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BEFORE THE
DELTA STEWARDSHIP COUNCIL
A California State Agency

CALIFORNIA WATERFIX APPEALS)
OF THE CERTIFICATION OF)
CONSISTENCY)

RAMADA INN
WEST SACRAMENTO - CONFERENCE CENTER
1250 HALYARD DRIVE
WEST SACRAMENTO, CALIFORNIA

Friday, November 16, 2018

9:00 a.m.

WORKSHOP

Volume 2 of 2

Pages 1 - 8

Reported By: Candace Yount, CSR No. 2737, RMR, CCRR
Certified Realtime Reporter

Computerized Transcription By Eclipse

1 APPEARANCES:

2 **DELTA STEWARDSHIP COUNCIL**

3 Councilmembers Present

4 Randy Fiorini, Chair
5 Frank C. Damrell Jr., Councilmember
6 Skip Thomson, Councilmember
7 Mike Gatto, Councilmember

8 Staff Present

9 Jessica Pearson, Chief Executive Officer
10 Bethany Pane, Chief Counsel
11 John Callaway, Chief Scientist
12 Lita Brydie, Delta Stewardship Council Clerk

13 Also Present

14 Deborah Smith, Los Angeles Regional Water Quality
15 Control Board

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I N D E X

OPENING REMARKS

PAGE

Opening remarks by Chair Fiorini

1

PUBLIC COMMENT

PAGE

OSHA MESERVE

3

1 Friday, November 16, 2018

9:00 a.m.

2 PROCEEDINGS

3 ---000---

4 CHAIR FIORINI: Good morning.

5 Once again, I'm Randy Fiorini, Chairman of the
6 Delta Stewardship Council. It is now 9 o'clock on
7 Friday, November 16th.

8 The primary reason for convening this morning
9 is to receive public comment on the Certification of
10 Consistency for California WaterFix.

11 We currently do not have anyone present who
12 has requested to address the Council. But, in the
13 event that there are people who are traveling and have
14 not yet arrived, I'm going to recess the meeting now
15 until 9:30 to ensure that anybody on their way who's
16 not here yet who wishes to speak has the opportunity.

17 At 9:30, we will take whomever is here and
18 then conclude today's proceedings.

19 Osha.

20 MS. MESERVE: Good morning.

21 If I might --

22 UNIDENTIFIED SPEAKER: The button.

23 COUNCILMEMBER GATTO: That's twice, Osha.

24 (Laughter.)

25 MS. MESERVE: I need to understand your IT

1 better.

2 Since we're all here and you've taken the
3 energy to be here for the public, and I know there are
4 a lot of interested public. And there's just a lot of
5 things going on right now trying to get here.

6 I'm sure there's a lot of people watching on
7 their computers.

8 I just wanted to provide a short public
9 comment as a resident of Sacramento County, since we're
10 all here, if that's okay.

11 CHAIR FIORINI: Well, I have a speech that I
12 usually --

13 MS. MESERVE: Oh.

14 CHAIR FIORINI: -- have to go through.
15 Will you be here at 9:30?

16 MS. MESERVE: I was going to try to get back
17 to work, to work on my submittal for Monday.

18 (Laughter.)

19 CHAIR FIORINI: All right. You heard my
20 speech yesterday; correct?

21 MS. MESERVE: I did --

22 CHAIR FIORINI: Okay.

23 MS. MESERVE: -- yes. Yes.

24 CHAIR FIORINI: Well, let's let that suffice
25 for your purposes.

1 Please provide your comments so you can get
2 back to work.

3 MS. MESERVE: Thank you. I appreciate the
4 accommodation.

5 As I was mentioning, obviously, I've been
6 involved in the process here at the Council, and I've
7 talked about the specific legal issues that my clients,
8 the counties and the local agencies in the North Delta,
9 are concerned about, and there are many of those.

10 But I just wanted to provide a couple of
11 remarks as a -- as a resident of the county and a
12 Northern California-born person.

13 You know, I've been -- I started involvement
14 in the Bay-Delta Conservation Plan process in 2008, in
15 March.

16 And the thing that astonished me walking in
17 that room, not knowing anything and not really having
18 worked on Delta issues, was that it felt that it had
19 already been decided what the project would be.

20 At that point, it was a Peripheral Canal
21 project with an open conveyance.

22 And -- And, in addition, it was being shuttled
23 up to a dark room on the 13th floor of the Resources
24 Agency and really being on the sidelines.

25 And throughout that BDCP process, all the

1 people who presented local interest really were in the
2 back of the room, and we were provided, you know, some
3 opportunity to participate.

4 But it was -- Unless we would sign the
5 agreement saying that our clients assented to this form
6 of convenience, we really weren't allowed to
7 participate, so -- to participate as members of the
8 Steering Committee, I should say.

9 So, what -- what I want to point out is, I
10 know the Council is tied to the Delta Reform Act and
11 its policies that are enforceable. And -- And that's
12 the job of the Council and I -- I know the Council's
13 very focused on that and I appreciate that.

14 I think -- In thinking about what the next
15 steps for this project are, I hope that it's more than
16 going back and trying to better answer the Delta --
17 Delta policies that the Draft Determination has said
18 this project can't comply with yet.

19 I think more is required in the formation of
20 the Conveyance Project. And I think the Council was
21 very careful in adopting its recommendations regarding
22 conveyance, which don't necessarily apply here, to be
23 careful that it was not selecting one particular form
24 of conveyance over another.

25 And I think there is a lot of interest among a

1 large degree of stakeholders in finding a way to meet
2 the goals of folks who do rely on water exported from
3 the Delta, but it needs to be in a way that does meet
4 the Delta Reform Act, the coequal goals and protecting
5 the Delta as a place.

6 And I am afraid that the project as currently
7 configured wasn't designed to do that, and it will have
8 a very hard time doing that in its current
9 configuration.

10 So I would urge everyone to think about how we
11 could all get around something that would work better
12 for everyone. And that's my hope going forward.

13 Thank you.

14 CHAIR FIORINI: Thank you.

15 Is there anyone else that wishes to address --
16 Is there anyone else that wishes to address the Council
17 at this time?

18 (No response.)

19 CHAIR FIORINI: Then we will recess until 9:30
20 and -- and reconvene then.

21 (Recess taken at 9:05 a.m.)

22 (Proceedings resumed at 9:30 a.m.:)

23 CHAIR FIORINI: Good morning. We will now
24 reconvene our public workshop to receive comments
25 orally and/or in writing on the Council's Draft

1 Findings regarding the appeals of the Certification of
2 Consistency for the California WaterFix.

3 Is there anyone present who wishes to provide
4 public comment?

5 (No response.)

6 CHAIR FIORINI: Okay. Then one housekeeping
7 item before I close the hearing.

8 For those of you who wish to purchase a
9 transcript from the court reporter, I'll just remind
10 you that California Reporting is the company providing
11 the court reporting services, and they can be contacted
12 at (510) 224-4476.

13 Hearing no further requests, we now close the
14 public comment portion of this workshop.

15 Do Councilmembers have anything you wish to
16 add?

17 (No response.)

18 CHAIR FIORINI: Okay. Then I would like to
19 thank staff -- wholeheartedly thank staff, all the
20 parties, the Delta Protection Commission, and
21 interested persons.

22 Some of you have traveled a long way and taken
23 a significant amount of time of your day to share your
24 comments with us, and we appreciate your contribution
25 to this very important public process.

1 In order to help us in this process, at this
2 time, I would like to direct staff to refine its Draft
3 Findings based on the materials submitted by the
4 parties and taking into consideration the comments
5 received over the course of the workshop.

6 As a reminder, we will be receiving written
7 comments through 5 p.m. Monday, November 19th, and
8 those will be included in the staff consideration.

9 That is, unless we hear from the Department
10 that it has chosen to withdraw its Certification, in
11 which case we can resume early consultation.

12 In the next draft, I request that you make
13 particular mention to my statement yesterday and the
14 theme of time that I mentioned, including the
15 tremendous amount of time spent by Council staff on
16 this record before us, a record that, because this
17 project was brought to the Council too soon,
18 unfortunately, falls short of -- on substantial
19 evidence in key areas.

20 A quick reminder that we Councilmembers and
21 staff remain subject to the ex-parte communication
22 prohibition on this matter.

23 This workshop is now adjourned. Thank you.

24 (Proceedings adjourned at 9:33 a.m.)

25

1 State of California)
2 County of Sacramento)

3

4 I, Candace L. Yount, Certified Shorthand Reporter
5 for the State of California, County of Sacramento, do
6 hereby 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
16 had and testimony taken;

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

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

21

22 Dated: November 25, 2018

23

24

25

Candace Yount

Candace L. Yount, CSR No. 2737