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BEFORE THE
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

CALIFORNIA WATERFIX WATER)
RIGHT CHANGE PETITION)
HEARING)

JOE SERNA, JR. BUILDING
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
BYRON SHER AUDITORIUM
1001 I STREET
SECOND FLOOR
SACRAMENTO, CALIFORNIA

Thursday, July 28, 2016
9:00 A.M.

Volume 3A
Pages 1 - 45

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APPEARANCES

CALIFORNIA WATER RESOURCES BOARD

Division of Water Rights

Board Members Present:

Tam Doduc, Co-Hearing Officer
Felicia Marcus, Chair & Co-Hearing Officer
Dorene D'Adamo, Board Member

Staff Present:

Diane Riddle, Environmental Program Manager
Dana Heinrich, Senior Staff Attorney
Kyle Ochenduszko, Senior Water Resources Control Engineer

POLICY STATEMENTS

City of Stockton:

Councilmember Dan Wright
Councilmember Michael Tubbs

Social Media Mom:

Martha Vielma

Stockton Downtown Comeback Club:

Karl E. "Nate" Knodt

Stockton Vegan Living Group:

Bruce Hou

Greater Stockton Chamber of Commerce:

Mario Supnet

Visit Stockton:

Megan Peterson

Lao Family Community Empowerment, Inc.:

Ger Vang

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POLICY STATEMENTS (Continued):

Central Valley Clean Water Association:

Debbie Webster

Californians for Water Security:

Charley Wilson

Ventura Coalition of Labor, Agriculture and Business:

Lynn Jensen

BizFed, Los Angeles County Business Federation:

Brandon Matson

California Alliance for Jobs:

Orville Thomas

CalAsian Pacific Chamber of Commerce:

Julian Canete

Associated General Contractors of California:

John Cooper

California State Council of Laborers:

Joseph Cruz

Orange County Business Council:

Bryan Starr

Silicon Valley Leadership Group:

Kris Rosa

Ventura County Taxpayers Association:

David Grau

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1 Thursday, July 28, 2016 9:00 a.m.

2 PROCEEDINGS

3 ---000---

4 CO-HEARING OFFICE DODUC: Thank you. Good
5 morning everyone. Welcome back.

6 This is the California WaterFix Petition
7 hearing. I am a State Water Resources Control Board
8 member and Hearing Officer Tam Doduc.

9 To my right is Board Chair and Co-Hearing
10 Officer Felicia Marcus. To the Chair's right is Board
11 member Dee Dee D'Adamo.

12 To my left are Senior Staff Attorney Dana
13 Heinrich, Environmental Program Manager Diane Riddle, and
14 Senior Water Resources Control Engineer Kyle Ochenduszk.

15 Other State Water Board staff are present at the
16 front and in the back of the room to provide assistance,
17 if needed, including assistance for the media and Spanish
18 translation services.

19 Some general announcements:

20 First, please take a look around now and
21 identify the exits closest to you.

22 Should an alarm sound, we will evacuate this
23 room immediately. Please take your valuables with you.
24 Use the stairways, not the elevators, to go down to the
25 first floor and exit to the relocation site across the

1 street in the park.

2 If you cannot use the stairs, you will be
3 directed to a protected vestibule inside a stairwell.

4 Second, this hearing is being Webcast and
5 recorded, so when speaking, please use the microphone and
6 begin by stating your name and affiliation.

7 If you need a Spanish interpreter, please let
8 one of the staff know or indicate so on the speaker card.

9 Our court reporter is present here today and
10 will prepare a transcript of this entire proceeding. The
11 transcript for Part IA of the hearing will be posted on
12 the State Water Board's WaterFix Petition hearing website
13 as soon as possible after Part IA is completed.

14 If you would like to receive the transcript
15 sooner, please make arrangements with the court reporting
16 service during one of the breaks or after the hearing
17 day.

18 And, finally, and most important, please take a
19 moment to turn off or mute your cellphone, as I am doing
20 right now. Even if you think it's already off or muted,
21 please take a moment to double-check.

22 I'm looking at everyone to make sure you
23 double-check.

24 Thank you.

25 All right. Today, we will hear policy

1 statements from interested persons who have not yet had
2 the chance to present policy statements.

3 As explained in more depth at the beginning of
4 this hearing on Tuesday, this is a legal evidentiary
5 proceeding, slightly less formal than a court proceeding
6 but more similar to a court proceeding than to our usual
7 more open-ended quasi-legislative hearings and meetings.

8 As a result, my fellow Board Members and I will
9 be far, far quieter than many of you are used to. We are
10 listening specifically and carefully to the comments
11 presented. We will be listening carefully to the case
12 presented, to the parties' cross-examination, rebuttal,
13 and other testimony upon which our decisions will need to
14 be based.

15 For today, policy statements may address Part I
16 or Part II issues. We will also provide an opportunity
17 for policy statements at the beginning of Part II of the
18 hearing.

19 (Cellphone ringing.)

20 CO-HEARING OFFICE DODUC: Whoever that is . . .

21 Okay. I guess I can't do very much about the
22 Chair.

23 Now, where was I? Oh, yes.

24 A policy statement is a nonevidentiary
25 statement. Persons making policy statements must not

1 attempt to use their statements to present factual
2 evidence, either orally or by introduction of written
3 exhibits.

4 If you wish to make an oral policy statement
5 today, please fill out a speaker card and place it in the
6 box located at the front of the room.

7 Please note that we will also accept and welcome
8 written policy statements today or at a later date prior
9 to the close of the hearing record.

10 If you do have written copies of your policy
11 statement today, please also place them in the box
12 located at the front of the room, and please note it is
13 not necessary to read the written policy statement into
14 the record. I promise you, we do read them.

15 For today, we will display the names of the next
16 10 speakers on the screens behind the dais. When you see
17 your name displayed, please make your way to the front
18 row of the seats and wait for your name to be called.

19 When I call your name, please come up to the
20 microphone and, again, begin by stating your name and
21 whom you represent and then proceed with your policy
22 statements.

23 Please keep your policy statements to three
24 minutes or less, and we will be using both lecturns to
25 receive policy statements today.

1 At this time, I want to welcome to the hearing
2 today our first two speakers, Councilmember Wright from
3 the City of Stockton followed by Councilmember Tubbs,
4 also from the City of Stockton.

5 Welcome, sir.

6 COUNCILMEMBER WRIGHT: Thank you.

7 Chairperson Marcus, other members of the State
8 Water Resources Board, thank you for the opportunity to
9 speak to you today regarding the proposed California
10 WaterFix.

11 My name is Dan Wright. I represent District 2
12 on the Stockton City Council.

13 All of North Stockton, which includes
14 District 2, gets its drinking water from the Delta Water
15 Supply Project. As the plant's name implies, it draws
16 its water from the California Delta, the same source the
17 WaterFix proposals draw from the two underground tunnels
18 to ultimately transfer Delta water to Southern California
19 and Central Valley.

20 I strongly oppose the WaterFix and the
21 underground tunnels on economic grounds. Studies by the
22 U.S. Conference of Mayors and the San Joaquin Council of
23 Governments predict the Greater Stockton area's
24 population will reach the 1 million-person threshold as
25 soon as 2040.

1 This is a record, local newspaper here
2 (indicating). It's got the 1 million people headline
3 from Tuesday's newspaper. Relatively recent news here.

4 The study reference in the newspaper indicates
5 the growth trend will continue, bringing the Metro Area's
6 population to over 1.3 million by 2060, nearly doubling
7 our current population in the next 45 years.

8 The good news is that Stockton and San Joaquin
9 County planned for this by negotiating water rights,
10 building the Delta Water Supply Project and making hard
11 decisions to maintain the Project.

12 When the State gave us water conservation
13 targets, we exceeded them.

14 Less than a month ago, our council made the
15 difficult decision to raise stock and water consumption
16 rates by 18 percent, primarily to fund debt service funds
17 on the Delta Water Project.

18 We're not just takers. From every gallon we
19 draw from the Delta, we return a gallon in treated
20 wastewater, creating a sustainable water supply loop.

21 The WaterFix does not create such a loop. It
22 just takes.

23 The impact of the fix on the Delta has the
24 potential to be devastating to our local tourism and
25 agriculture, where even slight decreases in water levels,

1 of water access, can have major effects.

2 Let's leave this water where it is. We're a
3 growing community that needs it, and can sustain its
4 water supply.

5 Stockton's a tough city. We just beat
6 bankruptcy, and we're making tough decisions to not go
7 back there again. Let's not make this any tougher.

8 Thank you.

9 CO-HEARING OFFICE DODUC: Thank you,
10 Councilmember.

11 Councilmember Tubbs.

12 COUNCILMEMBER TUBBS: Members of the Board,
13 thank you so much for this opportunity to present this
14 policy statement.

15 My name's Michael Tubbs. I'm a Councilmember in
16 the City of Stockton, California, representing about
17 300,000 people who make their home in the heart of the
18 Delta and depend on the Delta for their drinking water
19 supply.

20 Since 2008, the City of Stockton has asked
21 questions about the effect this Project will have on our
22 water supply, our economy and our community. So far,
23 these questions have gone unanswered. Nowhere in the two
24 draft EIRs for the Project or the volumes of testimony
25 submitted is there any reference to the City of

1 Stockton's drinking water intake or answers to these
2 questions.

3 On Tuesday, we heard from interests arguing we
4 need to approve the Project to validate decisions to go
5 three deep to the desert, whose demands for water for
6 necessities like golf courses, pistachios and swimming
7 pools is far greater than its supply.

8 They build these projects in desert orchards
9 under the unreasonable expectation that the more water
10 used to sustain our Delta communities is already being
11 shipped south.

12 I'm here today to remind this Board that this
13 proceeding is not about validating and enabling unwise
14 decisions made with reckless disregard for the true cost
15 of shipping water south.

16 It is the residents I serve, people like the
17 Aguilar family in North Stockton, who depend on the Delta
18 for their livelihoods, for their agricultural jobs, for
19 fishing to supplement their diets in the off season at
20 work, and for clean drinking water.

21 They will pay for this project with a degraded
22 water supply, with higher water rates, and with loss of
23 job opportunities.

24 Stockton is recovering from bankruptcy, but we
25 cannot recover from losing our water supply.

1 As an elected official, I grapple every day with
2 other policy issues and the worldwide consequences of my
3 decisions.

4 Southern California interest would have you
5 believe that this is just a simple matter of a change to
6 a water rate, but that's like saying the City of
7 Los Angeles' decision to buy farmland in Owens Valley was
8 just a real estate transaction. It ignores the economic
9 and environmental devastation this Project will bring.

10 Through this process, the State and Federal
11 governments must show that there will be no harm or no
12 injury done to the City of Stockton, that this water
13 rights change will not diminish the quality or
14 availability of our water supply, and that it is also in
15 the interest of the entire public.

16 Based on the information that DWR and the Bureau
17 have provided, they cannot prove that no harm will be
18 done.

19 As a representative of the people, this entire
20 state, including the people in the City of Stockton, it
21 is your job to demand specific answers to the questions
22 Stockton has raised and ensure that changes will not harm
23 the city.

24 On behalf of the City of Stockton, I urge you to
25 do so.

1 CO-HEARING OFFICE DODUC: Thank you,
2 Councilmember.

3 Miss Vielma followed by Mr. Knodt.

4 MS. VIELMA: Hello, Board Members. My name
5 is --

6 CO-HEARING OFFICE DODUC: If you could move the
7 microphone. Thank you.

8 MS. VIELMA: My name is Martha Vielma. I am
9 with Social Media Moms of downtown Stockton.

10 As part of the mom title, I am a mother of seven
11 children educating them in the quality of water standards
12 as it pertains to drinking water and recreational water
13 use.

14 I myself grew up in Stockton and have enjoyed
15 many years of recreation along the Delta, fishing being
16 the primary activity.

17 My children have grown up with the same access
18 to recreational activities. However, as it stands now,
19 we cannot fish and consciously recreate in the
20 San Joaquin Delta due to the water quality. The algae
21 and hyacinth blooms have crowded our Delta waterways.

22 It is quite simple to explain. It is like
23 flushing a toilet and there is no flow of water. All
24 that will be left will be the waste in the toilet. This
25 is how I have to explain it to my children with the

1 overpowering sewer smell in the downtown Stockton movie
2 theater located at the foot of the Stockton Chinatown.

3 The reality is that our children and
4 grandchildren will be left without a Delta, access to
5 clean drinking water and an inability to enjoy any
6 recreational activities on the San Joaquin Delta.

7 The future of our region and that of our
8 children is being traded or bargained away for the right
9 to build the tunnels.

10 The California WaterFix Twin Tunnel Project is a
11 broken one with a myriad of misinformation being spread
12 in a media campaign as toxic smelling as the current
13 explosion of algae in the Stockton waterfront.

14 The reality is that there is not enough money to
15 pay for the Project, so Water Districts are trying to
16 pass the bill to their ratepayers without delivering any
17 additional water.

18 The toxic campaign will affect all of the
19 children in California, who will be left paying the bill.

20 The WaterFix is just a repacking of the
21 Peripheral Canal rejected by voters in 1982.

22 It has a nice name. After all, everybody wants
23 to fix infrastructure and make water delivery reliable,
24 but it does neither. And it certainly doesn't reduce
25 reliance on the Delta, which was mandated in the 2009

1 Delta Reform Act.

2 The Delta tunnels would harm a myriad of water
3 users, fisheries, and species due to degraded water
4 quality. The Delta tunnels will weaken our local economy
5 of agricultural and tourism, which is tied to healthy
6 waterways.

7 It is absurd to think that the Project will
8 remove half of the fresh water from entering the estuary
9 on the Sacramento River site, while not further ruin
10 water quality --

11 (Timer rings.)

12 CO-HEARING OFFICE DODUC: Thank you,
13 Miss Vielma.

14 We would welcome that written comment if you
15 would like to submit it.

16 MS. VIELMA: Okay.

17 CO-HEARING OFFICE DODUC: Thank you.

18 Mr. Knodt, followed by Mr. Hou.

19 MR. KNODT: Good morning. Nate Knodt with
20 Stockton, California. I really appreciate the
21 opportunity to speak to you this morning.

22 I'm the facilitator of the Stockton Downtown
23 Comeback Club, now in our 20th year of representing
24 downtown Stockton and its growing revitalization.

25 Our city has been through tough times and, yes,

1 our historic beautiful downtown Stockton is beginning to
2 roar back to life after much great efforts.

3 The Downtown Comeback Club is made up of small
4 business owners, architects, real estate people,
5 educators and investors in downtown Stockton.

6 I can say the Downtown Comeback Club is
7 emphatically opposed to the twin tunnel project that is
8 now being presented to folks.

9 The expensive and complex Project will not
10 create new water. It's very questionable about what's
11 going to happen with water flows going through the Delta.

12 I'm a lifelong resident there and I know the
13 incredible importance of the Delta to Northern
14 California, its ecosystem, and the well-being of our
15 residents.

16 The Delta is the primary driver of economic
17 vitality for downtown Stockton, also in our great
18 agricultural community. And the healthy water flow will
19 be very essential to keeping the balance of fresh and
20 salt water. We cannot have salt water intrusion in the
21 Delta or any part of the estuaries around this area or
22 inland water areas.

23 Stockton has suffered economically and
24 esthetically through ruinous growth and exponential
25 growth recently of water hyacinth and an awful green

1 algae.

2 We've lost investment in downtown Stockton.
3 We've lost a floating restaurant investment in downtown
4 Stockton. We've had people who were going to have
5 conventions or many events in Stockton that have not come
6 there because of it. We've had investors who were
7 interested in investing in downtown Stockton who saw one
8 look at our beautiful inland water port when these
9 infestations were happening and decide or have second
10 thoughts about coming into downtown Stockton.

11 San Joaquin Valley and Stockton's economy is
12 also still agricultural-driven. We have the best
13 farmland in the world with the best climate in the world
14 to grow the most variety of crops in the world, and the
15 natural supply of fresh water from the Delta is a key to
16 that.

17 There's no need to endanger our local
18 agriculture by worrying about exporting water to another
19 agricultural area that's not as suitable for growing
20 crops as our own natural area right here.

21 Stockton has spent a small fortune trying to
22 bring itself back. In about the last 12 years, Stockton
23 and private investment have invested \$85 million in the
24 reinvestment of revitalization of downtown Stockton.
25 That will be at risk if this happens.

1 Stockton has one of the most successful inland
2 deep-sea ocean ports in the entire world. It's already
3 having a challenge getting big ocean ships in because of
4 the hyacinth and the algae.

5 I also want to point out we will not trade away
6 rights to the San Joaquin River restoration as some kind
7 of deal to help this Project.

8 It is absolutely essential we keep the fresh
9 flow of water through the Delta and keep the water --

10 (Timer rings.)

11 MR. KNOTT: -- health of the district alive.

12 Thank you very much.

13 CO-HEARING OFFICE DODUC: Thank you, Mr. Knott.

14 Mr. Hou followed by Mr. Supnet.

15 I apologize for mangling anyone's name.

16 MR. HOU: Good morning. My name is Bruce Hou.

17 I am representing the Stockton Vegan Living Group.

18 Our members are a part of two animal sanctuaries
19 located in the south and northwest region of the Delta
20 that care for abused animals. One of the sanctuaries
21 indicated that they would have to relocate if the tunnels
22 get built.

23 The tunnels' Environmental Impact Report shows
24 various negative impacts on water quality in the Delta,
25 such as increase in salinity by up to 60 percent and an

1 increase in toxic algae and selenium in the Delta. These
2 conditions are hostile to wild and domestic animals.

3 A study on farm animals at Oklahoma State
4 University found that excessive salinity in drinking
5 water can upset the water balance in animals and lead to
6 death.

7 Animals are most vulnerable to changes in their
8 environment, and as we've seen with the Delta smelt, they
9 are the first to go.

10 The Board should consider the value of
11 engineering projects by how much potential harm they can
12 do to humans, animals and their environment.

13 Let's not create the water quality conditions
14 for another tragedy for wildlife, which is caused by
15 selenium toxicity and the same interest who wants the
16 tunnel.

17 Thank you for the opportunity to make this
18 statement.

19 CO-HEARING OFFICE DODUC: Thank you, Mr. Hou.

20 Mr. Supnet followed by Miss Paterson.

21 MR. SUPNET: Good morning, Board Members.

22 I am Mario Supnet representing the 115-year-old
23 Greater Stockton Chamber of Commerce, its Board of
24 Directors and over 1100 business members.

25 I'm the Chamber Coordinator for our

1 award-winning Green Team San Joaquin Program, and I also
2 brought with me Sophie Soth, our Business Education
3 Alliance Coordinator.

4 It is well known by we citizens and business
5 owners that the Delta tunnels' proposal, which has been
6 based mostly on a complex public relations campaign, is
7 now meeting up with reality here at the State Water
8 Resources Control Board.

9 The wheels are about to, and so they should,
10 come off of this proposal because the science does not
11 match up with reality, and a number of Water Districts
12 that want the water don't have the money to pay for the
13 Project.

14 Local water leaders have looked at the case
15 represented by DWR and Bureau of Reclamation and find it
16 pathetically weak.

17 The law states that the burden of proof is on
18 DWR and Bureau of Reclamation to show that no Delta water
19 users or landowners will be harmed.

20 The Delta tunnels will greatly weaken the local
21 and regional economy of Stockton, and San Joaquin County
22 in particular, which is tied to healthy waterways.

23 We are embarking on downtown redevelopment. No
24 one wants to build businesses surrounded by polluted
25 waterways.

1 What tunnel proponents call water supply
2 reliability is really giving people in other parts of the
3 state good water quality, the same water quality in
4 Stockton and San Joaquin County.

5 Our Board Members and the entire community are
6 watching very closely, and with that in mind, we
7 challenge you to put aside the skullduggery that has gone
8 on and do the right thing and not the wrong thing.

9 I would like to close with a comment from our
10 CEO Douglas W. Wilhoit, Jr., who is a former San Joaquin
11 County Supervisor from 1979 to 1995 and a California
12 State Association of Counties President in 1994
13 (reading):

14 "It will be well recognized if the
15 WaterFix as proposed is approved. Then we
16 will all know the fix is in."

17 Thank you.

18 CO-HEARING OFFICE DODUC: Thank you.

19 Miss Paterson followed by Mr. Vang.

20 MS. PETERSON: I just want to correct: My name
21 is Megan Peterson, P-E-T-E-R --

22 CO-HEARING OFFICE DODUC: Peterson.

23 MS. PETERSON: No problem.

24 Hi. As I said, my name is Megan Peterson and I
25 represent Visit Stockton.

1 Visit Stockton is the official destination,
2 marketing and tourism promotional organization for the
3 City of Stockton, and it is our mission to promote
4 Stockton by increasing the awareness and enhancing the
5 image of our diverse cultural, historical and
6 recreational assets.

7 I am here on behalf of our Board of Directors
8 and the tourism and hospitality community of Stockton.

9 In the mid-2000s, Stockton underwent a
10 tremendous economic expansion and continues to
11 aggressively revitalize its downtown even to this day.

12 Projects in the downtown area along the
13 waterfront included an indoor arena, baseball stadium and
14 waterfront hotel. A 16-screen downtown City Center
15 cinema was completed in December of 2003. And the Bob
16 Hope (Fox California) Theatre also completed total
17 renovation and hosts live performances regularly.

18 The arena also hosts the Stockton Heat, which is
19 an American Hockey League team, as well as year-round
20 family and cultural events.

21 Adjacent to the Stockton arena is the Stockton
22 ballpark home of the Stockton Ports.

23 These two spaces, the arena and Stockton
24 ballpark, have enabled us to host a number of national
25 and international sporting events.

1 We're excited that we're going to be having an
2 NCAA women's event coming to Stockton next year. This is
3 going to give our city sorely-needed economic impact, and
4 it's because of these spaces that we're able to do this.

5 The economic expansion in our city's downtown
6 has made it possible for our city to compete to host
7 these sporting events and we have also have a destination
8 rich with entertainment and for visitors to enjoy.

9 All of this economic expansion is along
10 Stockton's waterfront, which is currently plagued with
11 algae and hyacinth in the Stockton deep-water channel.

12 Various companies hosting events will either
13 have to change their events from outdoors to an inside
14 venue as a result of the explosion of algae along the
15 Stockton waterfront.

16 This is only a sample of what is to come.

17 Our current situation already makes it difficult
18 to sell Stockton in the tourist industry, and we would be
19 completely devastated by the WaterFix twin tunnels if it
20 diverts our fresh water flow to the Westlands,
21 effectively starving us of fresh water.

22 This would create a tremendous economic impact
23 on our entire region. It would be extremely difficult to
24 compete to host events such as the ones that we've been
25 awarded. We would miss out on these economic

1 opportunities that we so badly need in Stockton. And it
2 would lead to a loss in jobs in the tourism industry.

3 I thank you for your time. Please consider what
4 this would do to the Stockton tourism industry.

5 Thank you.

6 CO-HEARING OFFICE DODUC: Thank you,
7 Miss Peterson.

8 Mr. Vang followed by Miss Webster.

9 MR. VANG: Good morning. I am Ger Vang
10 representing Lao Family Community Empowerment, Inc.

11 Our mission for more than 25 years is to make
12 the lifestyle of Southeast Asian and refugee families
13 better by providing a location service and advocacy.

14 Today, we serve a six-county region in Northern
15 California through the office in Stockton.

16 We are proud of the environmental justice
17 community in the Delta. Our culture involves fishing and
18 water recreation. For the Hmong community, the real work
19 is life. Many of our community members, from young to
20 the old, are passionate fishers of the Delta. Many
21 families are dependent on Delta fish to meet part of
22 their dietary and nutritional needs, as well as
23 recreational needs.

24 The negative water quality impacts will result
25 from the construction and operation of the Delta tunnels,

1 especially mercury content, and a combination of the fish
2 we consume.

3 What happens will have a health impact to our
4 community. We already see negative water quality impacts
5 on fish as a result of the drought and lack of fresh
6 water flows.

7 There is also potential for our community
8 members to come into contact with more toxic algal blooms
9 that could have serious health impacts on them.

10 But none of these issues have been addressed by
11 the Department of Water Resources and the Bureau of
12 Reclamation in their documents about how the Delta tunnel
13 will be operated. That is because there is no mitigation
14 for these harmful impacts to water quality for the Hmong
15 community.

16 The only way to mitigate for lack of fresh water
17 flow is to put more fresh water back into the water, or
18 the river. The tunnels won't put more water back into
19 the river.

20 We as legal users of the Delta waterways have
21 the right to fish and recreate in the healthy Delta.
22 This is why we are urging the State Water Resources
23 Control Board to not bringing the change in the Point of
24 Diversion Permit to allow the construction of the Delta
25 tunnels.

1 The Project needs to be stopped.

2 Thank you.

3 CO-HEARING OFFICE DODUC: Thank you, Mr. Vang.

4 Miss Webster followed by Mr. Wilson.

5 MS. WEBSTER: Thank you.

6 Good morning, Board Members.

7 My name is Debbie Webster. I'm the Executive
8 Officer of the Central Valley Clean Water Association and
9 I appreciate the opportunity to talk to you about policy
10 issues with WaterFix.

11 Our Central Valley Sacramento-San Joaquin River
12 Basin Plan starts the beneficial uses chapter with two
13 important findings:

14 One is that all water quality problems can be
15 stated in terms of whether there is sufficient quantity
16 or quality to protect or enhance beneficial uses.

17 And the other is that the protection and
18 enhancement of beneficial uses require that certain
19 quality and quantity objectives be met for surfacing
20 groundwaters.

21 WaterFix is going to have a significant impact
22 on water quantity. The Project proposes diversions of up
23 to 9,000 cfs from the Lower Sacramento River and as such
24 will have significant impacts on water quality.

25 The magnitude and the changes are documented in

1 their environmental documents for the proposed projects,
2 some of which includes increase in salinity in the Delta,
3 increase in residents' time, both of which are known
4 problems in the Central Valley.

5 We are working on a project, as you should be
6 aware, of CV salts, but we're looking at solutions to
7 address salinity. We're looking at solutions to address
8 the cyanobacteria blooms that we have.

9 Both the residents' time and the salinity
10 impacts are just two examples of how WaterFix impacts
11 water quality.

12 Therefore, we're asking the Board, as they're
13 looking at this Petition, to require as part of the
14 Permit participation in not only the evaluation but the
15 mitigation of water quality impacts, whether that be on
16 the regulatory side as it's needed or in actual water
17 quality improvements or mitigation measures as it's
18 needed.

19 As a starter, we're also asking that the Permit
20 would require significant financial participation in the
21 Delta Regional Water Monitoring Program, as well as the
22 development and maintenance of a water quality model that
23 includes flows and flow characteristics that will be used
24 to determine water quality impacts and assess potential
25 mitigation measures.

1 We thank you for the opportunity to speak before
2 you.

3 CO-HEARING OFFICE DODUC: Thank you,
4 miss Webster.

5 Mr. Wilson followed by Miss Jensen.

6 MR. WILSON: Good morning, Madam Chair, members
7 of the Board. My name is Charley Wilson.

8 I'm privileged to serve as Executive Director
9 and CEO of the Southern California Water Committee,
10 representing 200 member organizations throughout Southern
11 California.

12 We're here today to show our support for the
13 California WaterFix as part of more than 175 similar
14 organizations throughout the state representing
15 Californians for Water Security.

16 As you are keenly aware, more than 30 percent of
17 Southern California's clean water supply flows through
18 the Sierra Nevada Mountains through the Delta, and that
19 water is vital to our efforts to improve local water
20 supplies.

21 The base load of water from the Sierra snowpack
22 is necessary to replenish groundwater basins and to fill
23 reservoirs that have been paid for and provided over the
24 last 15, 20 years.

25 To pursue local water recycling, we need

1 high-quality fresh water to blend it with, which requires
2 a reliable conveyance system to move water where it is
3 needed.

4 WaterFix is an upgrade to the state's aging
5 water infrastructure so we can move water more
6 efficiently while still protecting fish and wildlife.

7 WaterFix will improve the health of threatened
8 and endangered fish in the Delta by reducing reverse
9 water flows created by our current outdated system.

10 WaterFix is about reliability and an
11 efficiently-managed statewide system. Without it, we'll
12 be faced with even deeper water supply cuts.

13 It will also facilitate the capture and storage
14 of more water during years like we've had this year where
15 we have water in one part of the state, perhaps not in
16 the other part of the state. It allows the sip-and-gulp
17 approach of managing truly a statewide system.

18 In fact, if California WaterFix had been in
19 place earlier this year, we would have been able to
20 capture enough water to supply nearly 3 million
21 Californians with water for an entire year.

22 As you heard earlier this week, this plan has
23 endured nearly a decade of expert review, planning,
24 scientific and environmental analysis by leading experts
25 and is the most viable plan to secure and ensure clean

1 reliable water supplies while still protecting the Delta
2 ecosystem.

3 The public understands, and our public in
4 Southern California understands, the need to secure
5 precious high-quality water supplies.

6 We urge you to approve this Water Rights Permit
7 to move California WaterFix from planning to
8 construction. We can no longer afford the wait.

9 Thank you for the opportunity to express our
10 support and our position on WaterFix.

11 Thank you.

12 CO-HEARING OFFICE DODUC: Thank you, Mr. Wilson.

13 Miss Jensen followed by Mr. Matson.

14 MS. JENSEN: Thank you and good morning.

15 My name is Lynn Jensen and I'm here on behalf of
16 the Ventura Coalition of Labor, Agriculture and Business.
17 We represent more than 400 businesses in the county,
18 including farming, ranching, oil, mining, service and
19 support, and we are here today to express our strong
20 support for the California WaterFix.

21 Ventura County greatly relies on the state's
22 aging water distribution system for 75 percent of its
23 population. In addition, we have 100,000 acres of
24 irrigated farmland that are now in jeopardy.

25 Supplies have been unreliable, especially in

1 these times of drought, and local alternatives cannot
2 adequately replace the water we receive from the State.

3 Expanding water storage above and below ground
4 is necessary, but it's ineffective if there's no way to
5 reliably transport the water across the state.

6 The San Luis Reservoir, our state's primary
7 south-of-Delta storage and drought buffer, bears
8 testimony to this harsh reality. Today, it is only
9 10 percent full, a historic low for this time of year,
10 even though Sacramento River runoff this year is normal.
11 This simply does not compete.

12 Ventura County has been a leader in conservation
13 and in the Groundwater Sustainability Plan process, and
14 we have some of the strictest growth control measures in
15 the state.

16 But the state water supply will be needed to
17 replenish our groundwater basins, refilling our aquifers
18 in drought times, to sustain our farmers and businesses
19 that depend on well water.

20 Imported water is needed for our cities. It is
21 treated by our wastewater facilities, released to our
22 creeks, and is truly a linchpin that makes other local
23 water development efforts succeed supporting our economy.

24 We desperately need to replenish groundwater
25 basins, fill up reservoirs, and recharge our existing

1 water supplies. But without a reliable conveyance
2 system, we cannot get water where it's needed and too
3 much water will be lost to the sea, as occurred this
4 winter, water that could and should be captured.

5 Thank you for giving us this opportunity to
6 voice our strong support for the Project. We urge you to
7 approve the Water Diversion Permit. It's time to move
8 forward with the California WaterFix.

9 Thank you.

10 CO-HEARING OFFICE DODUC: Thank you,
11 Miss Jensen.

12 Mr. Matson followed by Mr. Thomas.

13 MR. MATSON: Good morning, Chairwoman Marcus and
14 members of the Board.

15 My name is Brandon Matson. I'm here today on
16 behalf of BizFed, the Los Angeles County Business
17 Federation.

18 With more than 155 business organizations
19 representing 275,000 employers with 3 million employees
20 in L.A. County, BizFed is a massive, diverse grassroots
21 alliance that advocates for policies and projects that
22 strengthen our regional economy. And we are here today
23 to advocate the California WaterFix.

24 Our region is highly dependent on an outdated
25 water distribution system that was built mid-century to

1 deliver water supplies to millions of residents.

2 Particularly in dry years, water from the Delta
3 ensures that cities throughout the region have clean
4 water that might not be available from other sources.

5 This has been especially important in dry years,
6 with some cities relying on imported supplies for nearly
7 all of their water. For example, as much as 75 percent
8 of water supplies for the City of Los Angeles and more
9 than 50 percent of water supplies for the City of
10 Long Beach come from the State Water Project.

11 But this outdated system does not allow us to
12 move and store water efficiently when we have abundant
13 rain and snow.

14 California WaterFix would replace aging
15 infrastructure by building a modern water pipeline under
16 the Delta to more efficiently and safely deliver water,
17 while adding greater protection for the environment.

18 While Los Angeles is doing a great job
19 conserving, recycling and developing new local water
20 resources, we still desperately need to invest in our
21 conveyance system. It is the only way to make local
22 solutions work most effectively.

23 Thank you for this open process that allows us
24 to express our strong support for the California
25 WaterFix.

1 Thank you.

2 CO-HEARING OFFICE DODUC: Thank you very much.

3 Mr. Thomas followed by Mr. Canete.

4 MR. THOMAS: Thank you, Madam Chair and Board
5 Members, for the opportunity to talk.

6 My name is Orville Thomas from the California
7 Alliance for Jobs, and we advocate for responsible
8 spending in public infrastructure projects on behalf of
9 over 2,000 heavy construction companies and over 80,000
10 union construction workers stretching from Kern County
11 south all the way to the Oregon border in the north. And
12 we realize the importance of this day and that's why the
13 Alliance is joining other coalition members to pledge our
14 support for the California WaterFix.

15 The benefits to our industry are great. The
16 WaterFix will create almost 119,000 jobs and circulate
17 about \$7 billion in employee compensation through
18 California economies. The larger economic impacts to the
19 state are also great.

20 We realize that Delta water contributes
21 400 billion to the state's economy. Residents, cities
22 and businesses from the Bay Area to Los Angeles to
23 San Diego are all receiving Delta water, and that Delta
24 water makes up the core of California's economy, not just
25 a small region.

1 What we can and are doing our part to find
2 solutions to local water conservation. We realize that
3 the California WaterFix is connecting a piece of the
4 puzzle that will continue to make our local efforts
5 succeed in securing water supplies for us now and for
6 years to come.

7 More than two-thirds of California residents
8 rely on an antiquated water system that brings water from
9 the Sierra Nevadas all the way through the
10 Sacramento-San Joaquin Delta.

11 The California WaterFix will help us manage
12 future growth of the state, and clean water that's vital
13 to our economy will be protected from the supplies of
14 more salt water contamination as a result of the
15 earthquakes and the climate change that we see right now.

16 California can no longer afford to neglect this
17 aging infrastructure, and on behalf of the Alliance and
18 the company and workers we represent, we urge you to
19 support the California WaterFix and approve the change in
20 the Diversion Petition.

21 On behalf of the Alliance and our members, thank
22 you for your time in this open and important process.

23 CO-HEARING OFFICE DODUC: Thank you, Mr. Thomas.

24 Mr. Canete followed by Mr. Cooper.

25 ///

1 MR. CANETE: Good morning. Julian Canete,
2 Policy Director with the CalAsian Pacific Chamber of
3 Commerce.

4 CalAsian Chamber represents the interests of
5 over 600,000 Asian Pacific Islander-owned businesses here
6 in California which generate over \$181 billion in annual
7 revenue and employ over 1 million Californians.

8 CalAsian Chamber strongly supports the
9 California WaterFix.

10 This plan would address the severe
11 vulnerabilities of California's outdated water delivery
12 system.

13 WaterFix is needed to stabilize water supplies
14 for the over 25 million people throughout California,
15 from the Bay Area, Central Valley, Central Coast,
16 Southern California to San Diego.

17 It will improve the ability to capture and store
18 more water during times of heavy rainfall so we can use
19 in dry years.

20 With a modern pipeline and by moving the system
21 underground, WaterFix will mitigate the effects of
22 climate change and natural disasters. It will protect
23 our clean water supplies from salt water contamination.

24 WaterFix will also improve the Delta ecosystem
25 by bringing back more natural flows, and it uses advanced

1 screening to protect fish and wildlife.

2 The Bureau and DWR's evidence clearly show that
3 the Project will maintain high-quality water standards
4 for the system, and it is flexible to meet any new
5 standards that the Water Board establishes.

6 It will be operated in real-time in order to
7 adapt to fluctuating conditions, such as climate change,
8 while also protecting the health of the
9 Sacramento-San Joaquin Delta.

10 The status quo is only further deteriorating our
11 water system and our Delta environment. CalAsian Chamber
12 urges you to approve the Permit to move the California
13 WaterFix forward.

14 Thank you for the opportunity to address you.

15 CO-HEARING OFFICE DODUC: Thank you, Mr. Canete.

16 Mr. Cooper followed by Mr. Cruz.

17 MR. COOPER: Good morning.

18 My name is John Cooper and I'm here to represent
19 the Associated General Contractors of California in
20 support of the California WaterFix.

21 We want to thank you for this open and important
22 process and for giving us the opportunity to share our
23 thoughts.

24 The Associated General Contractors of California
25 is more than 1,000 members strong, who are contractors,

1 specialty, and associate member companies that represent
2 the full spectrum of the construction industry.

3 We support the California WaterFix because it
4 will update our outdated statewide water distribution
5 infrastructure by creating a modern water pipeline below
6 ground relying on the most innovative technologies and
7 engineering practices.

8 California WaterFix will protect our precious
9 water supplies from major earthquakes and floods and
10 disasters and, as was pointed out, will create nearly
11 119,000 new construction jobs and 7 billion in employer
12 compensation. The results of an updated and reliable
13 water delivery system will protect nearly 1 million
14 statewide jobs.

15 WaterFix will also offer the state flexibility
16 to capture and store more water during times of heavy
17 rainfall. With WaterFix, we will be able to keep
18 supplies steady as the state and economy grow.

19 Additionally, this plan will improve the health
20 of the Sacramento-San Joaquin Delta ecosystem for
21 threatened and endangered fish by reducing harmful
22 reverse water flows.

23 California WaterFix was chosen after nearly a
24 decade of extensive expert review, planning and
25 scientific and environmental analysis by the State's

1 leading water experts, engineers, conservationists, and
2 unprecedented public comment and participation.

3 The Associated General Contractors of California
4 urges you to support and approve this Permit.

5 Thank you for allowing this opportunity to voice
6 our support.

7 Thank you.

8 CO-HEARING OFFICE DODUC: Thank you, Mr. Cooper.

9 Mr. Cruz followed by Ms. Starr (sic).

10 MR. CRUZ: Good morning.

11 CO-HEARING OFFICE DODUC: Oh, Mr. Starr. My
12 apologies.

13 MR. CRUZ: Madam Chair, members of the Board,
14 Joe Cruz on behalf of the California State Council of
15 Laborers. And I represent 65,000 men and women working
16 in the heavy construction industry across the state.

17 And we thank you for the opportunity today to
18 show our support for the California WaterFix.

19 We join, and are proud to join, more than 170
20 other groups across the state in support of this Project
21 to update our state's aging water infrastructure.

22 More than 25 million Californians currently rely
23 on our system that is more than 60 years old to deliver
24 our precious water supplies daily.

25 In a state at the forefront of technological

1 advances, we ask the question: Why are we neglecting the
2 most important infrastructure that delivers water to two
3 out of three Californians?

4 California WaterFix will improve safety for our
5 aging water system by updating the state's outdated water
6 infrastructure, by relying on the best engineering
7 practices, and by moving our water underground and using
8 gravity instead of depending on dirt and levees.

9 WaterFix will be a more reliable system that can
10 protect water supplies from major earthquakes, floods and
11 climate change.

12 This state, the sixth largest economy in the
13 world, is at risk of major earthquake. One earthquake in
14 the Delta region could lead to major job losses and water
15 outages across the state.

16 WaterFix was chosen as a Preferred Project after
17 nearly 10 years of expert review and analysis. It is the
18 most viable plan. It is not only supported by other
19 labor groups, citizens, farmers, businesses and other
20 public safety experts but also by leading scientists,
21 water agencies, engineers and other water experts.

22 We can't afford to wait any longer to move this
23 Project forward. The cost of doing nothing is far too
24 great.

25 We urge you to support the California WaterFix

1 to secure a more reliable water supply for our state.

2 We thank you for the opportunity to participate
3 in this open process, and we look forward to being a part
4 of this Project as it moves forward.

5 Thank you again.

6 CO-HEARING OFFICE DODUC: Thank you.

7 Mr. Starr followed by Kris Rosa. Miss Rosa.

8 MR. STARR: Good morning, Madam Chair members.

9 Bryan Starr. I'm Senior Vice-President of the
10 Orange County Business Council. We're here in support of
11 the California WaterFix.

12 OCBC represents 300 of the state's largest
13 employers and employing about a quarter million men and
14 women in the Southern California region.

15 Orange County is highly reliant on the clean
16 water that flows from the Sierra Nevada Mountains through
17 the Sacramento-San Joaquin Delta. In fact, nearly all
18 the drinking water for South Orange County comes from
19 this source.

20 The WaterFix will protect these clean water
21 supplies from salt water intrusion, from earthquakes and
22 from sea level rise.

23 The Project will also keep supplies steady.
24 Without it, we'll have an estimated 20 percent less water
25 over time.

1 The WaterFix allows us to capture storm water
2 during times of heavy rainfall when these new diversion
3 points pose less risk to fish and water quality.

4 The Project will also continue to operate under
5 the water quality and flow standards set by the Water
6 Board and will have the ability to stay in compliance
7 when future conditions change.

8 Finally, water reliability is absolutely
9 paramount to the sustainability of California's economy.
10 Any period of time, if ever brief, of water delivery
11 system failure will have catastrophic impacts on
12 California's economy. The California WaterFix is
13 absolutely necessary to prevent this system failure.

14 Orange County Business Council urges your
15 approval of the California WaterFix Permit.

16 We appreciate the opportunity to express our
17 views.

18 Thank you.

19 CO-HEARING OFFICE DODUC: Thank you, Mr. Starr.

20 Ms. Rosa followed by Mr. Grau.

21 MS. ROSA: My name is Kris Rosa and I'm here on
22 behalf of the Silicon Valley Leadership Group.

23 The Leadership Group represents more than 400 of
24 the Silicon Valley's most respected employers. And we've
25 joined with other businesses, labor unions, family

1 farmers, public safety leaders, water experts, local
2 governments and taxpayers' groups across the state in
3 strong support of the California WaterFix.

4 Our members also support EcoRestore. Taken
5 together, WaterFix and EcoRestore will accelerate the
6 restoration of the Delta's ecosystem and fix the state's
7 aging water infrastructure.

8 Santa Clara County receives more than 40 percent
9 of our water and much of our drinking water from the
10 Delta.

11 The Bay Area understands the importance of local
12 water projects to replenish groundwater basins, fill
13 reservoirs, and recharge our existing water supplies, and
14 we will continue to invest in these alternatives. But
15 these aren't enough; for example, if we double our
16 increase in investment in recycling, that only produces
17 17 percent of the amount of water that this Project would
18 supply.

19 We must recognize that the Delta is an
20 irreplaceable source of water for our region. We cannot
21 fill local storage facilities or invest in local water
22 recycling projects unless you have a base supply of fresh
23 reliable water.

24 The California WaterFix will offer flexibility
25 so that we can capture and store water during heavy

1 rainfall when diversions pose less risk to fish and water
2 quality.

3 The California WaterFix is the plan that will
4 improve the ecological health of the Delta. It balances
5 water supply needs with the Delta ecosystem and brings
6 back more natural flows and would be located away from
7 endangered fish habitats.

8 It also protects against major earthquakes which
9 would cause our current system of dirt levees to collapse
10 and put our clean water supply at risk.

11 We urge you to approve the Permit to move the
12 California WaterFix forward.

13 Thank you.

14 CO-HEARING OFFICE DODUC: Thank you, Miss Rosa.
15 Mr. Grau, followed by Miss Esperanza Vielma.

16 MR. GRAU: Good morning.

17 My name is David Grau and I'm here on behalf of
18 the Ventura County Taxpayers Association.

19 We represent hundreds of businesses and
20 taxpayers in the county, and it's our mission to inform
21 Ventura County taxpayers regarding the issues of concern,
22 promote the wise use of public funds, oppose waste and
23 recommend positions that will best serve the taxpayers'
24 interest.

25 We believe the California WaterFix best serves

1 taxpayers' interest by securing reliable water supplies
2 at an affordable rate.

3 We join with more than a dozen other California
4 WaterFix supporters in the county, including the
5 Association of Water Agencies of Ventura County,
6 Tri Counties Building & Construction Trades Council,
7 Calleguas Municipal Water District, and the Chambers of
8 Commerce Alliance of Ventura and Santa Barbara Counties.

9 Currently, 75 percent of our County's water
10 supplies come from our State's antiquated water system in
11 the County of Ventura.

12 California WaterFix is the most viable plan. It
13 was drafted after nearly 10 years and it was chosen as
14 the best solution to repair the system and make water
15 supplies more reliable.

16 It will better protect our water from
17 earthquakes and other natural disasters that could cut
18 off water supplies for up to a year and cost our economy
19 billions.

20 Lastly, some who provided testimony yesterday
21 suggested that more storage is the key to a reliable
22 water supply. Apparently, these folks are unaware that
23 the San Luis Reservoir, the largest South-of-Delta
24 reservoir, is a virtual puddle today, at an historic July
25 low of 10 percent of capacity and dropping.

1 Furthermore, the Diamond Valley Reservoir,
2 Southern California's largest surface water reservoir
3 funded by local taxpayers that only stores imported state
4 water, no Colorado water, was only 57 percent full as of
5 yesterday.

6 So, the solution is clearly not about new
7 storage capacity. It's about being able to reliably
8 refill current storage facilities by conveying the
9 state's water supplies more intelligently and efficiently
10 from Point A to Point B when Mother Nature provides, the
11 hope being that, in the future, following winters similar
12 to 2016 with 120 percent normal participation (sic) and
13 having to divert an estimated 1 million -- half million
14 acre-feet out to the Sacramento River by way of the Yolo
15 Pass so this very city wouldn't flood.

16 We don't want to find our reservoirs, our
17 critical drought buffers, utterly depleted. That is
18 simply unacceptable.

19 I want to thank you on behalf of the Ventura
20 County Taxpayers Association for the opportunity to share
21 our thoughts.

22 We urge the Board to approve the Permit for
23 California WaterFix to secure a reliable water supply for
24 our state for years to come.

25 Thank you.

1 CO-HEARING OFFICE DODUC: Thank you very much,
2 Mr. Grau.

3 Miss Vielma?

4 All right. Is there anyone else who wish to
5 provide a policy statement right now?

6 Not seeing any taker, we will adjourn and
7 reconvene at 1 p.m. for anyone who could not attend this
8 morning and would still like to provide a policy
9 statement this afternoon. Thank you.

10 (Recess taken at 9:53 a.m.)

11 (Continued in Volume 3B)

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1 State of California)
2 County of Marin)

3

4 I, Candace L. Yount, Certified Shorthand Reporter
5 for the State of California, County of Marin, do hereby
6 certify:

7 That I was present at the time of the above
8 proceedings;

9 That I took down in machine shorthand notes all
10 proceedings had and testimony given;

11 That I thereafter transcribed said shorthand notes
12 with the aid of a computer;

13 That the above and foregoing is a full, true, and
14 correct transcription of said shorthand notes, and a
15 full, true and correct transcript of all proceedings had
16 and testimony taken;

17 That I am not a party to the action or related to a
18 party or counsel;

19 That I have no financial or other interest in the
20 outcome of the action.

21

22 Dated: August 3, 2016

23

24

25

Candace L. Yount, CSR No. 2737

