



The following is a summary of the questions asked and answers given at the Stockton Town Hall meeting hosted by the Resources Agency on June 25, 2008

Q: How much fresh water must pass through the Delta to keep the ecosystem healthy and provide beneficial uses for those who live and work in the Delta?

A: We don't know but are working to get that information. It's a base question that needs to be answered.

Q: Why does DWR believe in its initial assessment of dual water conveyance that 8.5 million acre feet can be diverted from the Delta, which is 2 million acre feet more than current operations by SWP and CVP?

A: We must establish some goals in terms of water deliveries and how much freshwater the estuary needs. There are some recommendations in this first staff draft of the Delta Vision report. It doesn't say the estuary needs x amount of water, but it does say that these are the flows needed during certain times of the year. These are the kind of outflows needed. These are the kinds of habitat that has to be restored. It also says in terms of water exported that we should be looking at 1990 levels of exports as a starting point and looking for reliability.

Q: With regards to water quality, can measurements be made on water quality to sustain agriculture and the fish ecosystem? Do you have standards in this draft in terms of water quality? Does it change from what our historical water quality standards are?

A: There are no standards for water quality in the draft. However there is a letter to the Governor from the chair of the Blue Ribbon Task Force to address that question. We would take a look at the alternatives, look at what it does to current water quality and projected water quality objectives.

Q: With respect to the current availability of water, what are you using in the future to quantify what may or may not be a scenario?

A: This current draft looks at 1990 levels of export, which come to around 5.8 million acre feet. The Delta Vision report's first recommendation is that there are two coequal values. Revitalization of the Delta ecosystem is one, and the second is reliable water supply. In their report, they are looking at how we can provide reliable water for the state as a whole. One of their recommendations is regional self-sufficiency through a variety of different measures.

Q: Does anyone think that it might be criminal neglect that the second major river in CA has fish that you can't eat because of the water quality?

A: It's primarily a public health issue and those issues are regulated by the Department of Public Health. We need to see if and how restoration actions and other measures can reduce mercury levels.

Q: Does it concern you that massive water diversions kill the diluting actions of a free-flowing natural river? We didn't have all these problems even after the mines until the massive water diversions took over. A free-flowing river with tides twice daily will cleanse itself. We don't have that luxury in the San Joaquin River when 90-95% of the natural flow that comes down the mountain is diverted somewhere else. Water must be allowed to dilute any contaminants and poisons that are within it. The San Joaquin River is not allowed to do that.

A: From the department's perspective we agree with you relative to the adequacy of water supplies coming out of the San Joaquin River. It is a concern and something to address through BDCP. Flows are critical to water quality as well as the ability of fish to exist in the system and move through it.

Q: What troubles me is that all of these efforts establish the desire for reliability for export on a coequal basis for protection of fish species and the ecosystem of the Delta. Particularly for fish and game, how do you justify placing exports of water on par with protection of endangered species?

A: Relative to the department's participation in BDCP, our interest in the process is to assure that the conservation objectives are accomplished with providing a level of water supply reliability. What that level of reliability is we haven't determined. In the context of BDCP and Delta Vision, the intent is to provide conditions that contribute to the recovery and flows that are keys to those elements.

Q: Are you saying that the protection of endangered species doesn't have a higher priority over the delivery of water for export?

A: There are processes that authorize the operation of the state and federal water projects under the endangered species acts. Those don't require the conservation standard that is required under the Natural Community Conservation Planning process which is the intent of the BDCP. It sets a higher bar than the requirements of normal state and federal endangered species.

Q: So your answer is the protection of endangered species does not come first.

A: Project operations can't jeopardize the future existence of the species. It's a jeopardy standard as opposed to a conservation standard. From the perspective of the Task Force, there are two coequal goals, one was the ecosystem and one was water supply reliability. California's water policy must be driven by water use efficiency. Their objective is for each region of the state to be as self-sustaining as possible.

Q: With regard to the question of whether or not the Delta Vision process recognizes that only surplus water should be exported from the Delta and other areas of origin, where is the process on that question?

A: They have not recommended dismantling the water rights system or operating in any way that is different than the current water rights system we have in place today.

Q: **If 100,000 acres are proposed to be taken out of production by 2060, what agriculture provides economically will be lost. I hope you would add more about agriculture and do you plan on doing so because it was neglected in the report?**

A: To the extent that that is missing, part of my recommendation will be to include it. 100,000 acres has been identified. That is potential acreage that is based on elevation and future sea level rise. Your question about taking agriculture and other land uses into consideration will be considered.

Q: **Because of the Endangered Species Act, we are inches away from losing two million acres of agriculture between Tracy and Fresno. The statement was made that the Delta is not sustainable. That is an insult. The people in the Delta were prevented from sustaining the levees through too many rules and regulations. We can't dredge the Delta anymore. You don't maintain the Delta. The Dutch have gates that prevent saltwater from coming in the Delta. Let the people in the Delta that know how to fix the Delta, fix it. Why don't you look at these things and understand what is going on in the Delta?**

A: We're trying to figure out a way to get this fixed over the long term and we need your help to get there.

Q: **The inflow of freshwater to the Delta has been enormously reduced. DWR did acknowledge that even with the average flows that the increase in exports from the Delta by virtue of the canal would derive from having less Delta outflow. What will moving X2 further east do to Antioch? Why have DWR and other parties been unwilling to look at the proposal that the Delta group submitted to the task force?**

A: The Delta Vision Task Force is considering a letter to the Governor asking for some specific detailed analysis of some of the questions that you asked. There is opportunity now to bring your questions to the Task Force. Ask them the specific question about what happened to the report you sent them.

Q: **When DWR held their initial meeting on that, it was made very clear by the panel of representatives that there was no intention to consider anything but the BDCP. The steering committee of the BDCP has no representation for the Delta. We feel that our views on the Delta are largely ignored.**

A: You are right that there is no Delta representative on the BDCP Steering Committee. We are on a different timeline from Delta Vision. We have started to evaluate ideas related to conveyance and other stressors and habitat restoration to knit together a comprehensive strategy that assists in the recovery for endangered species. We've been in Suisun City and Walnut Grove making the same commitment that we will involve Delta interests to get at exactly those issues you've raised: water quality, land use impacts from proposed habitat restoration projects and other things.

Q: With regards to the BDCP, how many members are there, where are they from, and what are their associations?

A: Participants on the steering committee are from Zone 7 Water Agency in Eastern Alameda County, Westlands Water District, Metropolitan Water District of Southern California, Santa Clara Valley Water District, San Luis and Delta Mendota Water Authority. They're water agencies and environmental groups, farm bureau. Resource agencies, U.S. Fish and Wildlife Service, Department of Fish and Game participate in an ex officio capacity.

Q: Why are Delta stakeholders excluded from the BDCP?

A: There hasn't been an effort to exclude Delta stakeholders. The steering committee was formed with entities seeking regulatory coverage under the state and federal endangered species acts. They got together and decided to pursue a Habitat Conservation Plan/Natural Community Conservation Planning process. We have a membership process where anyone who is interested sends a letter with their intentions to the Secretary of Resources.

Q: There are still no Delta stakeholders on the conservation plan.

A: We do have a letter from the North Delta Water Agency but that is the only letter we have received. All of the steering committee, work group and technical team meetings are open to the public and are on the website. The Delta Protection Commission maintains a website with a sidebar with links to these efforts. We maintain a 300+ interested parties list. You can be added to that to receive notices and we post notices on our website (delta.ca.gov)

Q: Am I correct in understanding that you said that DWR does not know how much water needs to flow through the Delta to maintain a healthy environment?

A: I don't know that we have determined that in any way other than that there is a historic condition.

Q: My question is about DWR without knowing how much water it takes to maintain a healthy environment has created a situation which the Department of Fish and Game has shown to be negligent because water is going south when the salmon and steelhead come up. It's sent south for the people at the convenience of Southern California, totally not taking into account what will happen to the environment. This seems like total malfeasance of duty with little concern for the Delta and environment, the people, and the agribusiness. Now we're talking about how the Governor wants us to move on with a new canal or the new conveyance program. Do you have comments about that?

A: The points you raised are all legitimate. The operations over the last 10 or 15 years and the decline in fisheries are primary reasons that the Delta Vision was established by the Governor. He asked for an independent task force panel to address these questions. Part of their answer is in the Delta Vision report and the rest is coming up in the next four months. The other reason is why the BDCP was formed in recognition that mitigation won't do. We need to take a bigger look and larger actions than what we've been doing.

Q: From my perspective there's not enough water to do what the state wants to do for everyone to have a reliable water source. Conveyance that's being suggested only changes the impact and where it's felt. If you take water out of the top of the Delta, there's not going to be as much fresh water on the bottom of the Delta. The Delta does not have enough water running into it. There are ways to convey water through the Delta and use it when it's available on an opportunistic basis. Why isn't that the emphasis here? Move water through the Delta, export it on an opportunistic basis, but don't take it out of the Delta.

A: The reality is you have a Water Resources Control Board which governs water rights. They allocate water and have responsibility for protecting the Delta ecosystem. When you ask how much water is needed to flow through the Delta and why can't you get more water to flow through the Delta, a simple answer is because that water has been allocated through water rights to whoever is using it so that water is not available. The Delta Vision task force has recognized that the problems that exist are not just solved in the Delta. You have to move upstream to the Sacramento River watershed and the San Joaquin river watershed before you can get this fixed. The strategic plan they are developing now is to find ways to implement those principles they've made.

Q: As we go through the process of analyzing what is best for ecosystem and water supply, I'd like to know how we're going to resolve this. "I don't know" isn't an adequate answer. We need to understand those things before we make a recommendation.

A: There is a legal process in place that looks at alternatives. It's called the EIR/EIS process. The Governor has told DWR to evaluate at least four different alternatives. Dual conveyance is one of those, a peripheral canal is another, the Delta as it is today without any improvements, and a fourth is through Delta facility with significant improvements. That's how many of your questions will be addressed.

Q: In the Delta Vision process, they have renamed the Delta from the Sacramento San Joaquin River Delta to the California Delta. Could you explain why?

A: They recognize the importance of the Delta to the State of California. The Delta is that principal area where not only is it a place with historic towns, parks, and agriculture but is also of major importance to utilities, railroads, roads, and water transfer facilities. If anything were to happen to that area, we would have severe economic repercussions in this state affecting our trillion dollar economy. The Commission does have a member of the five Delta County Board of Supervisors as well as the 12 cities are represented by the regional governments. The Commission was one of the main efforts that said "what about the people living and working in the Delta?" As a result of that they formed the Delta as a Place work group.

Q: In none of this discussion have I heard about conservation. I have just come from Southern California where I see toilets flushing huge amounts of water and water running down our street. I live in a home that's about 35 years old and I'm sure every house there has regular toilets that flush gallons of water down. When are we going to start doing conservation and stop shipping water around?

A: You'd be surprised to learn the large water agencies in Southern California are much more efficient at water conservation than we are here in Northern California. The Task Force itself stated that water use efficiency which means conservation and similar measures must drive water policies. They recognize that our water supply is limited and we have to use it and manage it as efficiently as we can. That is the most direct way to increase our water supply in the state, and the most efficient way and the most economic way.

Q: I live and work in the Delta and I farm 60 acres. On those 60 acres I have placed two sons through college. I signed a contract in December for a brand new home. You need to understand my concerns when I see maps coming out and there is a bull's eye that directly drops on my 60 acres and on my brand new home that I have worked 53 years to produce. The decisions that you make impact a lot of people. In my estimation, District 999 is one of the main places you are intending upon building a fish habitat. You are placing a death sentence upon the towns of Clarksburg, Courtland, Hood, Walnut Grove, Isleton, Rio Vista because those towns are reliant upon us to feed their children and keep their schools going. You take 100,000 acres out of the Delta, those towns will dry up.

What entity up here is going to be in charge of determining who, where and how much is determined to buy out these farmers that you are going to be displacing?

A: The process for acquisition is based on a willing seller basis and fair market value appraisal. From the ecosystem restoration perspective that's the process. The process of implementing the plan, the maps that you've seen in the context of the BDCP options are very broad descriptions of what potentials are and particularly as they relate to the methods of conveyance of water through the Delta. How you convey water dictates on where you can do restoration work and enhancement for ecological value. There is a process of going through and looking at potentials and then laying in the physical constraints and/or infrastructure, property ownership, land values, those kinds of things that will guide whatever decisions are ultimately made. What you've seen in the past is that restoration goes on in places where people are willing to make their lands available for habitat restoration. That's the way CALFED and the ecosystem restoration program have proceeded, and I expect that will be the same framework for how other plans are implemented. Be aware that we're early in this process; we're looking at the potential opportunities of where you can do things because there are only certain places left in the Delta that have the right conditions to put some of the features back into the system that we're trying to put back. The maps identify potentials; they don't identify anything more than that.

Q: There are a lot of people here that feel like we've been brought into this very, very late. We have not been at the table and until you give people from the Delta that live there a say or at least the opportunity to sit at the table with you, you're not going to get much trust out of the Delta.

I'd like to draw your attention to the back page of the projects in the folders to the Franks Tract Project. This is a project that says it's an interim project to improve water quality in the fisheries. What it is is a backdoor project to get more water down to the south. Nothing has been discussed about how this island is going to be protected, how the levees are

going to be protected. There are three questions that I have. Number 1: the river was originally cut to alleviate pressure at the main arteries. The placement of this gate and the timing when the gate will be down at high tide is going to increase the pressure. Has that been taken into effect? Number 2, how can a project like Franks Tract be at this stage with no communication with the landowners about how the levees are going to be maintained, how the island is going to be protected, not only at the beginning but at the end? My final question is how does the Delta Protection Commission reconcile its stated mission with what is obviously a backdoor solution to send water south?

A: I'll respond to the first two questions and the answer is I don't know and I'm sorry for that. And all the questions here with "I don't know" are being recorded. We have a commitment here to answer all these questions to the best of our ability at this website: delta.ca.gov. One of the things that the commission has been at the table reminding everyone is that the Delta Protection Act remains in place. You'll see in the draft strategic plan in the governance section, it is calling for a council but you will see the Commission is still recognized in its capacity for carrying out the mandates of the act and the management plan. One is the update of our management plan policies because the Commission does recognize that our plan was put into place in 1995. There are influences such as climate change and other things happening in the Delta. There will be workshops on July 16 and 21. That's an opportunity to support the commission and its management plan so that you see it's reconciled and recognized more in the Delta Vision process.

Q: I lost a lot of faith in the Delta Vision when they came out with their vision which said "We don't know if the dual facility or an isolated canal will be good for the fish or if it helps against earthquakes but it's our preferred alternative, we're going to do an EIR." I've seen enough EIRs where the whole thing is biased towards the preferred alternative so the whole goal of the EIR process is to shoot down any other alternative anybody comes up with and that's really frustrating for all the reasons other people said. Two questions: Do you believe some sort of isolated facility should be part of the solution? And if so, what would it take for you to recommend against an isolated facility?

A: I don't have influence with the independent task force. They have taken over the course of the last 14 months a lot of information from many people including their science advisors, people from the Delta, the work groups, the stakeholder groups, and they concluded that dual conveyance is a promising alternative. They're asking for an assessment of the alternatives. The Governor has asked for that. My personal opinion is that dual conveyance is probably the best alternative because it provides the most flexibility for restoration and water transfers. You're not going to stop water transfers because you're going to choke off a substantial economic driver of the state. So the question is how do we restore our ecosystem and provide reliable water supply?

Q: So what would it take for you to go against the canal?

A: At the end of the day, the EIR process is going to look at the four alternatives and will provide the answers to a lot of your questions.

- Q:** The panelists made a couple of comments that were supposed to make us feel better. I'm going to tell you what's wrong with that. On the ecosystem restoration question, we're supposed to feel better because it's only going to be willing sellers. You're going to create willing sellers by making our water supply too salty for our crops. The other thing is you talk about how these are public processes, we should be in there making comments. We feel under attack, there are so many things going on. If you try to follow everything and read all the materials being spewed out by these processes, it's a 40-60 hour week job, and we already have 40-60 hour a week job.
- A:** That is absolutely not what we intended. We intended to get you engaged in the process and create a process where you feel comfortable expressing your opinion. We don't want to drive anybody away. That's why we're here tonight, that's why we're going to keep coming back and we're going to keep having these conversations.
- Q:** Between rain and snow overall precipitation is 200,000 acre feet in the state every year on average. There's probably about 40-50,000 acre feet for agriculture and humans. It seems to me there's a water management problem. It's not a water shortage. So as a fifth alternative I wonder why you cannot conceive of what New York does with the Hudson River and develop a water savings account through setting up storage north of Sacramento and east of Stockton, where the solution is. And when we have our ample water supplies, it will fill these reservoirs and give places to recreate, places for ducks to breed, places to store water for southern California. I don't know why we just don't consider that.
- A:** Let me partially answer that. The Governor's water plan is actively considering additional storage projects as an integral part of the process. Temperance Flat is being suggested as one, there are others that are being talked about. That is very much on our radar screen, very much a part of our agenda. The prospect of doing EIR/EIS on the four alternatives has to go hand in hand with additional water storage projects.
- Q:** I'd like to add a further comment to what's happened with outreach and engagement for people in the community. The feeling of being under attack is 100% true and in two years that we have been making comments at all types of agency meetings we've made it clear that we felt there were mistakes being made in the Delta Vision process and landowners were not invited from within the Delta to participate in these type of activities. I will go back to the first question I asked this evening: How much fresh water does the Delta need for the estuary to remain healthy? One thing I want to add about economic benefit: we don't want to see other people harmed in other areas of the state. We want to look for real solutions but people are not remembering the Delta agriculture is a half a billion dollar a year industry.
- A:** We've set up this email address for any Delta related program. We've made a commitment to respond to any questions that don't get answered tonight. You'll note that we're writing those questions down.

Q: When the Vision Process and DWR get around to looking at the water quality in the Delta south of the Sacramento channel, they will find that the salinity is going to go up under the dual plan to such a degree that agriculture will be out of business. The farmers are the ones who are the primary maintainers of the non urban levees. So you put them out of business, those levees get abandoned, and pretty soon you have open water instead of the Delta channel system that we have now. What is going to be the impact on the fishery when that happens?

A: We have concerns about that relative to the kind of habitat that would be generated. That's an issue that was discussed in Delta risk management discussions relative to the ecological effects of large scale levee breaks and lots of open water habitat or even small ones. So in the recommendations we have relative to particularly subsided islands those are best managed to counteract subsidence to try to bring them back up.

Q: How about the endangered species that are not saltwater species?

A: The endangered species all have a fresh water life history component. So those are the ones that we're focused on and providing ecological conditions. This is an issue that is going to have to be considered as part of the BDCP process. So these are changes that we have to look at and accommodate and consider as we make the permit authorizations under the state and federal Endangered Species Act so those are all issues that are going to have to be addressed. In all likelihood, there will be some capacity issues relative to Carquinez. There are tidal fluxes and the tidal range will probably go down as more areas are subject to the tides.

Q: I'm looking at the BDCP and I did some math and it looks like about 48% of the people on this are my mortal enemies. I'm having a difficult time understanding how this can be and how you expect me and the people in this room to join with you in a cooperative manner.

A: The BDCP is a process that is contingent on working with people in the Delta. We're looking for ways to do that. Thank you for raising that directly.

Q: How long will it take the ocean to rise one foot? What is your definition of water quality? On the San Joaquin River we have an 8.8, 9 and 9.5 pH and I don't hear anyone else talking about pH. What happens to the smelt coming down the Stanislaus River into the San Joaquin River and trying to get out the gate? Modesto irrigation district has a very scientific study. Do you have the same results or any results?

A: Our Central Valley region works with the San Joaquin River organizations in their management group. There's ongoing discussion about ways to improve conditions in those tributaries. We have water quality standards set by the Regional Water Quality Control Boards and the State Water Quality Control Board based on established criteria in their basin plan. From an ecological perspective, water quality can be of varying conditions depending on salinity or other factors. With regards to sea level rise, we expect 18 inches by 2030. That's based on a series of models and those are the most conservative models we're looking at today as it relates to sea level rise.