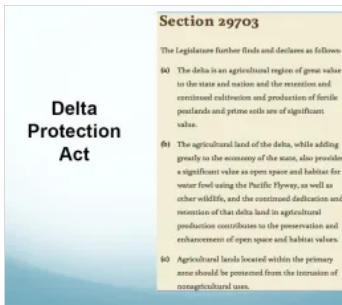


EXHIBIT
SJC-1



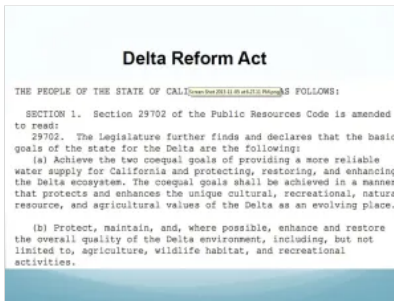
(<https://i0.wp.com/mavensnotebook.com/wp-content/uploads/2013/11/Russell-3.jpg?ssl=1>) The main focus of the Delta Protection Act was to protect, preserve and enhance the natural resources and all resources, and the cultural and communities in the Delta at the time, he said, pointing out that Section 29703-c of the Act states that 'agricultural lands located within the primary zone should be protected from the intrusion of non-agricultural uses.'

"The next area that a lot of effort was spent in was the CalFed (<https://mavensnotebook.com/glossary/cal-fed-bay-delta-program/>) process, which came to an end basically in 2000 with the Record of Decision," said Mr. van Lobel Sels. "I was not involved substantially in that process although I did go to meetings and sound off now and then; but that process ended and much of what happened in CalFed has continued in the BDCP process."

In 2007, Governor Schwarzenegger created a Blue Ribbon Task Force to examine the Delta and come up with a vision for the future for the Delta. "Now things had changed a little bit between 1992 and 2007; there was more of a focus on how the Delta

functioned as a water conveyance facility – how the plumbing worked, and so in the Delta Vision process there was a lot more discussion and a lot more examination of the Delta and its many, many roles and the many constituents that depended upon the Delta," he said. "Species became more involved ... we became more focused on some different elements of the Delta. Ecosystem restoration and also the Delta's values and uniquenesses were discussed in that process."

In 2008, the strategic plan developed from the Delta Vision process articulated 12 goals, said Mr. van Lobel Sels. "The first created the coequal goals (<https://mavensnotebook.com/glossary/coequal-goals/>) that we have today: reliable water supply and ecosystem restoration. Goal number two recognized the unique values that are in the Delta, including farming, and stated that these values should be preserved in any future Delta. It went on in the narrative of this goal to state that the Delta as a place is a third leg on a three-legged stool, the other two being water supply reliability and ecosystem restoration, and that the stool is the foundation of the entire plan, or the entire vision."



(<https://i0.wp.com/mavensnotebook.com/wp-content/uploads/2013/11/Russell-8.jpg?ssl=1>) "From Delta Vision, we moved on to the Delta Reform Act," Mr. van Lobel Sels continued. "In 2009, the Delta Reform Act became law and it attempted to implement the vision. You'll notice in section 129702, it put the coequal goals into law, but it qualified how the coequal goals shall be achieved, it stated 'the coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resources and agricultural values of the Delta as an evolving place.' Section B stated that 'the Act would protect, maintain, and where possible enhance and restore the overall quality of the Delta environment including but not limited to agricultural, wildlife habitat, and recreational activities,' so when we talk about the coequal goals, very frequently, we just talk about two goals. We don't talk about the fact that they shall be achieved in a manner that protects the resources of the Delta to include agriculture."

"The Delta Reform Act did something else," he added. "It also stated that in the future, future water supply needs statewide should place less reliance on the Delta."

EVALUATION OF THE BAY DELTA CONSERVATION PLAN

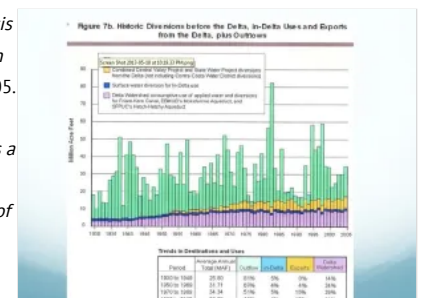
"Now you can imagine what we in the Delta think about BDCP," said Mr. van Lobel Sels. "The opinion ranges from terrible to very, very, very, very terrible. But that's BDCP the preferred alternative – the 15,000 cfs tunnels and the 9000 cfs diversions. From the Delta perspective, there are some major flaws in the process. When I say a process flaw, what I mean is if you start off in the wrong direction, you may end up in the wrong direction, so BDCP is directed by a certain set of desires, rules, whatever have you. The goals in BDCP, number 1, do not align with the Delta Reform Act, and that, for me, is the first process flaw. Secondly, there was no analysis to determine the amount of water needed to sustain a healthy Delta and the amount available for export in designing diversions facilities. And the third is limited criteria for selecting alternatives to study."

"If we look at the BDCP process flaw number one, we find that the BDCP conservation plan is driven by two primary goals: Assurances regarding operation of the existing SWP and CVP activities and recovery of the fish," said Mr. van Lobel Sels. "There's the third item of how you get there in the Delta that is not part of any of the goals of BDCP."

(<https://i0.wp.com/mavensnotebook.com/wp-content/uploads/2013/11/Russell-14.jpg?ssl=1>) "Flaw number two, there's no analysis to determine how much water is really available to export, and how can you design a facility without knowing how much you can get out of it?" said Mr. van Lobel Sels. He then presented a slide that showed historic diversions from the Delta from 1930 to 2005. "We've talked about outflow, and this slide really shows what's happened in the last 40-50 years. If you look at the graph on the bottom, the period 1930 – 1949, second column is Delta outflow, 81%. If you look at 1990 – 2005, Delta outflow was 48%. That's a major difference and you can imagine when you take 50% of the water out of any river system, you are going to have some consequences, and that's what we've had in this system. So that's why when I come back to there needs to be an understanding of how much water is really available to export from this system before we start designing facilities to do that job."

The third flaw is that there is limited criteria for selection of alternatives. "It was stated recently in a meeting that if these two criteria are not met, the proposal is not studied: number one, they expect you to pay for it, and number two, they expect the agencies to permit it," he said. "I submit that there are some variations of criteria that could be used to determine what a facility would look like that could be supported by a much wider much more robust group of people than just the contractors, so basically what I'm saying to you is we need to look beyond just the contractors paying for conveyance, and I think that there probably are some opportunities there."

"Whether the agencies will permit it or not, that's probably still a very valid criteria, but sometimes you need to really examine things to determine if they can be permitted or not, than just checking it off and saying we're not going to permit that and we're not even going to study to see if we can permit it," he said, adding that the western Delta conveyance proposal suggested by John Cain was a good example. "It has some problems with it, but rather than just writing it off as no, that's where Delta smelt live, let's see if we can make it work."



The problems with the BDCP project from our perspective are many, he said. *"For one, the amount of water that would be available through this conveyance facility is unknown. I've heard estimates of between 4.3 MAF to 5.8 MAF – that's a very big difference. I think the normal right now is about 5.4 MAF, so you might get a little bit more or you might get a lot less. That's an unknown."*

Another problem is the high cost. *"Costs estimates I've heard range between \$25 billion and \$50 billion. Again, a pretty big difference and a big unknown,"* he said. *"How do you do a cost benefit analysis if you don't know how much water you can get from it and you don't know how much it's going to cost? The cost benefit analysis that I think you're looking at today are nothing more than an exercise of knowing where you want to be and making the assumptions to get there."*

Another unknown is the effect of habitat restoration. *"Habitat restoration may not recover the species, and if they don't recover the species, what happens to the permit?"* he said. *"Other mitigation may not recover species. Is the length of the permit the proper length? As you heard Leo say, maybe 10 years is appropriate or a succession of 10 year periods. And the governing structure, I think we've all thrown darts at the governing structure, and that hopefully has changed in the final document. I'm not sure that the Delta interests will be happy with it. It sure needed a change."*

Those are the problems that the Delta communities see in the BDCP, but the biggest problem is are the negative impacts on the Delta communities, he said. *"The construction impacts are huge. For ten years, between the area of Freeport and Courtland, life will be unbearable. We won't be able to do business, and things will come to an actual halt,"* he said. *"In that area, there are people who are being told that sure, we're going to dewater your area and your wells may not work, but we'll try to get you water somehow. There are 48 negative impacts to the area of the northern Delta that are unmitigated,"* he said, citing examples of increased salinity and other water quality issues as some of the 48 negative impacts.

"Water quality impacts – whenever you take water out of the river, beyond that point flow is going to be less, and so if you take water out of the north, flow to the west through the western tributaries is going to be less, tidal pressure is going to be more coming in the other way, and flow is the hydraulic barrier to the ocean," he said. *"Flow determines water quality in the Delta. ... operations are key, so if you take it out, the hydraulic barrier is reduced and salinity will increase, so the areas where salinity will increase, under the program, are in the western Delta and in the Central Delta. The southern Delta is already pretty well in trouble because only 30% of the San Joaquin River reaches the Delta, and that hardly even has enough pressure to create outflow, it just goes back and forth."*

And finally, the impacts of conversion of agricultural land. *"All of the efforts to save the Delta in the last 20 years have included an effort to maintain agriculture as viable enterprises, and this does not,"* he said. *"This has major impacts on agriculture, not only the footprint where the project will be built, but when you start taking out hundreds of thousands of acres for habitat conservation, you restrict other agricultural lands, and you have a major impact on the industry that is the driving force of the economy in the Delta."*

A DELTA SUPPORTED SOLUTION

"We in the Delta understand," said Mr. van Loben Sels. *"What's happening today is unsustainable. It's unsustainable for you, it's unsustainable for the fish, and it's unsustainable for us."*

"It's unsustainable for us because change is going to happen and so we want to be part of that change, we have advocated for change, and we understand that the landscape needs to change," he said. *"There needs to be more habitat for fish – if we can move fish into the Yolo Bypass away from the Delta exports (<https://mavensnotebook.com/glossary/delta-exports/>), it takes the pressure off of trying to create a large northern diversion facility."*

"The way water is moved through the Delta needs to change, we understand that," he continued. *"We have supported a through Delta facility similar to Corridors, but we're open to discuss other alternatives such as John's – alternatives that help preserve the Delta. We see benefits from through Delta conveyance – these are things that, from our perspective, many of them are going to need to be done anyway, because you are talking about a dual conveyance facility with 51% of the time you're taking water out of the south Delta, you're going to have impacts that are going to have to be mitigated and you're going to have to deal with those. But through-Delta costs less and there's more support."*

Through-Delta conveyance also maintains the common pool concept, he said. *"The common pool concept is basically if we're all taking water out of the same pool, we're all going to work very hard at keeping it at the correct water quality. If the fear with the northern diversion facility site is that if a large amount of water is taken out in the north, then the south has poorer water quality, and so the common pool concept is very important, especially to the central and southern Delta folks."*

Through-Delta conveyance eliminates some of the in-Delta opposition, and it can be accomplished more quickly, he said. *"In addition, it can be accomplished in increments so you can do things and see what happens rather than building a huge facility and saying 'it may work or it may not work'"*

"The difficulty I see with building this huge facility is while it's being built, decision tree adaptive management (<https://mavensnotebook.com/glossary/adaptive-management/>) are going to determine how it's operated and after it's built, operations are still up in the air," he said. *"As long as the facility is large enough to damage the Delta and the water quality in the Delta, the residents of the Delta will be opposed to it. If we can resolve to get a small facility that physically cannot damage the Delta, then some of the fear is abated."*

"My hope is that all of us leave a legacy for those who follow in our footsteps that Delta that is responsive to the needs of all of the constituents, and when I say constituents, I don't just mean people," said Mr. van Loben Sels. *"I mean the critters, the birds, the bees, and us too, and if we work very hard at that, we might end up with something that really works and can be enjoyed by those that follow us."*

Director Kennedy asked if the agricultural interests been heavily involved in the development of the BDCP?

"Some of the agricultural interests have, but not the Delta agricultural interests," answered Mr. van Loben Sels. *"The only participant from the Delta was the North Delta Water Agency, and the difficulty with participating in the formation of the BDCP was you had to sign an agreement that you would support the outcome. Well, if you're a very small minority and you see the direction the train is going in and you don't like where it's going to go, you don't want to be in a position that you have to support it."*

Director Kennedy: You talk about the benefits of the through-Delta conveyance. And by through-Delta conveyance, I assume you pretty much mean what we're doing today as far as Delta water flowing through the Delta and pumping from the south.

"I am the chair of a group called the Delta Caucus which is a group of five county farm bureau organizations that we put together to address many of the different processes that are going on in the Delta, and that's our official position," Mr. van Loben Sels replied. "However, I understand the benefits of going beyond that, and the need for perhaps going beyond that, but when we get to 15,000 cfs, 9000 cfs, we're talking about a huge huge project that can ultimately have major negative impacts on the Delta and water quality. We would never support that large a facility; however a smaller facility perhaps, and a smaller facility in conjunction with facilities that, for example, in the western Delta that support the common pool concept, than it becomes even easier to move off of that through-Delta position."

Director Kennedy asked is there a compromise option ... ?


"The BDCP is perhaps not the end game," said Mr. van Loben Sels. "What you've done in BDCP, you've studied, and you've put together a lot of really good information, now we need to employ it to put together the best conveyance alternative that we can, and putting it all in the north is not the best."


For more information:

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- [Click here \(https://mavensnotebook.com/2013/11/25/mavens-minutes-santa-clara-valley-water-district-workstudy-session-dfws-carl-wilcox/\)](https://mavensnotebook.com/2013/11/25/mavens-minutes-santa-clara-valley-water-district-workstudy-session-dfws-carl-wilcox/) for part 1, Department of Fish and Wildlife's Carl Wilcox.
- [Click here \(http://wp.me/p2XWwm-2vd\)](http://wp.me/p2XWwm-2vd) for part 2, American Rivers' John Cain, The Nature Conservancy's Leo Winternitz, and the NDRC's Kate Poole.

#Bay Delta Conservation Plan (<https://mavensnotebook.com/tag/bay-delta-conservation-plan/>). #Delta conveyance (<https://mavensnotebook.com/tag/delta-conveyance/>).

#Santa Clara Valley Water District (<https://mavensnotebook.com/tag/santa-clara-valley-water-district/>).

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