third Parties. Flood releases in 2011 were made consistent with the Report on Reservoir Regulation for Flood Control, Friant Dam and Millerton Lake, San Joaquin River, California (USACE 1980), and would not change with the implementation of the SJRRP. The Implementing Agencies recognize the unprecedented nature of the SJRRP, and acknowledge that flexibility in implementing the Settlement is necessary to ultimately achieve the Restoration and Water Management goals. In consideration of this necessary and anticipated flexibility, the SJRRP management process involves a broad range of strategies to guide implementation of the Settlement consistent with the Act and incorporates a continuously growing set of data and scientific information. The Interim Flows program, initiated in 2009, will contribute substantially to the set of historical data by facilitating collection of information regarding flow; water temperature; fish behavior and needs; habitat response and other
biological effects; geomorphologic effects; seepage; and water recapture, recirculation, and reuse opportunities.

Implementation of all action alternatives would be supported by the formation and/or continuation of several technical work groups to facilitate, coordinate, and communicate the various technical activities required to implement the Settlement. As described in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R, all action alternatives would include establishing and administering a Channel Capacity Advisory Group to provide independent review of estimated then-existing channel capacities, monitoring results, and management actions identified by Reclamation to address vegetation and sediment transport within the system. Additionally, the SJRRP has established a Fisheries Management Work Group and Technical Feedback Group, Environmental Compliance and Permitting Work Group, Seepage and Conveyance Technical Feedback Group, Restoration Goal Technical Feedback Group, and Water Management Work Group and Technical Feedback Group. These work groups enable representatives of the Implementing Agencies to receive feedback from members of the public through topic-specific technical feedback meetings. The SJRRP also communicates with stakeholders through the SJRRP Web site (http://www.restoresjr.net) by producing annual reports, fact sheets, brochures, and program updates; conducting site-specific landowner meetings; distributing notifications through an e-mail distribution list; and monitoring feedback on potential seepage-related impacts through e-mail (InterimFlows@restoresjr.net) and the Seepage Hotline (916-978-4398). This ongoing involvement of technical work groups and stakeholder and public input is an important factor in achieving the Restoration and Water Management goals, and maintaining flexibility in meeting those goals, as described in MCR-1, “Analysis of Program Feasibility, Potential to Achieve Restoration and Water Management Goals,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R.

Text has not been revised.
Response to Comment from Reggie Hill, Provided on Behalf of Lower San Joaquin Levee District
LSJLD3-LB-1: The change in operations at Friant Dam and the routing of Interim and Restoration flows could increase operations and maintenance activities regardless of the alternative selected for implementation, including increased flap gate inspection and debris removal, operation of flow control structures, levee patrols, vegetation control, and sand excavation (these actions are as described in Appendix D, “Physical Monitoring and Management Plan,” of the Draft PEIS/R). Additionally, flows would change the nature of operations and maintenance activities; those activities currently performed in a dry channel, would be performed in wet channel conditions. As described in MCR-8, “Operations and Maintenance Agreement Considerations,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, Reclamation is currently working with LSJLD to develop and implement an agreement to provide financial assistance for additional Settlement-related costs incurred by LSJLD. The agreement is intended to assist LSJLD in adapting to Settlement implementation, as needed, to potentially maintain an increased level of flood management under release of Interim and Restoration flows. Such an agreement would likely be similar to the agreement recently completed by Reclamation and LSJLD for Water Year 2011 Interim Flows.
3.11.3 Transcript of Sacramento, California Public Hearing – May 26, 2011

SAN JOAQUIN RESTORATION PROGRAM

PUBLIC HEARING

ON

SAN JOAQUIN RESTORATION PROGRAM
DRAFT PROGRAM EIS/EIR

HOLIDAY INN CAPITOL PLAZA
JOHN Q. BALLROOM
SACRAMENTO, CALIFORNIA

THURSDAY, MAY 26, 2011

REPORTED BY: ESTHER F. SCHWARTZ
CSR NO. 1564

CAPITOL REPORTERS (916) 923-5447
ATTENDEES

BUREAU OF RECLAMATION:
  ALICIA FORSYTHE
  PETE LUCERO

DEPARTMENT OF WATER RESOURCES:
  KEVIN FAULKENBERRY

CIRCLEPOINT:
  PATTI RANSDELL

AUDIENCE PARTICIPANT:
  JOE MIYAMOTO

----oo0oo----
SACRAMENTO, CALIFORNIA

WEDNESDAY, MAY 26, 2011, 1:30 P.M.

---ooOoo---

MS. RANSDELL: I think we are going to get started. Thank you for showing up today. This is our final of four public hearings for the San Joaquin River Restoration Program Draft Program Environmental Impact Report/Environmental Impact Statement.

A couple of really quick housekeeping items. In the back you will see that we have a nice lady from the Bureau of Reclamation with a camera, whose name is Winetta. She will be taking photos. If you don't want to be included in the photos, please let us know or let her know. Please put your phones and such on silent. The restrooms are out the door and to the right, past the elevators.

I am going to give you a quick overview of what we are going to be doing today. We are going to start out with a brief presentation to give you some information on the background of the Restoration Program, a little bit of history. Then we are going to jump into an overview of the environmental document. The presentation is going to be given to you by Aly Forsythe with the Bureau
of Reclamation and Kevin Faulkenberry with the Department of Water Resources.

After the presentation we are going to break up into a small breakout, open-house-type session. We have subject matter experts around the room. We have our boards set up. We've got the resources areas that we studied over here, a comment station over here, and alternatives over on this side; and towards the back, just a general program overview.

If you have questions related to any of these items, during the open house is the time to talk to the subject matter experts. Get your questions answered. And then after the open house, we are going to convene our formal public hearing where folks will be given the opportunity to provide verbal comments.

I have a speaker card in my hand. If you would like to give us verbal comments, please fill this out and drop it in the basket that is right over on the comment station. And then, when we begin the formal hearing part, Pete Lucero will walk you through the formal hearing and call your name to speak.

So with that, I'm going to let Aly and Kevin do the talking.
MS. FORSYTHE: Thank you. I am Aly Forsythe. I am the program manager for the San Joaquin Restoration Program for the Bureau of Reclamation. Kevin and I are going to give you an overview of the settlement, history of the settlement, the goals, major milestones in the settlement. We're going to talk a little bit about the environmental review process and the analysis that we conducted in the draft program document in front of you. We are going to talk about alternatives and next steps, where we go from here, and then also talk about the public comment and review process.

So a little bit of history on the settlement, itself. Reclamation constructed Friant Dam in 1942. A lawsuit was filed in 1988 that challenged our renewal of the Friant division long-term contracts. That lawsuit went on for about 18 years, with a body of rules and judgments during that time. One of the more significant of which happened in 2004, when a federal judge ruled that Reclamation has violated California Fish and Game Code.

In 2006, we began negotiating with the parties to the lawsuit to see if we can come up with a settlement. Excuse me, that was in 2005 that we
began negotiations to see if we could come up with a settlement.

In 2006, we reached that settlement. We began implementing the settlement in late 2006. And then in 2009, the president signed into law Public Law 111-11, which authorizes and directs the Secretary of the Interior to implement the settlement.

The settlement has two goals in it. The first is the restoration goal that really mimics the Fish and Game Code that the federal judge found us in violation of. The Fish and Game -- the restoration goal is to restore and maintain fish populations in good condition in the main stem of the San Joaquin River from Friant to the Merced River confluence; and that includes salmon and other native fish.

The second goal is the water management goal. The water management goal is to reduce or avoid adverse water supply impacts to the Friant division contractors that will result from implementing the settlement. We rewet the San Joaquin River and put some of the flows that would have otherwise gone to the water users down the river. The water management goal directs us to try and reduce or avoid the impacts that could occur to the water users.
There are three main parties to the settlement. The first is about 14 environmental organizations, primarily represented by the National Resource Defense Council. The second is the water users, primarily represented by the Friant Water Authority, although some water users did actually sign as individual districts on the settlement. The third is the federal government. Both the Department of Interior signed the settlement along with the Department of Commerce.

There are five agencies that are working together to implement the settlement: three federal agencies within the Department of Interior, the Bureau of Reclamation, the Fish & Wildlife Service. Within the Department of Commerce, The National Marine Fishery Service. And the State of California is also a partner as we implement the settlement, and they’re working with -- we work primarily with the Department of Water Resources and the Department of Fish and Game from the State.

The settlement also established a goal for an outside individual, called the Restoration Administrator, to make recommendation on key components to the Secretary in how we implement the settlement.
Major milestones as we work to implement the settlement. In 2006, we began working on the environmental planning, compliance, design activities to implement to settlement. In 2009, we began our interim flow releases from Friant Dam. So these were our first releases out of Friant to rewet the San Joaquin River system. Earlier this year, April, we released our Draft Program Environmental Impact Statement/Environmental Impact Report, the document that we are here today to talk about. We hope to wrap that up with a final in early 2012.

In late 2012, we are to begin introducing salmon back into the San Joaquin system. And then, in 2013, we are to complete our first phase of channel and habitat improvement. And in 2014 we are to initiate full restoration flows.

Now, for those of you who have been following that implementation of the settlement, you recognize that some of our channel and structural improvement projects are behind schedule. Some of those projects may be necessary for the successful reintroduction of salmon into the river. We are working with the parties to the settlement at this time to evaluate where we are in the schedule and where we go from here.
There are a variety of fundings to implement the settlement. These include water sales, receipts from water sales, the receipts from the Friant surcharge, recovered water account, and, also, from the Central Valley Project Improvement Act restoration funds. The law, Public Law 111-11, also allowed Reclamation to convert the Friant contracts into what we call unit contracts. So as we pay the capital component of the Friant division of the Central Valley Project, that money becomes available to us to implement the settlement. We also have up to 300,000,000 in new federal appropriations. The state has committed up to 200,000,000 in bond funds.

We looked at a wide study area in the program document that you have before you to make sure that we covered the impacts and potential mitigation measures that will be necessary to implement as we move forward with implementation of the settlement. We looked at the San Joaquin River upstream from Friant Dam, which is near Fresno, primarily out of the Millerton Reservoir. Any changes in elevation and how that would affect resources in that area.

We looked at the San Joaquin River from Friant all the way down to the Delta. So as we add water into the San Joaquin, add fish into the San Joaquin,
make some channel and structural improvement
projects, what is that going to do to that whole
segment of the San Joaquin River. We also looked at
the Delta itself. We are going to be releasing
water out of Friant and trying to pick up some of
that water back in the Delta so that it won't be
increasing flows down into the Delta and looking to
recirculate some water down there. So looking at
the impacts of all that in the main Delta itself.

And then we looked at the Central Valley Project and
State Water Project service areas.

Within the restoration area, we actually looked
at the impacts in each segment of the river. We
break the river up into five reaches, Reach 1
through 5. We analyze the impacts of implementing
the settlement in each segment because there are
some larger construction projects that we have along
the river. Then we looked at the impacts within the
eastside of the Mariposa Bypasses, also.

So Reclamation is the lead agency under the
National Environmental Policy Act, NEPA, for the
draft document. Then the Department of Water
Resources is the state lead agency under the
California Environmental Quality Act, CEQA, for the
document. We began preparation of the document in
2007 with public scoping meetings; one of which was held here in Sacramento. And the purpose of the document is to analyze and disclose impacts of implementing the settlement on the human and natural environment. It provides the public, yourself, and agency staff as we move forward in implementing the settlement full disclosure of impact and mitigation measures in a very open and the transparent way. It also provides technically sound information to decision makers to consider as we all move forward with implementing the settlement.

We looked at quite a few different resource areas. I think there are about 22 or 23 up here; everything from air quality, biological resources and fisheries, flood management, groundwater hydrology, visual resources. These are all covered in the document. And if you have specific questions on any of the resource areas, please head over to the station over here on your left, and there will be technical experts there to address your questions.

So in the document we include two levels of analysis. The first, the program level analysis. We complete this primarily for large construction projects, projects that we don't have a lot of
detail on right now, but we know they will occur some time in the future. We provide an overview of impacts and mitigation measures to the extent that we know those today or can anticipate those today. Subsequent environmental compliance will be necessary for these projects, for these large construction projects covered in the project bundle. So we back out doing additional NEPA/CEQA work, doing additional field studies, and also back out to the public to talk about these projects as we move forward with those in the future.

The program document does provide a framework for impacts and mitigations for these future projects. It is something we will utilize the program document as we look to implement the project in the future.

The program document also includes a project level analysis. That is primarily for Reclamation's reoperation of Friant Dam and conveyance of that water down the San Joaquin River and also picking that water up at the Delta pumps. So this is a very detailed, very site-specific analysis of our reoperation of Friant Dam and conveying that water down to the Delta and recirculation of that water.

There will be no additional NEPA or CEQA
analysis. There will be no additional environmental analysis for that particular action. This is the one chance that you really want to focus on that one in this document.

You guys have probably flipped through your executive summaries looking for the preferred alternative. You may have noticed that there is not one in there. We felt that it was important to get public input and public feedback on the different alternatives on the mitigation measures, on the impacts in the document before we selected a preferred alternative.

If you anticipate using comments and the information that we receive from the public during this public process, this public review process, to help us select the preferred alternative. We do anticipate to have a preferred alternative in the final document.

With that, Kevin from the Department of Water Resources is going to give you an overview of the alternatives, and I will follow up at the end talking about the comment process.

MR. FAULKENBERRY: Good afternoon, everybody. My name is Kevin Faulkenberry. I work for the Department of Water Resources. I am the
chief of the South Central Region office. I've spent some years working on the program. I used to be the program manager, and now that duty has been passed on to Paul Romero who is in the audience today with you guys.

Primarily, I have been working on the program for sometime, so I am familiar with a lot of the aspects of it. So today I get elected to give you guys a presentation. I am going to go over an overview of the alternatives. They are basically one no action alternative and six action alternatives; and I will give you the basics of those.

This is really important. The document is pretty complicated and understanding each of the alternatives and how they are broken up in the document and what is the significance of each of the alternatives. Very important in understanding.

First of all, I'll start out explaining that all of the alternatives seek to implement the settlement and are consistent with Public Law 111-11; and all the alternatives include implementing improvements to channel structures to convey flows and provide fish passage and habitat for the restoration area and modifications to Friant
Chapter 3.0
Individual Comments and Responses

1. Dam operations to release interim restoration flows as well as the reintroduction of spring-run and fall-run Chinook salmon, as well as recapture recirculation, reuse, exchange and transfer interim and restoration flows.

Some of the common project level actions contained within the document include modifications to Friant Dam operations to release interim and restoration flows. Being careful to avoid or reduce increases in flood risks as a result of restoration releases, as well as being careful to make sure we convey interim and restoration flows downstream through the system, and also implementing short-term and long-term physical monitoring and management plans within the document.

We also are working on recapturing interim and restoration flows in the restoration area at Mendota Pool and wildlife refugees in the Delta and at existing CVP and State Water Project facilities. We are also at the same time implementing the recovered water account for the program, the program for the project. The PEIS/R provides a complete NEPA and CEQA compliance for these actions, as well as support for Reclamation’s request to the State Board to modify their water rights at Friant Dam.
Some of the program level actions, program level restoration actions, within the document include the restoration of spring-run and fall-run Chinook salmon, as well as recirculating, recaptured and interim restoration flows and improved channel improvements, channel structural improvements, convey flows and fish passage and habitat. Some of these include construction of Mendota Pool Bypass and modifications of Reach B, 2B, to convey at least 4,500 cfs and the modifications to Reach 4B1 to convey 475 cfs. Also including some modifications to San Joaquin River headgate structure to enable flow routing to Reach 4B1.

Additionally, some other ones include the deployment of seasonal barriers at Mud and Salt Sloughs, as well as filling an isolation of some of the highest gravel pits within the restoration area. Continuing along those lines, there are some additional structural actions, channel and structural actions, probably focusing more on the fish habitat, enhancement of spawning gravel and prevent potential for redd and superimposition of and/or hybridization within the spawning areas. Additionally, enhancement of in-channel habitat and the reduction for aquatic predation with the
juvenile salmonids, which has more to do with the
gravel pits and some of the other things in the
area.

Other actions in there also include
implementation of long-term management actions under
the physical, monitoring and management plan.

Here is the -- we are going to look at each of
the alternatives and give you a little brief
description so you can tell the difference between
one alternative and the other. Basically, the other
components I discussed are things that are
overarching that include all the alternatives, but
in this way we are talking about the first no-action
alternative and then the six action alternatives, in
B, broken up into two ways. How are the flows
routed through Reach 4B1, for starters.

A1, B1 and C1 all have at least 475 cfs in
Reach 4B1. And then A2, B2 and C2 have at least
4,500 cfs. In Reach 4B1, where the water recaptured
in addition to the areas that were mentioned before
would be for A1 and A2, would be a Delta recapture
would be added on top of that. And then for B1 and
B2 we would add on the San Joaquin River recapture.
And for C1 and C2 we add on a new pumping plant for
recapture.
Now we're going to begin to go over each one of the alternatives separately, giving them a little more detail. At this point you've seen most of the information that covers them, but now we're kind of summarizing that for you.

In alternatives A1 and A2, this is going over the basic bullets, all common program and project level actions, which we've already reviewed.

Conveyance of at least 475 cfs at Reach 4B1 for remaining interim and restoration flows going through the eastside of Mariposa Bypasses.

Potential recapture of interim restoration flows in the restoration area and the Delta, using existing facilities.

Now A2 is the same as A1, except that we have at least 4,500 cfs in Reach 4B1.

Now reaches or alternatives, sorry, 4B1 -- how about B1 and B2 still have all the same common actions as the other two, except that now in addition to having 475 cfs in Reach 4B1, we have the potential of recapture of interim and restoration flows not only in the restoration area, the Delta and along the -- additionally, along the San Joaquin River between the Merced River and the Delta, using existing facilities. So we added on one more place.
where we can pull water out.

Reach 4B2 is the same as 4B1 except that we
have at least 4,500 cfs at Reach 4B1.

Now the final two alternatives are
included, C1 and C2. Again, C1 includes all of the
program level actions and conveyance of at least
475, with the remaining flows through Eastside
Bypass and Mariposa Bypass. The difference here
again is we are adding another area where we can --
we have potential for recapture of interim and
restoration flows. Starting with the restoration
area, Delta using existing facilities. Along the
San Joaquin River between the Merced River and the
Delta using existing facilities, and now we've added
the potential for a new pumping plant on the San
Joaquin River below the confluence of the Merced
River. And like in the other alternative, C2 is the
same as C1 except that we have potential for 4,500
cfs in Reach 4B1.

That concludes the explanation of
alternatives. Again, when you're reviewing these,
there are very important distinctions. The kind of
document is complicated. So having that basis of
understanding when you're reviewing them is
important when trying to separate alternatives.
Now I'll go back to Aly and she can finish up.

MS. FORSYTHE: Commenting on the draft document. Public participation is an essential component of the environmental review process. It is -- NEPA and CEQA require that we evaluate and provide written response to comments received during the public review of the draft document. Your comments would be very helpful if your comment focuses on the sufficiency of the document. Primarily, the alternatives in analyzing and identifying possible impacts and also the adequacy of the mitigation measures. The more detailed and specific your comments are, the better it is for us in making sure we can address your comment in the final document, both potentially adding or modifying alternatives, modifying impacts or potentially adding or modifying mitigation measures. Very detailed, specific comments are very helpful to make sure we can understand where you are going and what your thoughts are.

We started with a 60-day public comment process or public comment period. We extended that 30 days upon request. So comments are now due July 21st. We anticipate to release the final document in early 2012. The final will include responses to
comments that we receive on the draft, along with changes, if any are necessary to the draft document. And then we will identify the preferred alternative in the final document.

We will be looking to sign the Record of Decision, the federal component to this process, in early 2012, after release of the final. The state will also be looking to sign the Notice of Determination after release of the final. The Record of Decision and Notice of Determination are the final decision documents in identifying how we look forward to implementation of the settlement.

So quick reminder. You can provide verbal comments today at the hearing process which Patti will describe in just a second. You can leave your written comment with us today also, inputting them in the comment boxes over here on your left. If you would like to take some more time to look through the document and provide more detail comments, you can send these to either Michelle or Fran at the addresses on the screen. Hard copy in the mail, E-mail, fax. Anything is fine. You can send them to Reclamation or DWR, or both of us. Either way it will get to us.

And just a reminder. Your comments are due on
July 21st of this year. So with that, I'm going to turn you over to Patti. She's going to talk about the rest of our meeting for this afternoon.

MS. RANSDELL: Thank you, Aly. It is 2:00 now by my watch. So we are going to break up into the open house for 50 minutes. We will reconvene at 2:50 for the formal public hearing process, where Pete Lucero will walk you through how to provide written comments. If you didn't pick up a speaker card when you came in and you would like to give us verbal comments, please pick up a card. We have some over here at the comment table. Fill it out and drop it in the basket. We will make sure you get a chance to provide us with your comments.

So the open house begins now.

(Break taken for open house session.)

MS. RANSDELL: It is now time to reconvene the group, and we are going to enter into the public hearing phase where you can give your verbal comments. We have one speaker card so far. If there are other folks in here that want to speak, please take your speaker card up to Pete Lucero up here at the speaker table.

Thank you.

MR. LUCERO: Good afternoon. I would like
to welcome everybody to the public hearing on the
San Joaquin Restoration Program Draft Program
Environmental Impact Statement and Environmental
Impact Report. This is one of four hearings, the
last of four hearings, to be held in accordance with
the National Environmental Policy Act and California
Environmental Quality Act. My name is Pete Lucero.
I am the public affairs officer for the Bureau of
Reclamation's Mid-Pacific Region, and I will be the
hearing officer today. A court reporter is here to
take, to record the proceedings.

As it stands right now, I have one card. We
have a one-hour public hearing. We are required to
be in session for one hour; actually, to be here for
one hour for the public meeting. If we only have
the one card and one speaker today, after I finish
with -- this speaker finishes his comments and we
have no other comments, we will suspend for the rest
of the time and then we will reconvene at the end of
an hour to basically go off the record and adjourn
the public hearing.

So if anyone still wants to have an opportunity
to give us a comment, please bring a card up to me.
Today he are accepting verbal and written comments
in the Draft PEIS/R. And to provide verbal
comments, you should have completed a speaker’s card. If you have not completed one, please do that now and provide it to me. Otherwise you can also provide written comments today, and you can use this sheet here. And I believe they are located over there on that table, and you can fill that out and submit that into the comment box.

If you have comments, extended comments that won’t fit within the time frame we have for discussion, please submit those separately along with your comment card into the box and they will get equal consideration.

I want to take a moment to just explain what happens next in the process. All the comments will be reviewed and responses to comments will be prepared. Assuming all major issues can be addressed, a final PEIS and PEIR will be prepared and will include responses to the comments. The final PEIS/PEIR will be available for a 30-day period, after which Reclamation and Department of Water Resources will make a decision on the project.

Reclamation will prepare a Record of Decision to document that decision; and the Department of Water Resources will prepare findings and a Notice of Determination.
So we will go ahead and begin with the public comment period. I would like to find out first if there are any elected officials in the room so we can give them first crack at the comments.

If not, then we will proceed.

Mr. Miyamoto, you are first up, and apparently last up.

MR. MIYAMOTO: I just have some very brief comments. My name is Joe Miyamoto with East Bay Municipal Utility District. And I want to thank you for the opportunity to provide public comments, and we will follow up with a comment letter before the due date.

And my comments today are focused on the Delta recapture of restoration flows at the Banks and Jones pumping plants and the effect of the flow patterns and how they may affect fish that are migrating through the Central Delta and might be affected by increases in pumping rates for reverse flows along the Middle River.

And so we have management of salmon and steelhead in the Mokelumne River which uses the Central Delta as a migratory pathway. So anytime there is increases in reverse flows in the south part of the Delta, there is potential for increasing
The PEIS approach seems to look at the increase in San Joaquin restoration flows coming into the Delta and then concludes that those would keep fish from entering the South Delta and becoming entrained. But I think what we would want to know and suggest that the PEIS conduct an analysis of the entrainment risk for fish, not only from the San Joaquin but from other parts of the Delta watershed, such as the Mokelumne River, since they are relying on migrating through the Delta and could be potentially affected.

And so while the ratio is one thing to look at, there may be more direct measures to assess risk. I know that there is figures that show increases in reverse flows in Old and Middle River and, for example, March is a year where those reverse flows increase. And so that is also an important time period for steelhead outmigration. And so we want the PEIS to address potential risk to juvenile steelhead during that time.

And then for the routing of the San Joaquin River flows, in addition we would like to see a little more detail in terms of how those flows would be routed so we can understand how fish could be
kept out of Old and Middle Rivers. Also, the source of the water that would be exported at the pumps. We know some San Joaquin River flows obviously will be exported, and that is really the targeted flows, but there will be other flows that would be pumped out of the Delta. So we would like to see some analysis to understand potential risk to salmon and steelhead from other watersheds, besides the San Joaquin, from increasing pumping or reverse flows. And maybe some other approaches have been looked at, to look at relationships between reverse flows in Old and Middle River and projected fish south rates or kinds of water exports and projected salvaging rates. These seem to be more direct approaches compared to a ratio of inflows to combined reverse flows in Old and Middle Rivers.

And I guess the last thing would be when the monitoring and evaluation program is developed and implemented, I would hope that you would incorporate some fish from other parts of the Delta watershed, basically from the Mokelumne, and telemetry studies so we can gain a better understanding of what the project impacts are on those salmonids.

That concludes my comments. Again, we will follow up with a comment letter before the deadline.
Thank you.

MR. LUCERO: Thank you, Mr. Miyamoto.

Is there anyone else who would like to make
comments this afternoon?

Anyone? Anyone?

Okay. I tell you what we will do. We have
about 55 minutes left in our public hearing, and we
will go into recess right now. And at the end of
that 55 minutes, we will come back on the record to
adjourn. If anyone feels that they would like to
make a comment verbally between now and then, just
let me know and we will go back on the record and
allow you to make your comment and then recess again
unless others are in line to make comment.

With that, we are in recess.

Thank you.

(Break taken.)

MR. LUCERO: Thank you for attending
today’s public hearing. With no one desiring to
speak longer, we will adjourn.

Thank you.

(Public hearing concluded at 3:35 p.m.)

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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA       }  ss.
COUNTY OF SACRAMENTO     }

I, ESTHER F. SCHWARTZ, certify that I was the
official Court Reporter for the proceedings named
herein, and that as such reporter, I reported in
verbatim shorthand writing those proceedings;
That I thereafter caused my shorthand writing
to be reduced to printed format, and the pages
numbered 3 through 28 herein constitute a complete,
true and correct record of the proceedings.

IN WITNESS WHEREOF, I have subscribed this
certificate at Sacramento, California, on this 27th
day of May, 2011.

ESTHER F. SCHWARTZ
CSR NO. 1564

CAPITOL REPORTERS (916) 923-5447
Responses to Comments from Joe Miyamoto, Provided on Behalf of East Bay Municipal Utility District

EBMUD2-SA-1: The operational modeling conducted in support of the Draft PEIS/R analyses was sufficient to support the qualitative evaluation of potential impacts to fish in the Delta, including salmonids, as described in Chapter 5.0, “Biological Resources – Fisheries,” of the Draft PEIS/R. As described on page 5-63 of the Draft PEIS/R, the action alternatives are expected to affect distributions of Delta fish and, thus, the environmental conditions to which they are exposed. Within the Delta, fish distributions would be most directly affected by the program alternatives in the south Delta because changes in both San Joaquin River flow and diversions at Jones and Banks pumping plants would occur in the south Delta. Therefore, the qualitative analysis of potential impacts to fish in the Delta focuses on the south Delta.

As described on pages 5-101 through 5-104 of the Draft PEIS/R, increased reverse flows in upper Old and Middle rivers and higher levels of pumping to recapture the increased inflow would potentially increase entrainment and predation risks and delay migration for fish, including fish originating from the central Delta. These impacts are addressed through evaluation of the south Delta where fish impacts would be greatest. As described in FSH-35 (page 5-101) and FSH-39 (page 5-107), it is anticipated that the increased San Joaquin River inflow due to Interim and Restoration flows would offset the impact by reducing the number of fish that are likely to migrate through the south Delta, resulting in a less-than-significant impact. When impacts to special-status fish species from pumping threaten to exceed the limits set by the USFWS 2008 CVP/SWP Operations BO and the NMFS 2009 CVP/SWP Operations BO (2009a) or other regulations in effect at the time, Reclamation would implement actions to reduce pumping and/or inflow.

Accordingly, the qualitative analysis of potential impacts to fish in the Delta largely focuses on relative changes in exports, San Joaquin River inflows, and Old and Middle river reverse flows, similar to the discussions presented in the comment, as well as X2 position. This includes analysis of changes in:

- Water temperatures and dissolved oxygen concentrations (Impact FSH-31 beginning on page 5-98)
- Pollutant discharge and mobilization (Impact FSH-32 on page 5-100)
- Sediment discharge and turbidity (Impact FSH-33 beginning on page 5-100)
- Fish habitat conditions (Impact FSH-34 on page 5-101)
- Diversions and entrainment (Impact FSH-35 beginning on page 5-101)
- Predation levels (Impact FSH-36 beginning on page 5-104)
- Food web support (Impact FSH-37 beginning on page 5-106)
- Salinity (Impact FSH-37 on page 5-107)
• Inflow and flow patterns (Impact FSH-39 beginning on page 5-107)

While the simulated system operations serve as a sufficient representation of expected system response to allow evaluation of potential impacts in the Draft PEIS/R, the simulations do not represent interior Delta operations with sufficient detail and certainty to support a more detailed analysis of Delta flow or water sources, or particle tracking modeling. More importantly, more detailed Delta flow, water source, and/or particle tracking modeling is not necessary to support the evaluation of impacts of the alternatives on fish in the Delta, as discussed above.

Reclamation is in the process of developing a Recapture and Recirculation Plan, pursuant to Paragraph 16 of the Settlement, in consultation with the Settling Parties, Third Parties, and the State, and will conduct a subsequent site-specific evaluation of implementing the Recapture and Recirculation Plan, in compliance with NEPA and CEQA, as appropriate. The Draft PEIS/R provides a description and analysis of the recapture of Interim and Restoration flows at a project level of detail and recirculation of recaptured flows at a program level of detail. Consistent with the purpose of the PEIS/R, as described in Section 1.2, “Purpose and Uses of PEIS/R,” in the Draft PEIS/R, all subsequent site-specific evaluations, including the evaluation of recapture and recirculation, will be developed based in part on the information presented in the PEIS/R.

Text has not been revised.

EBMUD2-SA-2: Impacts to steelhead with respect to Delta flows are defined in Impact FSH-35, on page 5-101 of the Draft PEIS/R. See also response to comment EBMUD2-SA-1 for additional detail regarding the analyses of increased risk of entrainment in the Delta, and the basis for and level of detail in modeling conducted in support of these analyses. Text has not been revised.

EBMUD2-SA-3: The analysis of potential impacts related to entrainment in the Delta is based on the best information available at the time the assessment was developed. As described in greater detail in response to comment EBMUD2-SA-1, the CalSim-II simulated system operations serve as a sufficient representation of expected system response to allow evaluation of potential impacts in the Draft PEIS/R. However, the simulations do not represent interior Delta operations with sufficient detail and certainty to support a more detailed analysis of Delta flow or water sources, or the application of particle tracking modeling. The CalSim-II modeling output did support the application of DSM2, a hydrodynamic model of the Delta that provides mean monthly flow and salinity values for locations within the Delta at a level of detail and certainty consistent with that of the CalSim-II output. See response to comment EBMUD2-SA-1 for additional information relevant to this comment. Text has not been revised.

EBMUD2-SA-4: The SJRRP management process involves a broad range of strategies to guide implementation of the Settlement consistent with the Act and incorporate a continuously growing set of historical data, specifically through the Interim Flows program, which facilitates collection of information, including water temperature. Data collected during the release and recapture of Interim Flows will be compiled annually.
into the Annual Technical Report, which presents the results of analyses performed using those data, and identifies information needs. These data help to provide more specific information on the scope and magnitude of water temperature changes, and informs adaptive management of implementation that would include reducing adverse effects on aquatic habitats and species, if any. The Annual Technical Report is published each year at www.restoresjr.net. Text has not been revised.
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1. SAN JOAQUIN RIVER RESTORATION PROGRAM

   -00-

   SPEAKER RANSDELL: We're going to get started

   3. here. Thank you for coming out today. My name is

   4. Patty Ransdell and I'll be helping facilitate this

   5. public hearing today. This is the first of four

   6. identical public hearings for the San Joaquin River

   7. Restoration Programs Draft Environmental Impact


   9. I just want to go over the meeting format with

   10. you. But first, quick housekeeping; the restroom

   11. facilities are just outside the door on the right, if

   12. you haven't already noticed them when you walked in and

   13. signed in. If you didn't sign in and think you should,

   14. please do before you leave. We would appreciate it.

   15. We have speaker cards that you would have

   16. picked up at the registration table. If you would like

   17. to speak during the oral portion of this hearing,

   18. please make sure you fill this out. And there's a

   19. basket on the table, drop it in there and we will make

   20. sure we get this going.

   21. The meeting -- can everyone hear okay? Okay.

   22. The meeting format, we're going to have a brief

   23. presentation on providing you with a history of the

   24. Restoration Program and an overview of the

Page 3
environmental document. The presentation is going to be delivered by Alicia Forsythe with Reclamation and Kevin Faulkenberry with the California Department of Water Resources.

And we're going to break into a short open house where we have subject matter experts that will be around the room. You see, we have stations set up, and they can answer your specific questions. We're going to ask that you hold questions during the presentation.

We want to make sure that the appropriate people are available for you to ask your specific questions.

After the brief open house, we're going to reconvene into the formal public hearing.

We have a court reporter over here as you can see and she will be taking an oral record of all oral comments. We also have a comment station in the back.

If you would like to provide us with written comments, we have comment cards there you can fill out and drop in the box or ultimately take them home and mail them back. They have an address on the back you can mail them to.

And I think we're ready. Oh, also, we do have copies of the executive summary over at this table, here at station one, if you didn't get one and would like one. And I think that I am ready to turn this
Speaker Forsythe: All right. Thanks Patty.
I'm Allie Forsythe. I'm the program manager for the San Joaquin River Restoration Program. A quick overview of our presentation here today. We're going to talk about the settlement, the history of the settlement, goals in the settlement along with major milestones. We're going to talk about the environmental review process that we're going through right now. And then, from there we're going to talk about alternatives that are in the draft document you have before you. And then talk about the public comment process and where we're going with public comments.
An overview of the settlements. And a little bit of history here, in 1942 Reclamation completed the construction of Friant Dam on the San Joaquin River near Fresno. In 1988 the Bureau of Reclamation was sued on its renewal of a long term contract from the Friant Distribution. That lawsuit went on about 18 years. There were a series of judgments during that time. The most significant of which happened in 2004 when the Federal Government ruled that Reclamation had violated California Fish and Game Code. 2005 all the parties to the litigation began a
second round of negotiations on a settlement and a
settlement was reached in 2006. And then, in 2009
Congress passed a Public Law 111-11 and the
secretary -- or excuse me -- the President signed it
into law. And the -- it requires the secretary -- or
it directs the Secretary to implement the settlement.
So the settlement has two goals. The first is
the restoration goal that really mimics that Fish and
Game Code. So it's to restore, maintain fish
populations in good condition in the main stem of the
San Joaquin River and for naturally reproducing and
self-sustaining salmon and other fish.
The second goal is the water management goal,
which is to reduce or avoid adverse water supply impact
to the Friant water users or the Friant division
long-term contractors that may result from the
settlement.
Those goals are -- I call them the first and
second, but there is no priority between those two
goals. There's -- the settling parties include about
14 environmental organizations primarily led by the
National Resource Defense Counsel, the Friant Water
Authority, and the member districts, along with some of
the separate Friant contractors and also the Federal
Government, the Department of the Interior throughout
the Bureau Reclamation, and the Fish and Wildlife
Service and the Department of Commerce through National
Fishery Services.

The agencies that are actually implementing
the settlement are those three federal agencies,
Reclamation Fish and Wildlife Service, along with the
State of California Department of Water Resources and
Department of Fish and Game.

The settlement also set up a unique -- a
unique role for what we call restoration administer.
It is an outside individual that provides
recommendations to the Secretary of the Interior on
certain key points of how to implement a settlement.

So major milestones for implementing the
settlement, in 2006 we began working on planning
environmental design to implement the settlement. In
2009 we began our first interim close, down the river
to our initial release and San Joaquin.

Earlier this year in April we released that
draft program document that we're here today taking
about. We hope to have our final draft done in early
'12, 2012, along with the record of decision and those
determinations shortly thereafter.

In late 2012 the settlement directs us to
introduce salmon into the river settlement. And then
1 in 2013 we are to begin our -- we are to
2 complete -- excuse me -- our channel, our first face of
3 channel structural improvement project. And in 2014 we
4 are to begin initiating restoration flows.
5 Now, some of you guys have been tracking the
6 settlement and know there are a few projects, a few of
7 the key channel structural improvement projects, that
8 are behind schedule. Some of those projects may be
9 necessary. Some of those projects may be necessary for
10 the reintroduction of fish into the San Joaquin River
11 Channel. So we are working with the parties to the
12 settlement at this time to reevaluate the schedule in
13 terms of where we are today and what the future may
14 look like for implementing the settlement.
15 There are a few key funding resources that’s
16 were outlined in the settlement and the public law to
17 fund implementation to the settlement. Those include
18 water sales, so sales of water through the Friant
19 surcharge through the recovered water accounts, and
20 also through the CVPIA restoration funds.
21 Friant is also -- we also worked to -- to
22 reform some of the Friant contracts into what we call
23 repayment contracts, which allows Friant to repay the
24 capital of the project and that money goes towards
25 implementing the settlement also. We have up to 300
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1 million in federal appropriations along with up to 200
2 million that the State had committed in bond funds.
3 So we look at a wide study area in the program
4 document. The settlement has the potential to have
5 some far reaching effects when we implement both
6 restoration and the water management goal.
7 So we looked up the San Joaquin River upstream
8 to Friant Dam and how the reservoir helps within the
9 reservoirs. From Friant to the Merced River Compost
10 where we anticipate most our construction projects and
11 river channel. We've looked from the Merced River down
12 to the Delta where we can be changing flows in those
13 lower regions. We've also looked within the Delta
14 itself.
15 So in the program document that we're here to
16 talk about tonight, we look at a wide study area
17 because the settlement does have potential to have some
18 far reaching effects. We look from the San Joaquin
19 River, upstream of Friant Dam. So what's going to
20 happen in Millerton Reservoir end up stream there. We
21 look from Friant Dam to the Merced River Complex as we
22 rewrite that channel, what's going to happen to the
23 river channel there. We look from Merced to the Delta,
24 and in the Delta itself. As we increase flows down the
25 San Joaquin River, that water will move down to the
Delta. We're going to try to pick some of that up and bring that back to the Friant water users. So we analyze that area in our document.

The also analyze the CVP and State water project contractor service areas. So we look at a good portion of California to make sure that we're covering all the impacts written within the restoration. So within the area from Merced down to the Friant compound, we've broken that down into five separate reaches, which you'll see in your document. We look at each Reach, the changes and the impacts within those reaches and then we also look at the flood control system. The east side of Mariposa bypasses.

So the NEPA/CEQA review process, Reclamation is the lead agency for the document under the National Environmental Policy Act, so the federal law. The Department of Water Resources is the lead agency under the California Environmental Quality Act.

We began preparing the document in 2007 through public scoping at that time. And the purpose of CEQA is to analyze and disclose the impacts of the project, which in our case is implementing settlements on the human and natural environment. We really want to get information out there so that you as the public, and agencies who will need to give us authorizations.
and permits to implement the settlement, understand
what they're -- what's going to happen as an open and
transparent process.
They understand the process and what we're
looking at, along with the mitigation measures we've
committed to. It also provides a technically sound
information to decision makers as we move forward in
implementing the settlement. So we all -- the idea is
that we all have a common basis and understanding of
the impacts and mitigation measures we're committing to
as we implement the settlement.
So the Draft Program document looks at a
variety of resource areas. We look at everything from
air quality to flood management, groundwater, socio
economics, cultural resources. There's a whole slew of
research areas that we look at in the document.
After we're done with the presentation and we
have the breakout session, there will be technical
experts that can talk to you about the analysis for
each of these resource areas if you have specific
questions on resource areas.
So in the document, we look at two levels of
analysis. We look at a program level analysis for the
future construction projects. These are the projects
that we don't know a lot of detail on. We know that
they will happen sometime in the future and we anticipate they will happen sometimes in the future.

We just don't know exactly what is going to happen, where those levees are going to be. So we look at those at our program level. It provides a broad overview of the impacts and mitigation measures that will be needed for those projects.

We will be back out doing another public review and public input process as we are going to implement these future projects. But the program document does provide the framework for these, so it looks at measures that we would incorporate into these future documents.

We also have a project level analysis in the document. We look primarily at our changes in operation at Friant Dam, our increase in flow down the river at a project level analysis. So this will be -- this is the detailed site specific analysis. It will be the one and only document that looks at our changes at Friant Dam and moving this water down the San Joaquin River.

As your flipping through your executive summaries you probably notice that we have an identified preferred alternatives alternative in the document. We felt it would be best to identify that in
the final after we've gotten all the input and public
comments back on the document, to make sure we really
understand the impacts, we really understand the
mitigation measure and see where we're going within the
settlement. So we do anticipate to have a specific
alternative identified in the final based on your
comments and review.

And with that, I'm going to hand the mic over
to Kevin Faulkenberry from the Department of Water
Resources. He's going to give an overview of
alternatives and we will talk about the comment
process.

SPEAKER FAULKENBERRY: Thank you. My name is
Kevin Faulkenberry. I work for the Department of Water
Resources. I am the chief of the southern central
regional office, I help run the program. And
previously I was a program manager, but that's changed
since I changed roles. But I still work in the
program.

We're going to start -- we're going to give
you an overview of six action alternatives and no
action alternative. But the information we're going to
give you right now is the overview alternatives. And
then we will start to go through and explain each in a
little more detail, at least what the differences are
between the two so you have a better understanding of
what each one of the alternatives offer.
All of the alternatives seek to implement
the -- to implement the settlement and be consistent
with Public Law 111-11. All of the alternatives
include implementing improved channels, construction
flows and improve fish passage and habitat through the
project area, and modify Friant Dam operations to
release interim and restoration flows. We also plan to
reintroduce spring-run and fall-run Chinook salmon. As
well, as it covers recapture, reuse, exchange and
transfer of interim and restoration flows.
The common project level actions are to, as we
said earlier, are modify Friant Dam operations to
release interim restoration flows. We want to reduce
or avoid increase in flood risk as a result of
restoration releases, convey interim and restoration
flows down stream, make sure they are getting through
the project area, and implement the short-term physical
monitoring and management plan actions related to the
program.
We also plan to recapture interim and
restoration flows in the restoration area and at
Mendota pool and wildlife refuges, in the Delta at
existing CVP and State water project facilities, and
implement a recovered water account program.

The PEIS/R provides that the complete NEPA and CEQA compliance for these actions, as well as it will support Reclamation’s request to the State Board to modify the water rights at Friant Dam.

The common level restoration actions that are dealt with in the document are to reintroduce spring-run and fall-run Chinook salmon; recirculate recaptured interim and restoration flows, recirculation of improved channel and structures to provide fish passage and habitat.

We plan on constructing Mendota Pool Bypass and modify Reach 2B to convey at least 4500 CFS, modify 4B1 to convey at least 475 CFS, and modify San Joaquin River Headgate Structure to enable 4B1.

We also plan to modify Sand Slough Control Structure to enable fish passage and screen Arroyo Canal to prevent entrainment and provide fish passage at Sack Dam. Modify structures and establish low-flow channel in east side of Mariposa bypasses to provide fish passage. Enable deployment of seasonal barriers at mud and salt sloughs. It also covers modify Chowchilla Bypass bifurcation structures to provide fish passage and prevent entrainment. And we also want to fill in and/or isolate highest priority gravel.
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1. pits. Those will be identified later on in the
   process.
2. Common Program-level Restoration Actions
3. continued, we would have additional channel and
4. structural actions, enhanced spawning gravel. Prevent
5. potential -- potential for redds superimposition and/or
6. hybridization. Supplement the salmon population.
7. Modify flood plain and side channel habitat. Enhance
8. in-channel habitat. Reduce potential for aquatic
9. predation of juvenile salmonids and reduce potential
10. for fish entrainment. Enable fish passage at
11. additional locations.
12. Other actions include implement long-term
13. management actions under the physical monitoring and
14. management plan.
15. Now, the alternatives as I pointed out earlier
16. when we first started, they're basically one no action
17. alternative and six action alternatives. And this
18. slide will give you some key -- it helps to define the
19. key differences between the six action alternatives.
20. Basically, the six action alternatives differ
21. in two basic ways. The first one is A1, B1 and C1.
22. All are included in 475 CFS and Reach 4B1. A2 and C2
23. include at least 4500 CFS and Reach 4B1. And, then,
24. the additional difference is where the water is

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1. captured, or recaptured after release. And in A1 and
2. A1 there is a Delta recapture. B1 and B2 is San
3. Joaquin capture. And then C1 and C2, we have the new
4. pumping plant recapture.
5. Okay. This is the alternative. Once again
6. with a little more detail, and you’ll see a lot of
7. replication as we go through, but it’s important for
8. you to understand the difference between these because
9. it’s a key to understanding the document and what
10. alternatives we will select later on.
11. The A1 alternative includes all common program
12. and project-level actions, which we discussed earlier.
13. Conveyance of at least 475 CFS through Reach 4B1;
14. remaining interim and restoration flows are conveyed
15. through the east side and Mariposa bypasses. The
16. potential for recapture is in the restoration area and
17. the Delta using existing facilities.
18. Okay. An alternative A2 is the same, except
19. that it has a maximum flow of 4B1 or at least 4500 CFS
20. for 4B1.
21. Okay. Alternative B1 and B2 is a -- it says
22. all common program -- again, all common program and
23. project level actions, conveyance of at least 475.
24. Remember, it’s one of the -- it’s one of the -- it’s
25. the first full one. It’s B1, so it’s a 475 to Reach

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4Bl. And the difference is that we have -- we had added on another area where we can possibly put water out, which is additional to the restoration area and Delta using existing facilities, but we also added between the Merced River and the Delta using existing facilities. And again, B2 is the same as B1, except that we could convey at least 4500 CFs through 4Bl. Okay. And so we're down to the last two alternatives, which is C1 and C2. Again, all common program and project level actions. We must convey at least 475 to Reach 4Bl. Potential recapture of interim and restoration flows, again, in the restoration area, Delta using existing facilities, along the San Joaquin River between the Merced River and the Delta using existing facilities, and additionally at a new pumping plant on the San Joaquin River below the confluence of the Merced River.

And, then, the C2 is at -- everything is the same as C1, except that in 4Bl you'll have at least 4500 CFs. So that concludes the basic difference of the alternatives.

SPEAKER FORSYTHE: All right. So those are the alternatives we consider in the program document. The program document is really out there for you to...
provide comments on and you to provide your recommendation to DWR on the program itself and how we should implement the program. The public participation is an essential process, essential component of the NEPA/CEQA process. It requires that we actually respond in writing to all the comments we receive on the document.

Comments -- it would be very helpful for us if your comments focus on sufficiency of the document and identifying possible impacts along with the adequacy of the mitigation measures. Have we covered everything in the document, have we looked at all the possible impacts, possible mitigation measures, does it make sense, are there things we're missing. Those are the types of comments that are very helpful to us, if your comments can be very specific and very detailed. If we get very general comments it's sometimes very difficult for us to determine how we make changes to the document. But if you're comments are very specific and detailed it becomes much easier and much more clear how we should make changes, what we should incorporate into the document, and tell me how we should address those comments.

So the comment period, we started with the 60-day public comment period. We have extended that...
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1 upon request for the additional 30 days, so your
2 comments are now due July 11st.
3 In moving forward we do anticipate, as I
4 mentioned earlier, releasing the final program document
5 in early 2012. That final will include responses to
6 all of the comments that we received on the draft. It
7 will include changes, if any are necessary, to the
8 draft.
9 If for some reason we add an alternative or
10 make mitigation measures or impacts, it will include
11 all of that in the final. It will also include
12 preferred alternative. So your comments will be very
13 helpful in helping us identify and select a preferred
14 alternative that will be included in the final. We do
15 anticipate signing a record of decision for Reclamation
16 and releasing a notice of determination for the State
17 component shortly after release of the final in early
18 2012.
19 So just a reminder, we are taking verbal
20 comments today for the record during the public hearing
21 portion of this. You can also provide your written
22 comments to us today at the meeting. If you would like
23 to take some time to develop your comments and send
24 those in, you can. Send them to Reclamation or WDR.
25 the address provided on the screen here, provided on

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1 your handout. Just don't forget they're due by 5:00
2 p.m. on July 21st.
3 And with that I'm going to turn it over to
4 Matty who's going to describe where we go from here in
5 our hearing today.
6 SPEAKER RANSDELL: Okay. Thank you Kevin and
7 Allie.
8 Now, we're going to open up the open house.
9 It's going to be a brief open house. So we're going to
10 have subject matter experts, as I mentioned, around
11 each of the different stations: the resource area
12 study, the alternatives and -- excuse me -- the
13 overview.
14 After the open house portion we're going to
15 reconvene and begin the public hearing -- the official
16 public hearing process. We have Pete Lucero over there
17 with Reclamation. We also have a court reporter that
18 will be recording the oral comments. So, please, if
19 you would like to speak just fill out the speaker card
20 and drop it off in the -- at the table in the basket.
21 And with that, let's open up the open house. Thank
22 you.
23 (Break for Open House.)
24 SPEAKER RANSDELL: Good morning. Can you all
25 take a seat, please. We're going to start
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1 the -- thank you. Good morning, again. We are now
2 going to the first speaker of our meeting. The court
3 reporter has requested that speakers just state their
4 first and last name and we will get the proper spelling
5 of your name from the comment speaker card, please. At
6 this point if you haven't turned your speaker card in,
7 could you please provide it to Pete here, our formal
8 hearing officer. And I think we're ready to go.
9 HEARING OFFICER LUCERO: Okay. Can you hear
10 me okay?
11 THE AUDIENCE: Yes.
12 HEARING OFFICER LUCERO: Welcome to the public
13 hearing on the San Joaquin River Restoration Programs,
14 Draft Program Environmental Impact Statement and
15 Environmental Report. This is one of the four hearings
16 being held in the requirement -- of the requirements of
17 the National Environmental Policy Act and the
18 California Environmental Policy Quality Act -- excuse
19 me.
20 My name is Pete Lucero; I'm the public affairs
21 officer for the Region of Reclamation in Sacramento,
22 the region. I will be serving as the hearing officer
23 and the court reporter, of course, will be recording
24 the proceedings.
25 Today we're accepting verbal and written

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1 comments to the draft. To provide verbal comments you
2 should have completed a speaker card, which looks like
3 this, and given it to someone in the front or you can
4 bring it up to me right now. If you have not completed
5 the speaker card and would like to provide comments,
6 please, grab one from the registration table. And if
7 you have already completed one, but you haven't turned
8 it in, please, turn it in now.
9
10 You may also provide written comments today
11 and the comment cards are over here, fill that out.
12 They’re also available at the registration table. And
13 if you’re speaking from your written comment card and
14 would like to submit them to us, please, fill out the
15 top portion of the comment card, attach your comments
16 and provide them before you leave. Written comments
17 can be submitted to this hearing or be addressed, faxed
18 or e-mail addressed. Your comments must be received by
19 5:00 p.m. on Thursday, July 21st, 2011. Please be
20 assured that written and verbal comments receive equal
21 consideration.
22
23 So I want to take a moment to explain what
24 happens next with the process. All of the comments
25 will be reviewed and responses to comments will be
26 prepared. Assuming all major issues can be addressed a
27 final PEIS will be prepared that will include responses
to comments. The final PEIS will be available for a
30-day review, after which Reclamation and Department
of Water Resources will make a decision on the project.
Reclamation will prepare a record of decision to
document that decision. The Department of Water
Resources will prepare findings and a notice of
determination.

Today we will proceed in this matter. I will
call speakers to the front in the order in which you
turned in your cards. If I call your name and you're
not present, you'll be moved to the end of the speaker
list. Since we have about one person and about one
hour to speak, Ron, you have 45 minutes to say what you
want to say and then I'm cutting you off.

SPEAKER JACOBSON: Perfect.

HEARING OFFICER LUCERO: If you have extensive
comments they should also be submitted in writing.
When it's your turn, please, approach the microphone,
clearly state your name and affiliation. And, please,
remember this is a formal hearing and the court
reporter is recording your comments. Speak clearly so
your comments can be captured accurately.

I'll be the timekeeper and will indicate when
your time is up.

Today we have with us Mr. Allen Ishida
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representing District I, the Vice Chair of the Tulare County Board of Supervisors. And, Mr. Ishida, if you're interested in speaking first you may come up now. Welcome.

So we will just proceed in the order in which we received the cards. Again, if you want to provide comments, but have not submitted a speaker card, please go to the registration table now. And now we're ready to start. So, Ron, please.

SPEAKER JACOBSON: Can you all hear me okay?

Really I have some questions we're going to be submitting, probably extensive comments by the July 21st timeframe.

But going to the alternatives, it somewhat strikes me that given all of the challenges we have in the Delta and recirculating our water, why we would not keep as many opportunities open as we can as evidence in Alternative C. So just wanted to make that comment where we can. Alternative C provides much greater opportunities.

The other question that I have is on the alternatives funding and other -- other activities may delay implementation of the program. And it would seem like when we move from the 1-series to the 2-series, having to do with registration of the 4B area, is an
alternative to transition from one alternative to the other until those -- those improvements can be made. So in other words, if you do want the two alternatives where you're going to restore the 4B section, but it's ten years down the road because of funding issues, how do you deal with that if that's the preferred alternative? I suspect you're not going to want to shut the river off. So I guess one of the questions I have, is there a transitional period to move from one preferred alternative to another?

I guess the other comment I would have relative to recirculation is: Is this document going to address all the other factors that are make taking place in the Delta?

We have obviously lawsuits, biological opinions, we have the State Water Resource Control Board looking at the San Joaquin River Basin Plan, an extention of that with licensing along on the river. How are those all going to be incorporated in future contemplations in the Delta? Again, in hopes to get additional flexibility and recirculation, I think those are the primary comments I have at this time.

HEARING OFFICER LUCERO: Thank you.
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1 Mr. Ishida.
2 SPEAKER ISHIDA: I changed my mind.
3 HEARING OFFICER LUCERO: Can you please
4 identify yourself, sir.
5 SPEAKER ISHIDA: My name is Allen Ishida,
6 Tulare County Board of Supervisors. When the
7 settlement went through, the eight counties responded
8 with a comment about the restoration and the
9 settlement. And I imagine that several of the counties
10 will respond from the Board of Supervisors level and we
11 will be -- I will be meeting with Ron and my different
12 district manager's and formulate a response. So -- and
13 I'm sure that some of the other counties will also.
14 Thank you.
15 HEARING OFFICER LUCERO: Thank you, sir. I
16 have no more cards in front of me. So does anyone else
17 want to stand up and make a presentation or comment?
18 Okay. With that, what we will do right now is
19 we will suspend the public hearing until one hour or
20 about 45 minutes from now. We will reconvene and if
21 anyone decides they want to speak, let me know, we will
22 open up the record again. We'll go back on record, you
23 can make your comment and then we will shut down again
24 until someone else decides. We remain in the suspended
25 public hearing for one hour. With that -- with that

San Joaquin River Restoration Program – Fresno
559-224-9700
we'll shut down right now and suspend at this moment.

(Whereupon, the public hearing was suspended.)

HEARING OFFICER LUCERO: Back on record. Is there anybody who still wants to make a comment today?

Okay. Then, on behalf of the Bureau of Department of Water Resources, I would like to thank you for taking the time to attend this hearing. Please provide your comments. And remember, if you plan to provide written comments they must be received by 5:00 p.m., Thursday, July 21st.

This closes the hearing on the San Joaquin River Restoration Program Draft PEIS. Thank you.

(Whereupon, the meeting concluded at approximately 12:03 p.m.)
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STATE OF CALIFORNIA )
 ) ss
COUNTY OF TULARE )

I, ANDREA G. BANKS, a Certified Shorthand Reporter
in and for the State of California, do hereby certify:

That the foregoing proceedings were taken at the
time and place herein set forth; that any witnesses in
the foregoing proceedings, prior to testifying, were
duly sworn; that a record of the proceedings was made
by me using machine shorthand which was thereafter
transcribed under my direction; that the foregoing
transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the
original transcript of a deposition in a Federal Case,
before completion of the proceedings, review of the
transcript [] was [ ] was not requested.

I further certify that I am neither financially
interested in the action nor a relative or employee of
any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my
name.

Dated: ______________________

ANDREA G. BANKS, CSR NO. 13479

San Joaquin River Restoration Program – Fresno
559-224-9700
Responses to Comments from Ron Jacobsma, Provided on Behalf of Friant Water Authority

JACO-VI-1: Comment noted. As described in Section 1.5, “Preferred Alternative,” of this Final PEIS/R, Reclamation has identified Alternative C1 as the preferred alternative. Text has not been revised.

JACO-VI-2: As described in MCR-2, “SJRRP Funding Availability, Sources, and Cost Estimates,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the Settling Parties have also recently developed a Third-Party working draft Framework for Implementation for the SJRRP (SJRRP 2012b). The Framework for Implementation outlines actions to be taken to implement the Settlement, and presents a schedule and budget for these actions. The Framework for Implementation also provides an accounting of the remaining funds available to implement the SJRRP. While the Framework for Implementation presents a revised schedule for implementing the SJRRP, it does not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts identified in the PEIS/R. The Framework for Implementation can be found on the SJRRP Web site at www.restoresjr.net. See also MCR-3, “Order and Schedule of Implementing Settlement Actions,” in Chapter 2.0 of this Final PEIS/R, for additional information relevant to this comment. Text has not been revised.

JACO-VI-3: As described on page 2-32 of the Draft PEIS/R, Interim and Restoration flows reaching the Delta would be recaptured at existing facilities within the Delta consistent with applicable laws, regulations, BOs, and court orders in place at the time the water is recaptured. The analyses and impact assessment presented in the Draft PEIS/R were completed using the best available modeling tools and information. The modeling tools used in the Draft PEIS/R analyses were selected because they are publicly available, have a knowledgeable user community, and are widely accepted for use in similar systemwide analysis of resources in the California Central Valley. The modeling assumptions, modeling analyses and results, and baseline conditions used to support the environmental analysis in the Draft PEIS/R were based on the best available information and modeling tools at the time the Draft PEIS/R was prepared. The sensitivity analyses contained in Appendix C to this Final PEIS/R were completed using the same set of tools and information, as modified only to reflect an interim representation of the RPAs set forth in the 2008 USFWS CVP/SWP Operations BO and 2009 NMFS CVP/SWP Operations BO (2009a).

The analyses presented in the Draft PEIS/R were based, in part, on a water supply operations modeling tool, CalSim-II. The CalSim-II model is widely accepted as the standard for simulating the long-term effects of operational changes to CVP and SWP facilities. At the time evaluations were completed in support of the Draft PEIS/R, there was no representation of the full set of RPAs set forth in the 2008 USFWS CVP/SWP Operations BO and 2009 NMFS CVP/SWP Operations BO (2009a) available for use in the CalSim-II model. Therefore, the baseline for analyses presented in the Draft PEIS/R was developed using the best available information, remains the most defensible baseline, and is not revised in the Final PEIS/R. At the time the sensitivity analyses were
completed in support of the Final PEIS/R, Reclamation and NMFS continued to discuss and work toward the representation of the 2008 and 2009 RPAs into a singular CalSim-II baseline. However, a representation that sufficiently captures the range of potential RPA implementation scenarios was available at the time the sensitivity analyses were developed, allowing for an evaluation of the potential for the 2008 and 2009 RPAs to change the anticipated effects of the program alternatives from those presented in the Draft PEIS/R.

The sensitivity analyses presented in Appendix C of this Final PEIS/R were performed to represent a comprehensive range of RPA implementation scenarios and evaluate the potential for the 2008 and 2009 RPAs to change the anticipated effects of the program alternatives from those presented in the Draft PEIS/R, which are based on the conditions evaluated in the 2005 USFWS and 2004 NMFS BOs. The CalSim-II simulations for the sensitivity analyses presented in Appendix C to the Final PEIS/R were developed to identify the range of potential operation changes that could occur under any RPA implementation scenario. CalSim-II output from these simulations was then used in analyzing the potential for the RPAs to change the anticipated effects to related resources using the same set of tools and information used in the Draft PEIS/R, including Delta hydrodynamics (using DSM2), groundwater (using the Schmidt Tool and mass balance method), agricultural economics (using CVPM), regional economics (using IMPLAN), and long-term power system power generation to reflect the updated surface water model. The sensitivity analyses results demonstrate that the overall impact mechanisms and significance determinations presented in the Draft PEIS/R would not change under a baseline that includes the RPAs set forth in the 2008 USFWS CVP/SWP Operations BO and 2009 NMFS CVP/SWP Operations BO (2009a).

In comparison to the results presented in the Draft PEIS/R, the results of the sensitivity analyses presented in Appendix C to the Final PEIS/R do not identify new significant environmental impacts or a substantial increase in the severity of an environmental impact, and do not create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts of the action alternatives (including the proposed project). Therefore, inclusion of the sensitivity analyses in the Final PEIS/R does not trigger a need to recirculate a revised Draft PEIS/R under either NEPA or CEQA. Rather, the sensitivity analyses demonstrate that the overall impact mechanisms and significance determinations presented in the Draft PEIS/R would not change under a baseline that includes the RPAs set forth in the 2008 USFWS CVP/SWP Operations BO and 2009 NMFS CVP/SWP Operations BO (2009a), confirming that the analyses and conclusions presented in the Draft PEIS/R are thorough, accurate, and unlikely to change in light of the RPAs. For the reasons set forth above, Reclamation and DWR believe that the PEIS/R provides a thorough, appropriate analysis of all relevant impacts of the action alternatives (including the proposed project) and the alternatives as required by NEPA and CEQA.

As described in Chapter 1.0, “Introduction,” of the Draft PEIS/R, Interim and Restoration flows would contribute a relatively small amount of water to the Delta compared to contributions of the San Joaquin and Sacramento rivers and other tributaries. Therefore, effects of the SJRRP would be negligible downstream from the Delta (in Suisun, San
Pablo, or San Francisco bays, or in the Pacific Ocean). For this reason, the Delta was identified as the downstream extent of the study area, and no modeling was performed to evaluate impacts downstream from the Delta. Chapter 26.0, “Cumulative Impacts,” of the Draft PEIS/R provides an analysis of overall cumulative effects of the action alternatives taken together with other past, present, and reasonably foreseeable probable future projects (or actions), as required by NEPA implementing regulations and State CEQA Guidelines.

Text has not been revised.
Response to Comment from Allen Ishida, Provided on Behalf of Tulare Board of Supervisors

TULA-VI-1: Comment noted. Text has not been revised.