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DRY CREEK PROJECT OPENHOUSE

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JANUARY 18, 2022 at 6:05 p.m.

Before: ERIC L. JOHNSON  
RPR, CSR #9771

Taken at:  
Stanislaus County Ag Center

1 PROCEEDINGS

2 MR. CLARK: Good evening. Can I ask you to  
3 take your seats, please.

4 Good evening, ladies and gentlemen. Thank you  
5 for coming out tonight. This is the open house for the  
6 evaluation of storm water management and groundwater  
7 recharge projects in the Dry Creek Watershed, Stanislaus  
8 County. It is a preliminary look of a technical nature.  
9 In other words, we have gone through and done some  
10 studies, we are showing those to you. It is not a  
11 public hearing. It is not a matter of we want this  
12 project or not. That comes later. There's steps  
13 further in the process where that comes to be.

14 So this is a technical evaluation of the  
15 feasibility of attenuating flood waters. It is also the  
16 evaluation of potential sites to use those attenuated  
17 flood waters for groundwater recharge. That's  
18 essentially what this meeting is about, or what this  
19 showing is about.

20 MALE VOICE: Who are you and why are you  
21 talking to us? Give us your --

22 MR. CLARK: I will get to that, sir.

23 So why are we doing this? Controlling flood  
24 water and managing storm water in Stanislaus County is a  
25 regional goal and is this project's primary goal. The

1 Dry Creek Watershed has been identified as a high  
2 priority site for flood water and storm water  
3 management. In 1997, the valley experienced  
4 considerable flooding. This led to the county and the  
5 City of Modesto to request the Army Corps of Engineers  
6 to study Tuolumne River flood flows and to include Dry  
7 Creek.

8 In addition, in 2014, the county completed its  
9 first Regional Flood Management Plan which identified  
10 studying flood waters and storm water management as the  
11 highest study project priority. That's essentially what  
12 we are doing now. Now is a little bit different than  
13 back in '97, '98, or even 2014, in that the use of the  
14 land is changing. We are seeing much of the foothill  
15 and the rolling foothill area change from grasslands to  
16 permanent crops.

17 In talking to some landowners, well depths have  
18 gone down approximately 100 feet in eight years. With  
19 more demand on water, we need to look at are there  
20 surface supplies available or can we recharge the  
21 groundwater? So essentially, we have a serious problem  
22 here, which is flooding, coupled with when we switch to  
23 permanent crops, the run-off actually occurs faster than  
24 it did when it was grasslands. It is coupled with the  
25 golden opportunity; and that is, groundwater recharge or

1 the availability of attenuated waters to be pulled off  
2 the creek, because once they flow down the creek they  
3 are gone.

4           So who are we? This answers the gentleman's  
5 question. Stanislaus County is the lead agency on this  
6 study. Myself, I am Frederic Clark. I am the Deputy  
7 Director of Public Works. This project was assigned to  
8 me. My team includes Michael Brinton, he's the flood  
9 and storm water engineer. Mike, are you around? There  
10 you are.

11           And Diane Gilton, who is my storm water manager.  
12 Diane, she's back at the sign-in table.

13           The lead consultant on this project is  
14 Geosystems Analysis. Mike Milczarek, Jason Keller, and  
15 Meg Buchanan were his team. Mike is over there at Site  
16 4 and 5. John Lambie from E-Pur is also part of the  
17 analysis team. John is back there at Site 8 and  
18 Site 13. Wood Rodgers provided the analysis; in other  
19 words, the flood modeling for this particular project.

20           David Mueller, who is back there as well, light  
21 blue shirt, is the modeler on this project. Funding was  
22 provided from the Department of Water Resources  
23 Proposition One Disadvantaged Communities Grant. The  
24 disadvantaged communities typically on the Tuolumne are  
25 what experienced more flooding than anything else;

1 hence, we were able to grab that grant money to move  
2 this study forward. In terms of who we notified on this  
3 project, we mailed out approximately 400 notifications  
4 for this meeting. There is a notification map on the  
5 wall there as well as the Notification List who we sent  
6 the notifications to.

7           So what's the timing on something like this?  
8 As I mentioned earlier, the 1997 floods prompted the  
9 study by the Army Corps of Engineers, stating that  
10 unregulated flows from Dry Creek Watershed should be  
11 studied further. That recommendation was carried into  
12 the 2014 Regional Flood Management Plan, which  
13 identified this particular study as the highest  
14 priority, because Dry Creek is unregulated. There's  
15 nothing that stops the flood flows. So that brings us  
16 to 2022, the evaluation of Dry Creek, which is the  
17 technical study you see around you.

18           We have the open house tonight, we are here to  
19 take comment, and comment can be taken by -- we have a  
20 stenographer up front, we have comment cards that you  
21 can either fill out and leave here tonight or you can  
22 take them home, fill them out, and mail them in to  
23 Michael Brinton. Or you can go online and send Mike an  
24 e-mail with your comments. The comments will be  
25 reviewed to see if further analysis needs to be done on

1 the technical report. Along about the end of April we  
2 will issue a final technical report. It will be taken  
3 to the Board of Supervisors who will have a public  
4 hearing of some sort on it, and we will be asking them  
5 for direction on whether we continue studying Dry Creek  
6 or not.

7 MALE VOICE: It will be "Or not."

8 MALE VOICE: You bet it you will.

9 MR. CLARK: The next step, if they instruct us  
10 to continue studying it, will be in-depth studies of  
11 chosen alternatives. It then moves to environmental  
12 clearance, design of sites, right-of-way acquisition,  
13 and then on to construction. When that occurs, if it  
14 occurs, I don't have a definite time frame for you. As  
15 it is, we went from '97 to 2022 just to get to this  
16 preliminary study point.

17 To reiterate as to how you can comment: Your  
18 public comments can be submitted via e-mail to Michael  
19 Brinton, by hard copy on the comment cards, left here  
20 tonight or mailed to Michael Brinton, or oral statements  
21 given to the stenographer.

22 MALE VOICE: Do you know Michael Brinton's  
23 e-mail address?

24 MR. CLARK: Mr. Brinton's e-mail address is  
25 brintonm@stancounty.com. It is also posted on the wall

1 here (indicates).

2 We have various stations set up around the room  
3 of the sites that went through a technical analysis and  
4 showed the greatest promise in terms of meeting flood  
5 control, costs, groundwater recharge.

6 MALE VOICE: And less people to deal with.

7 MR. CLARK: So I would encourage you to visit  
8 each station. One of the team members will be there to  
9 answer questions and the comment period will be open for  
10 30 days. It will close on February 18th of this year.

11 MALE VOICE: Comment to where? To whom?

12 FEMALE VOICE: To that e-mail at Brinton.

13 FEMALE VOICE: But Site 15 is where you are  
14 already pumping, and you withdrew so much water that you  
15 dried up wells in our community.

16 MALE VOICE: That's right.

17 MR. CLARK: Site 15?

18 FEMALE VOICE: Site 15, which is one of your  
19 top two.

20 MR. CLARK: That's something that I would  
21 suggest you put in the comment cards so that it is in  
22 the formal record.

23 FEMALE VOICE: So you are not familiar with  
24 this project?

25 MR. CLARK: Any pumping that's going on there,

1 this project hasn't been doing that. It is possible  
2 that the local irrigation district is pumping in that  
3 area, but we are not the local irrigation district.  
4 This is the county, and we are not proposing to do any  
5 pumping. This is a study to say sites are -- have the  
6 potential for storing water for a short period of time.

7 FEMALE VOICE: To be able to pump more water.

8 MALE VOICE: Why did you -- why aren't the  
9 irrigation districts involved in this? Like MID, OID --

10 MALE VOICE: TID.

11 MR. CLARK: The irrigation districts are part  
12 of our mailing list, and currently have not been engaged  
13 to a great degree. I suspect they are waiting to see  
14 what we come up with.

15 Yes, sir?

16 MALE VOICE: How do we, the public, know all of  
17 the other comments that come up over the report?

18 MR. CLARK: That will be published in the final  
19 report.

20 MALE VOICE: And why such a short comment  
21 period?

22 MR. CLARK: 30 days is long enough period, that  
23 I am aware of.

24 FEMALE VOICE: Is it possible to actually  
25 publish on your site everybody's comments? Why do we

1 have to wait until the final report? Why can't we just  
2 see what people are thinking about as we go along? If  
3 you get a public comment, can't you post it somewhere on  
4 a site?

5 MR. CLARK: Ultimately, all comments will be  
6 posted. But first the design team is going take a look  
7 at them. We are looking for red flags where there's  
8 something we may have missed.

9 MALE VOICE: People's livelihood.

10 MALEVOICE: Well, why take the ag ground out of  
11 the equation, especially ag ground that's got district  
12 water right now and propose to flood it?

13 MR. CLARK: We looked at the entire reach of  
14 Dry Creek --

15 MALE VOICE: Pardon me?

16 MR. CLARK: We looked at the entire reach of  
17 Dry Creek. This being a technical study, many of the  
18 issues of land ownership, for example, who owns the  
19 land, what it was used for, does not inhibit the study  
20 of volumetric amounts.

21 Mike?

22 MR. MILCZAREK: Yeah, let me -- let me just  
23 jump in here. Can everyone hear me okay? I don't have  
24 a mic. So just to provide a little bit of background  
25 before you guys get up and start asking questions --

1 MALE VOICE: Why don't you go to the mic?

2 MR. MILCZAREK: I want to show right here.

3 Okay? So to first of all, we looked at 15 sites  
4 initially. And by that, it is simply looking at the  
5 map, looking where it would make sense to put some type  
6 of structure to slow the flood water down. It doesn't  
7 mean they are going to build 15 sites. It doesn't  
8 mean -- there may be one site, there may be two sites.  
9 There's pluses and minuses for each of them.

10 But what these maps are trying to show you  
11 folks is that the red in the creek is what is going to  
12 flood in 25-year flood event. So that's a simulated  
13 flood. So if your property is here and it is under the  
14 red, your property is going to flood whether anything  
15 gets built or not.

16 Okay? Now --

17 MALE VOICE: That's not a true statement.

18 MR. MILCZAREK: That is what the flood modeling  
19 shows. Now, it may not be true. It is a projection,  
20 and it is the best we have to work with. Okay? We are  
21 trying to use, you know, what we understand and work  
22 from there. That's what we are trying to do.

23 MALE VOICE: Whose flood modeling are you  
24 talking about?

25 MR. MILCZAREK: This flood modeling was done by

1 our team and we --

2 MALE VOICE: Based on what data? '97? Which  
3 is a one in 100-year event?

4 MR. MILCZAREK: No, no. This is a 25-year  
5 event. We have got 30 years' worth of data,  
6 precipitation data, and Stream Gauge data that we used  
7 to build the model. Okay? If you have specific  
8 questions, David is here to answer questions.

9 But getting on to this map. So in this site we  
10 said, okay, we are building Site 5 and there's no  
11 additional structures above Site 5 farther up Dry Creek.  
12 And we tried to take a 25-year flood and we take it down  
13 to a five-year flood event. Okay? Which is what really  
14 needs -- Dry Creek needs to come out to help keep the  
15 flooding down. If you see blue, that is the additional  
16 area that would flood. And this is the peak. Okay? So  
17 this may happen just for a couple of hours, then it is  
18 going to go down from there.

19 And we will be working with the design to try  
20 to figure out how long we can retain water, but it  
21 doesn't mean -- I mean, this is a one-in-25 year event.  
22 Okay? This is what you are looking at.

23 MALE VOICE: You are saying you close the dam  
24 once in 25 years? Is that what you are saying?

25 MR. MILCZAREK: No. Excuse me, sir. This is a

1 flow-through structure. This is going to -- the water  
2 is going to come, and if the water is flooding faster  
3 than what the outlet can take, the water is going to  
4 build up behind it. And then it is going to slowly  
5 release it to knock the flooding down.

6           So this is what would happen if you built five.  
7 Now keep in mind, that if you are down below five  
8 you are going to have less flooding. So that red,  
9 wherever you are at, is going to be less. That's what  
10 these maps mean. Okay?

11           MALE VOICE: What site is that? Would you give  
12 us a number?

13           MR. MILCZAREK: Okay. So this is just a  
14 technical study, just looking at things, trying to  
15 figure out which site is best. The other consideration  
16 is how can we use this water, get it into the ground, so  
17 that you folks who are pumping groundwater may have more  
18 water in the long run.

19           MALE VOICE: Is water only retained during big  
20 flood events or is it retained any time somebody wants  
21 to retain water?

22           MR. MILCZAREK: The designs that we are working  
23 off of right now would start retaining water around the  
24 two-year event. Okay?

25           MALE VOICE: What do you mean two-year?

1 MR. MILCZAREK: What I mean by two-year,  
2 25-years, meaning the probability -- about every two  
3 years you are going to have a flood about that size.  
4 And so 25-years is a long time. Okay? Then you are  
5 going to have a big flood in 25-years. But this is what  
6 you are looking at here.

7 So five-year event would be roughly every five  
8 years -- it is going to be smaller than this, okay?  
9 And --

10 MALE VOICE: I'm sorry. Those are data -- the  
11 meteorologist people are telling us the drought out here  
12 may last for another 25 or 30 years. Now, you are  
13 looking at data before we have had the current  
14 situation, right?

15 MR. MILCZAREK: Sir, the report is on the web  
16 site, and you're happy to download it and look at it,  
17 send it to your experts, whatever you want. We are  
18 welcome to hear, and we are happy to hear your comments.  
19 Okay? We have used the period of record that we have.

20 MALE VOICE: Which is what?

21 MR. MILCZAREK: 30 years of data.

22 FEMALE VOICE: We have been here 40 and I have  
23 never seen floods like you picture.

24 MALE VOICE: Re-examine your data, man. I  
25 mean --

1           MR. MILCZAREK: Like I said, you can look at  
2 it, and if you disagree with us, show us an alternative  
3 picture. And that's fine, that's all part of the  
4 process. But I can't get into the details and argue  
5 about it from here, because I honestly don't know what  
6 you need.

7           MALE VOICE: You have an example not very far  
8 from here of what you are talking about doing. At least  
9 what you are talking about right now. It is called the  
10 Farmington flood control dam, right by Farmington, the  
11 City of Farmington. It is a controlled release. It  
12 backs up water then it shoots it out and it doesn't  
13 store it for irrigation.

14          MR. MILCZAREK: Correct.

15          MALE VOICE: And that's what you are going to  
16 do?

17          MR. MILCZAREK: That's what we are talking  
18 about. These are not reservoirs. This is a temporary  
19 situation. Okay?

20                 So Dave can correct me if I am wrong, this is  
21 the maximum amount of water -- the maximum amount of  
22 time right now is going to be four days. We are going  
23 to look at what might happen over seven, eight days to  
24 give more time for the water to be held back and get  
25 used for groundwater recharge. That's what we are

1 looking at. But again, we are just looking at different  
2 sites right now.

3           What this shows you is what will flood without  
4 the dam, what would flood with the reservoir -- with the  
5 dam structure. And again, this is a peak maximum flood.  
6 Keep in mind that like here where it shows no change  
7 between previous -- without the structure and with the  
8 structure, what it means is the water is going to be hot  
9 in that area. Okay?

10           MALE VOICE: You were asked the question where  
11 Site 5 is. Where is that at? You didn't answer that.

12           MR. MILCZAREK: The map where the --

13           MALE VOICE: Where is it at?

14           MR. MILCZAREK: I am not familiar exactly with  
15 the roads.

16           MALE VOICE: It is Claribel Road up on the top.

17           MR. MILCZAREK: There is a map, it is up there,  
18 that shows where all of the sites are. I am sorry, I  
19 don't --

20           MALE VOICE: Yeah, I saw that but I was just  
21 wondering if you knew where that was. Gotcha. Okay.

22           MR. MILCZAREK: Yeah, all right. So -- yes,  
23 sir?

24           MR. LONGSTRETH: You have got -- your benefits  
25 for this are going to be two-fold: One is percolation

1 and one is flood control?

2 MR. MILCZAREK: That's that goal, yes.

3 MR. LONGSTRETH: How much percolation are you  
4 going to get out of three days? Five days? Where are  
5 you going to get percolation? But hold on, let me  
6 finish.

7 So you are going to -- when you percolate,  
8 you are going to ruin the ground. You are going to ruin  
9 it for permanent crops. It will be all right for grass  
10 maybe, but it will be ruined for permanent ground. So I  
11 don't think you are really going to see much percolation  
12 out of this. I think you are farfetched here, and I  
13 don't know where your numbers are there, but I think  
14 you are way out of bounds.

15 Now you have got people percolating in the  
16 almond ground, and I don't think they are going to do  
17 any good either. I could be all wrong, but I doubt you  
18 are going to do any good.

19 That's one thing. Now, the other one is flood  
20 control. So what damage are we seeing from flood  
21 control in Tuolumne where the Dry Creek hits the  
22 Tuolumne? Where is our flood problem? We talked about  
23 this already a minute ago.

24 MR. MILCZAREK: Frederic, do you recall what  
25 the damage was in '97?

1 MR. LONGSTRETH: What's driving this project in  
2 flood control? What's driving it?

3 MR. CLARK: The flood control is the low lying  
4 areas, primarily in Modesto.

5 MR. LONGSTRETH: The low lying areas. So we  
6 are talking around the 99? Around that area, where the  
7 truss passes and the bottom is ten feet off the ground?

8 MR. CLARK: That's part of it.

9 MR. LONGSTRETH: The trailer park there that's  
10 got the trailer park?

11 MR. CLARK: That is part of it as well.

12 MR. LONGSTRETH: The park that is on the south  
13 side of the river there between the 9th Street Bridge  
14 and 99?

15 MR. CLARK: Yes.

16 MR. LONGSTRETH: You know, why don't we just  
17 let that flood? I don't understand what big deal is.  
18 That's flood plain ground, there's no building on that  
19 ground because it is flood plain ground. Why didn't we  
20 let it flood? Now, you are going to take out of  
21 production some very expensive farm ground for you to  
22 control people that -- you know, I am going to get  
23 biased here, but they are not very big contributors to  
24 society, and they may very well be pulling us all down.  
25 So you know what? Maybe it wouldn't be bad if

1 they would move out of that area and not have those  
2 types of situations. Now, that's my narrow-minded look  
3 at the whole situation. But you are going to end up  
4 flooding my ground, which I don't know, you are going to  
5 be paying -- you are going to have to pay me, you are  
6 going to have to reimburse me for the ground that you  
7 ruin, right? That's your plan, right?

8 MR. CLARK: Yes.

9 MR. LONGSTRETH: 60,000 an acre, as it is  
10 today, January 19th (sic), 2022, that's the price today.  
11 But as you have already stated, this started in '79  
12 (sic), here we are in '22, and we are just starting to  
13 move. So this land is going to be worth a hell of a lot  
14 more money by the time you guys actually get around to  
15 making a contract with me.

16 And I have done contracts with public offices  
17 before, they don't do it in one year. It takes four or  
18 five. If we are going to contract out today, and in  
19 five years that's when we see it. Well, you know, in  
20 five years that's going to change again. So I don't  
21 know -- I don't see the real benefits to this program,  
22 and I definitely don't think you are going to get  
23 percolation. It sounds great and the flowers look good  
24 and the bees are buzzing, but I don't think it is going  
25 to work. That's just my comment.

1 MALE VOICE: Thank you.

2 I don't think you want percolation. We are  
3 talking about a creek that in the summertime is  
4 tail-water. It is irrigation runoff. Now are you going  
5 to put all of that in a lake?

6 MR. MILCZAREK: No, I understand that, and I  
7 think -- so to clarify, the --

8 MALE VOICE: Could we give that gentleman a  
9 microphone? For people with hearing impairment, this  
10 does not work.

11 MR. MILCZAREK: Sorry.

12 Is this better? Can you guys hear me okay?

13 MALE VOICE: Yeah.

14 MR. MILCZAREK: Okay, great. So to clarify the  
15 percolation, we are not nearly as far along on that part  
16 of the study as we are with the flood analysis. But  
17 there's many ways to skin the cat, okay? And some of  
18 the things we are looking at is what are the -- what's  
19 the hydrology? What are the characteristics of the  
20 ground in the areas next to each of these sites? Can we  
21 pump the water out over a period of the four to six days  
22 that we have it and get it to that site? If that's not  
23 an option, there's an option of if the water is released  
24 slowly, can there be additional storage at San Pedro?  
25 There's a lot of ways to skin this cat.

1           And I have to disagree with you on your  
2 concepts about percolation. I have been doing it for  
3 roughly 25-years, and have had a lot of --

4           MR. LONGSTRETH: You need another 25 years in.

5           MR. MILCZAREK: Thank you, sir. I guess I am  
6 just not old enough. But you know, I think it is --  
7 look, this is not -- there's no intention to go and, you  
8 know, pick somebody and say, "Dude, you lose, because we  
9 are going to put it here." That's not the idea.

10          MALE VOICE: But that is what will happen.

11          MR. MILCZAREK: Well, I don't -- I tend not to  
12 take those kind of views. Okay?

13          MALE VOICE: But you --

14          MR. MILCZAREK: We can just disagree on that  
15 point. The point is --

16          MALE VOICE: But you don't want the aquifer  
17 affected by irrigation runoff. You don't want to do  
18 that.

19          MR. MILCZAREK: There are definitely --

20          MALE VOICE: I think you are on the right  
21 track. Just build a dam, I mean, somewhere. Buy a  
22 piece of ground and build a dam. We haven't built a dam  
23 in years. You are on the right track, put a dam and a  
24 big reservoir somewhere.

25          MR. MILCZAREK: I am going to pass it back to

1 Frederic. But look, these are all great comments,  
2 folks. And you know, I am open -- we are open to all of  
3 them. We are open to listening, and what we want really  
4 is a win-win because there is --

5 MALE VOICE: You aren't going to get that.

6 MR. MILCZAREK: There's on the order of about  
7 30,000 acre feet at various times, and we don't have the  
8 numbers but it could be anywhere from, say, on an  
9 average annual basis, if we capture some of the bigger  
10 floods, five to 10,000 acre feet, that we can get out of  
11 Dry Creek, that ends up benefiting the community. Okay?  
12 So you need to think about that. And we are not going  
13 to try and go do something that fails, obviously.  
14 That's not the point. And --

15 MALE VOICE: You are on a good start.

16 MR. MILCZAREK: So this is why we are here, and  
17 we are happy to answer questions. Are these all  
18 questions for me or can I turn it back to Frederic?

19 FEMALE VOICE: I have a question for you.

20 MR. MILCZAREK: Yes, please.

21 FEMALE VOICE: We are below what you are  
22 referring to. When was it created and when was it last  
23 updated?

24 MR. MILCZAREK: It was created in 2021.

25 Dave, do you want to take a moment to describe

1 what you did with the model?

2 MR. MUELLER: Sure. Okay. Yeah, so we did a  
3 hydraulic -- hydrologic model -- sorry, if you have a  
4 question for me, probably after her.

5 MALE VOICE: After her.

6 MR. MUELLER: Yeah.

7 MALE VOICE: Oh, yeah, I am not going to  
8 interrupt her.

9 MR. MUELLER: We took the hydrologic and  
10 hydraulic model of the Dry Creek Watershed. We used  
11 NOAA precipitation data. I don't know how long, 30  
12 years, 40 years, and Stream Gauge, that's on -- I forget  
13 where -- Dry Creek Stream Gauge, which has, I think,  
14 30-some years of data on it as well.

15 So if you just look at the Stream Gauge itself,  
16 that will give you what is a ten-year flow, what is a  
17 25-year, what is a 50-year, what is a 100-year? So the  
18 hydrologic model is calibrated to that data. So we have  
19 30 years of data.

20 MALE VOICE: So this was all computer  
21 generated? You didn't talk to any landowners or  
22 anything that had experience in this for the past 100  
23 years?

24 MR. MUELLER: No, but that's a good question  
25 because, you know, there's the issue of model to model

1 calibration and what have you. But at this point it is  
2 kind of -- the point is, it is kind of to look at sites  
3 versus each other; not necessarily to say that, you  
4 know, this is going to flood for sure, because that's --  
5 I know that's not necessarily going to happen. You know  
6 what I mean?

7 So I am, yeah, definitely, going to say that  
8 this is isn't for sure --

9 FEMALE VOICE: Did people go and actually look  
10 at these sites, look at each one of these sites, or is  
11 this all a model? Did you actually go and look at the  
12 sites and see what was --

13 MR. MUELLER: Well, we have topography --

14 MALE VOICE: Have you looked at the properties  
15 that you are going to destroy if you do this?

16 FEMALE VOICE: One of the dams goes right  
17 through the middle of someone's house.

18 MR. MUELLER: I don't think that's right.

19 MALE VOICE: It is on --

20 MALE VOICE: You are dead in the water.

21 MALE VOICE: She's right here. She's right  
22 here.

23 MR. MUELLER: So the exact points of where  
24 they are going to be is -- nothing is set in stone, so  
25 we are not going to -- like, obviously, if there is a

1 home somewhere we are not going to, like, bulldoze it  
2 over and put a big pile of dirt there.

3 MS. MENESES: I have something I would like to  
4 say --

5 MR. MUELLER: We are at a very preliminary  
6 stage, like at the 30,000 foot level.

7 MS. MENESES: Look, I do not have a strong  
8 voice. May I have the microphone?

9 MR. LONGSTRETH: Sure. Walk up there and get  
10 it. I am after her, don't forget. Right?

11 MS. MENESES: Thank you. My name is Rose  
12 Maneses, and I am here to represent my family, which is  
13 a farming family. And we have very deep roots in  
14 Stanislaus County. We believe in preserving farm land,  
15 we believe in preserving people's houses and barns. We  
16 believe in preserving the environment also. And our  
17 position, the position of our family, is that there  
18 should be no dam anywhere on Dry Creek, not up in the  
19 hills, nowhere on Dry Creek. We feel that a dam on Dry  
20 Creek would have too high of an environmental cost. It  
21 would immediately destroy that section of the creek, or  
22 sections, because I hear you are thinking of putting in  
23 more than one.

24 And it is a large section. It would cause the  
25 loss of native habitat for many native species. Not

1 only would animals suffer and die, but the creek itself  
2 would suffer. Dry Creek is a migratory corridor for  
3 many native species, and I watch these animals all the  
4 time moving up and down the creek. And that would be  
5 gone and the creek itself would suffer. Ancient oak  
6 trees would be uprooted and destroyed. And everywhere  
7 you put a dam, the creek would suffer for miles in each  
8 direction, the health of the creek would decline.

9           Dams store heat as well as water, and this  
10 would lead to algae growth and the release of greenhouse  
11 gases, especially methane, which is 20 times more --  
12 worse, I should say, than carbon dioxide. Dams actually  
13 worsen climate change. So if you are concerned about  
14 climate change causing more flooding, sure, put in a  
15 dam, we'll have more flooding.

16           And in regard to flooding and groundwater  
17 recharge, already the county has been delivered a  
18 198-page document that has been written by a hydrologist  
19 and it is focused specifically on the City of Modesto.  
20 And this document should be studied because it is really  
21 exciting, it can show Stanislaus County how to explore  
22 better and more cost effective options for restoring  
23 groundwater.

24           And also Stanislaus County should look at what  
25 other communities have already done. We can look at

1 what Fresno has been doing, with a project called Leaky  
2 Acres. Also, the canals are empty in the winter,  
3 couldn't they be used to channel excess water? And this  
4 would help both flooding and aquifer recharge. You  
5 know, there's no need to put this dam in anywhere. It  
6 would do no good. And Dry Creek itself is special and  
7 it is unique. It is a piece of California. If you  
8 think about it, it is a piece of California like it  
9 originally was. And how many areas do we have that are  
10 like that? And do we want to destroy that or do we  
11 value it? Do we want to protect it?

12           You know, why would anybody want to destroy  
13 something that is so beautiful and so good and for no  
14 reason. For what reason? It would be gone completely.  
15 We need to explore other options. And I have a written  
16 objection that actually has a lot more information that  
17 I would like to deliver. And if anybody would like to  
18 read it, I can get you a copy, too. To whom may I give  
19 it?

20           MR. LONGSTRETH: Can we talk about percolation  
21 again? You are talking about in four or five days  
22 you are going to get enough percolation to make a  
23 difference -- for that percolation to make a difference.  
24 You are talking about the Don Pedro, the Melones, all of  
25 the mountains, all of the land, all of the other bodies

1 of water that are stuck - that are percolating, and we  
2 are not able to keep up with that draft, with our  
3 drafting now. And you are saying adding a couple of  
4 hundred acres is going to fix that problem?

5           The other thing is you are talking about  
6 holding that water back for three to four days so that  
7 we can use this, maybe even transfer it someplace else.  
8 It is a 25-year flood. There isn't any place to put the  
9 water, that's why it has got to go out to the ocean. A  
10 good idea would be to put it in the San Luis Reservoir,  
11 but we can't get that figured out at all. Last time we  
12 had that run the San Luis was dry but we threw it all  
13 out the Golden Gate. So you know what? I don't know if  
14 this is a political objective you guys have got going on  
15 and what your real means are, but so far you have not  
16 told me a good reason to do any of this project at all.

17           MR. CLARK: Would you like me to answer these?

18           MR. MILZAREK: Sure, go ahead.

19           MR. CLARK: And then I will turn it back over to  
20 you. What I suggest is after this, since it is  
21 getting late --

22           MALE VOICE: It is not getting late. We have  
23 questions to be answered.

24           MR. CLARK: Hold on. To can break out and you  
25 guys could actually go -- there is no plan, and I kind

1 of derailed it by trying to what explain what the maps  
2 were. But we could go and you guys could have  
3 one-on-one conversations with each of us.

4 But first of all, thank you very much. I  
5 appreciate your concerns, and I completely agree with  
6 you. I will say that we are not intending to impound  
7 the water. This is not a dam that will hold the water  
8 back --

9 MR. LONGSTRETH: Maybe it is a political  
10 reason.

11 FEMALE VOICE: If it is not to hold the water,  
12 then you don't need a dam.

13 MALE VOICE: How are you going to percolate it  
14 after you hold it?

15 MR. CLARK: It is not long-term. You won't  
16 have a lake --

17 FEMALE VOICE: If you are not going to use it,  
18 you don't need it.

19 MALE VOICE: And how much will it cost, the  
20 whole project?

21 MR. CLARK: Like I said, these technical  
22 details are in the reports, if you go to Stanislaus  
23 county website and pull down the report.

24 So I -- I guess my I am trying to say is that  
25 it is a temporary. And like I said --

1 FEMALE VOICE: It looks pretty permanent when I  
2 look at my backyard and I see it would extend from way  
3 over there to way over there.

4 MR. MILCZAREK: No, I understand that. But  
5 this is -- you are talking a period of -- you know, you  
6 are talking -- first of all, the -- what we are looking  
7 at here is the maximum peak flow, in terms of these  
8 maps. So that's a level in a flooding zone that would  
9 happen over a period of hours at the most. Okay? And  
10 then it is going to go down, it is going to get  
11 released.

12 Now, to your question, these are valid points.  
13 Okay? And that's one of challenges is how long can you  
14 retain the water? Is there a swap that can happen with  
15 storage behind Don Pedro? These are things that are  
16 going to be looked at, okay, down the road.

17 But -- and by the way, as far as Leaky Acres,  
18 goes we are the consultants on the master plan, which  
19 they are redoing right now. So we do have that  
20 experience with groundwater recharge.

21 MR. LONGSTRETH: You know, another thing too  
22 is you stand up here, and we have a political enemy  
23 that's talking to us, and they are usually promising  
24 something a lot less than we are going to get when we  
25 actually see it operate. And this is not just me

1 talking because I have kind of been in this world for a  
2 long time, and this is generally how it happens. You  
3 can talk to MID and they are only going to charge us a  
4 dollar per acre foot. It was free before, but now it is  
5 only going to be a dollar. We are at 34 to 45 bucks,  
6 and we are talking higher numbers than that.

7           It is the standard procedure for a bureaucratic  
8 entity to come up with this idea. And I'm not real sure  
9 just what your motives are, but I don't think it is very  
10 good.

11           MR. MILCZAREK: Fair enough. Yes, sir?

12           MALE VOICE: Yes. I had a chance to look at  
13 the charts. I spent about two hours today going over  
14 the charts, and what's being said here. And as far as  
15 the water recharge is concerned and the acre feet that  
16 they are speaking of, it turns out in California the  
17 average acre foot of water costs \$70. That's the  
18 average in all of California. If you go down to Fresno  
19 county, in the wetlands, you can pay up to \$1,200 per  
20 acre feet.

21           If you look at the total cost of the project  
22 and how much water they are going to get every 25 years,  
23 it is going to cost -- at Site 2. I don't know where  
24 you've got Site 2. I saw 4 and 5. Site 2 is going to  
25 cost \$2,875 per acre foot. Site 15 will cost \$4,235 per

1 acre foot. Site 5 is going to cost \$2,477 per acre  
2 foot.

3 MR. MILCZAREK: Excuse me. Excuse me. This  
4 is -- that's for one event. Okay? We are talking  
5 about, you know --

6 MALE VOICE: That's for the event -- you were  
7 giving 25, this was a year for 2500 -- or a 25-year --

8 MR. MILCZAREK: I understand that, but there's  
9 flood waters during the intervening 25-years. And as  
10 far as the costs of water, I would point out, I believe  
11 Kettleman City just paid on the order of \$1,200 an acre  
12 foot to get some water, as of last month.

13 MALE VOICE: Buena Vista Water just paid -- no,  
14 Fresno county, that was wetlands. Kern County, yeah,  
15 they paid \$1,000 per acre foot, just paid that.

16 MR. MILCZAREK: King county.

17 MALE VOICE: But this is much higher. This is  
18 three or four times more than that.

19 MR. MILCZAREK: Right, but we are not comparing  
20 apples to apples. Okay? Because what you are referring  
21 to in terms of the volume of water is what's going to  
22 happen from one event. So you have to look at  
23 everything over time. That's what --

24 MALE VOICE: You do understand --

25 MR. MILCZAREK: But I hear your point, you

1 know, and these things will get looked at --

2 MALE VOICE: There will be less water, not more  
3 water. It's totally destructive --

4 MR. MILCZAREK: Yes, sir?

5 MALE VOICE: You had mentioned earlier -- you  
6 base all of this on this 25-year event. But you  
7 mentioned earlier that these things would have a high in  
8 them, and as soon as that event lapses then that water  
9 is out of there. But then you started talking about a  
10 two-year thing. So are these things going to hold water  
11 when there is no event? Is it going to go back to  
12 exactly the way it was?

13 MR. MILCZAREK: No, no, they will not be  
14 holding water when there's no event.

15 MALE VOICE: Zero?

16 MR. MILCZAREK: There is not retention when  
17 there is not a flood event.

18 MALE VOICE: None? Even the two-year thing you  
19 were talking about?

20 MR. MUELLER: Well, it is -- again, at this  
21 stage we are kind of at -- again, kind of at a 30,000  
22 foot level, trying to compare sites to each other for  
23 feasibility purposes. And primarily, we are looking at  
24 a lot of the flood control aspect of it. Now, when it  
25 comes to water recharge, when that is developed a little

1 better there's lot more that gets into that as far as  
2 the type of soils and where we can put it. But we are  
3 not going to just use the recharge in a singular storm  
4 event.

5           There is a possibility for any rain event at a  
6 certain level, then you can take off some of that, and  
7 that's -- that's kind of the second part of this, is you  
8 can capture some of that water; either put it in the  
9 aquifer or spin it out in different areas. So --

10           MALE VOICE: So you are going to --

11           MR. MUELLER: So not only just the one storm  
12 event so --

13           MALE VOICE: What different areas are going to  
14 spin it out to?

15           MR. MUELLER: Well, that's something that is  
16 still being developed.

17           MR. MILCZAREK: It's not known yet.

18           MR. LONGSTRETH: With a flood event, there's  
19 not a whole lot of places that can take water.

20           MR. MUELLER: Well, if it is behind the dam,  
21 then it is there.

22           MALE VOICE: Which dam is that? Which dam are  
23 you talking about now?

24           MALE VOICE: -- shows it is percolated, but it  
25 is not good percolation.

1 MALE VOICE: So you are talking about 1997.  
2 You keep talking about that. 1997, Dry Creek was a  
3 minute part of the whole situation that happened. When  
4 you've got three dams that are dumping into the San  
5 Joaquin River, and it starts backing up from the San  
6 Joaquin River working its way up. It naturally happens  
7 that way.

8 Now, in 2017 was another big event. It was a  
9 large rain fall, Dry Creek had a lot of runoff. But Don  
10 Pedro dropped back its flows and everything --

11 MR. MUELLER: 9,000 CFS.

12 MALE VOICE: -- and everything, and everything  
13 went out fine. I was in the EOC for the whole thing,  
14 and there was no issues. So we are concentrating only  
15 on 1997?

16 MR. MUELLER: No, no. That's just used as kind  
17 of a calibration event.

18 MALE VOICE: That's not what you said --

19 MALE VOICE: That's once every 100 years.

20 MR. MUELLER: Right, but that's good data to  
21 calibrate the model on.

22 MALE VOICE: You can spend millions of dollars  
23 doing a lot better than you what are talking about.

24 MALE VOICE: You need to go home and eat  
25 popcorn.

1           MR. LEAMON: Dave Leamon, Stanislaus County  
2 Public Works Director. This project has been wanted for  
3 a long time by the region. There's no nefarious plot  
4 here. Our friends down in the lower San Joaquin River  
5 basin, down in the City of Stockton, are interested in  
6 this project because Dry Creek is the last, largest  
7 uncontrolled flow on the San Joaquin River basin. The  
8 part that I am a little surprised about is -- we are  
9 about a million acres county-wide. We get almost a foot  
10 of water in a normal year. And if we can keep  
11 10 percent of our water right here in the county, we get  
12 to use it, and it is going to be Dry Creek maybe, but  
13 now we are hearing tonight that people don't like Dry  
14 Creek. We need to stop water on Little Salado. We need  
15 to stop water on Salado Creek, we need to stop on  
16 Hospital. Every creek we have got, we need to slow that  
17 water down and try to keep more of it around here.

18           MR. LONGSTRETH: How are you go to keep it  
19 around here --

20           MR. LEAMON: The State Water Board -- excuse  
21 me, sir. Excuse me, sir.

22           MR. LONGSTRETH: You have a got a flood event  
23 and you are going to keep the water here? That doesn't  
24 make sense at all.

25           MR. LEAMON: We need them all. You know, the

1 State Water Board is working on taking our water, aren't  
2 they?

3 MR. LONGSTRETH: San Luis Reservoir, you can  
4 keep it, but you ain't going to keep it around here.

5 MALE VOICE: I think with -- hold on.

6 MR. LEAMON: So what I am saying is, let's look  
7 together as a community at how do we keep more of our  
8 water right here. Slow the quarter down and keep a  
9 little bit more of it here.

10 MALE VOICE: I think you missed the point. It  
11 has nothing to do with the percolation. You said  
12 earlier you have got grant money for disadvantaged  
13 communities. Have you guys, in your studies, have you  
14 valued the properties that are in danger versus the  
15 value of the properties that are going to be destroyed?  
16 Is that in your studies?

17 MR. LEAMON: That is in the Regional Flood  
18 Master Plan. We can also talk about that too you.  
19 Know, the flood portfolio --

20 MALE VOICE: You haven't answered the  
21 question --

22 MALE VOICE: Have you --

23 MR. LEAMON: Yes, yes, as part of the larger  
24 study. So the Regional Flood Management Plan, it is in  
25 another couple of binders besides this one, there's a

1 bunch of things that are in there that we would, as a  
2 region, as a river basin we have talked about.

3 MALE VOICE: You are still not answering the  
4 question.

5 MR. LEAMON: What's the question, sir?

6 MALE VOICE: The value of the properties in  
7 danger, the disadvantaged communities versus the value  
8 of the agricultural land that's going to be destroyed.  
9 What's the numbers?

10 MR. LEAMON: That is absolutely one of the  
11 projects in the RFMP.

12 MALE VOICE: Do you have it?

13 MR. LEAMON: It is online.

14 MALE VOICE: Well, open it up and read it. I  
15 want to know, which one is worth more?

16 MR. LEAMON: We haven't done that study. But  
17 it is a study inside the Regional Flood Management Plan.

18 MALE VOICE: And how much is the grant money  
19 you guys received?

20 MR. LEAMON: \$250,000.

21 MALE VOICE: And there's more coming.

22 MR. LEAMON: We don't know. That's the thing.  
23 So there's nothing happening today other than the study.  
24 The county has no flood money to further study these  
25 things --

1 MALE VOICE: I have a feeling that 50 or 60,000  
2 an acre is going to cost you a lot more than what those  
3 homes are worth.

4 MALE VOICE: I agree.

5 MALE VOICE: Those could be all parts and then  
6 flood. Take the homes out.

7 MALE VOICE: Yeah, right.

8 MR. LEAMON: All of these are valuable  
9 comments. We would really appreciate it if you guys  
10 would fill out a comment card for us.

11 MALE VOICE: Believe me, we are going to.

12 MALE VOICE: These are not comments, they are  
13 questions.

14 MR. LEAMON: Leave us questions, too.

15 MALE VOICE: You have somebody here who wants  
16 to talk, too.

17 MR. FEENEY: Safely -- it is safe for me to  
18 say that in this whole room, I was probably one of the  
19 few people that stood waist deep in wastewater that got  
20 up above my waders. I, Jim Feeney, licensed general  
21 contractor for 40 years, CSLB 609848, you can look me  
22 up. I own a piece of property at 910 La Loma Avenue. I  
23 am not in the flood plain.

24 In 1997, I was doing a 203(k) HUD loan  
25 evaluation on a house. This same property which is down

1 in the low lying area off of Hatch Road. These people,  
2 they were just so excited to move in. Well, their hopes  
3 were dashed because of the flood water. I do understand  
4 flooding.

5           And I was just a consultant on this one  
6 particular house. I walked it, I evaluated the walls,  
7 we cut the drywall up four feet. I was working with a  
8 restoration company. They did all of the onsite work  
9 and came up with the numbers, and I submitted them with  
10 my report and -- to a financial institution, and we went  
11 from there.

12           Now, my question is, these maps are taken at  
13 30,000 feet? Is that what I heard, the 30,000 foot --

14           MR. CLARK: It means a very preliminary study.

15           MR. FEENEY: I understand that.

16           MR. CLARK: The 30,000 means just very  
17 preliminary.

18           MR. FEENEY: I know what that means, sir.

19           Now, my question is, at what height -- what  
20 elevation were these taken?

21           MR. CLARK: I am not sure of the question.

22           MR. FEENEY: Okay. You have a plane, you have  
23 a drone --

24           MR. MUELLER: Oh, yeah. The elevation data was  
25 LIDAR from, I think it is, 2018.

1           MALE VOICE: 20 -- no, the elevation above  
2 land.

3           MALE VOICE: What altitude --

4           MR. FEENEY: Altitude.

5           MALE VOICE: Over sea level, that's what he's  
6 asking.

7           MALE VOICE: How far up above the land were  
8 these taken?

9           Okay. Let me rephrase it. Let me -- let me  
10 rephrase it. It is -- from all appearances, you appear  
11 to be at the 10,000 foot or 100,000 foot level looking  
12 down on this project. I am visually impaired, low  
13 vision, but I can see in the weeds. And I bring the  
14 weeds up because you are missing the big picture.

15           The big picture is the riparian corridor all  
16 the way from where Dry Creek starts, all the way down to  
17 the rivers. And with the sediment goes the nutrients  
18 that all sorts of birds, mammals, and fish rely on, and  
19 they have relied on these for eons, long before we were  
20 thought of. Long before the indians that have come here  
21 that used to live here thought of.

22           Now here we have possibly some Native American  
23 sites that are going to be gone for good unless you are  
24 doing sound -- or radar penetrating -- ground  
25 penetrating radar -- you know, there are grinding

1 stones, there are lots of things that -- and in 19 -- in  
2 2001, one week after 9/11, a couple of people in this  
3 room and I were in front of the city council. We went  
4 in front of the planning commission, board of  
5 supervisors. There was a project called, it is now  
6 Monterosso Park. Monterosso Park was at the end of  
7 College -- Coffee Road, right there at Scenic, and it  
8 starts and goes east. And that is an uninterrupted  
9 riparian corridor. Those trees have been surveyed by  
10 Grover Landscaping in, I think it was 1988, and there is  
11 a survey map for those trees. We know the value of  
12 those trees, how old those trees are in today's time.

13 All of that -- all of the weeds, all of the  
14 infrastructure, all of the gravel, everything down there  
15 is going to be interrupted -- permanently interrupted,  
16 and I don't think it is fair. And there are many people  
17 in this room don't think it is fair.

18 Now, there are some people in this room that  
19 would not like to hear what I am about to say, and  
20 there's some in the ag industry that have taken their  
21 huge straws and they are sucking out the aquifer, and  
22 there is no control of it yet, and there's no  
23 regulation. That's what we need first. Control the --  
24 prevent the aquifers from collapsing. When there's so  
25 much water that leaves it, those aquifers are going to

1 collapse, just like down in the Delta Mendota area, to  
2 where -- and I have seen the pictures and all of you  
3 gentlemen have seen the pictures of the telephone poles  
4 being at the top of where the canals used to be, but now  
5 they are 29 feet down because the aquifers have  
6 collapsed.

7           When the aquifers collapse, that's it. What is  
8 going to happen to Modesto and the surrounding areas?  
9 What's going to happen to the farm land? There's so  
10 much that's at stake here, and you have blinders on.  
11 You have blinders on. And I stood in those flood  
12 waters. I stood --

13           MR. LEAMON: Sir. Excuse me, sir. We don't  
14 have time, I don't think, to listen to everybody for ten  
15 minutes --

16           MR. FEENEY: Okay, but listen --

17           MR. LEAMON: Please leave us your comments.  
18 You know, they are all valuable. This is a feasibility  
19 study. We are not building anything, it is not time to  
20 look at the environmental impacts. We hear you. There  
21 are going to be environmental impacts if we do one of  
22 these projects. But there is no funding for these  
23 projects. There's not even funding to continue to the  
24 next study.

25           MR. FEENEY: I want to finish my comment, sir.

1 I am entitled to finish my comment.

2 MALE VOICE: No, you are not.

3 MR. FEENEY: Well, somebody doesn't agree with  
4 some of the things I say. But when this water gets down  
5 and it meets the San Joaquin River, there is a big flood  
6 plain there, and the Mapes Ranch is a big flood plain  
7 now, and they have enabled that water and the birds to  
8 go there, the migratory birds. That's very important,  
9 and you are missing all of this.

10 None of this is going to show up in your  
11 reports. Once the aquifer is compromised, that's it,  
12 and then Modesto is going to change significantly. We  
13 are not talking population increase, possibly a decrease  
14 in population. And the farm land -- the farm land  
15 will -- may be dry farming. It used to be dry farming  
16 before MID. I will stop with my rant. But I am telling  
17 you one thing, you are way up here, and you need to look  
18 down here on the ground and see how it is impacting  
19 things, permanently impacting things, before you even go  
20 for funding before the board of supervisors.

21 MR. LEAMON: There is no funding opportunity at  
22 the board of supervisors. We are just going to ask them  
23 to look at the report and instruct staff at some point  
24 if we continue or not. Do we want these as  
25 alternatives? And you, the public, the people who live

1 out there, need to give us the comments.

2 And I always say this on road projects - we  
3 mostly do roads and bridges at Stanislaus County Public  
4 Works. And we always say, no one knows your ground  
5 better than do you. Right? I don't know your ground,  
6 my team doesn't know your ground, but you do.

7 Please tell us in a comment what are the  
8 obstacles on your ranch that would prevent us from  
9 making that a good alternative. We are out here seeking  
10 information from you, the public. We are not telling  
11 you what it has to be. We want to hear from you to  
12 better inform us, as a community, on is this even a good  
13 idea; and I'm hearing from a lot of people maybe not,  
14 and that's fine. We are not sold on this. We are just  
15 presenting alternatives and looking at it together.

16 MALE VOICE: When will you have hard numbers on  
17 actual costs? Installation, maintenance, condemnation?  
18 When will you have actual financial estimates of what  
19 this --

20 MR. LEAMON: That's two studies away. That's  
21 when we get to the design and engineering and  
22 environmental. And we are not there yet. We are just  
23 looking at this from a feasibility study standpoint.  
24 Does -- do these projects -- can they even do something  
25 this valuable? And the question might be yes, it might

1 be no, but we are still looking at it.

2 MALE VOICE: Can we break to the sites so we  
3 can --

4 MR. LEAMON: Yes, please. Why don't we do  
5 that.

6 MALE VOICE: I think that would be helpful.

7 MR. LEAMON: Thank you, sir. Good suggestion.  
8 Let's all break to the work stations, and if you have  
9 questions for staff on that site, please let us know.

10 (Discussion held off the record)

11 MR. LONGSTRETH: Mr. Stenographer, how do you  
12 want to start? Do you want my name and all of that  
13 crap?

14 THE REPORTER: Go ahead and write down your  
15 name and I will take your comment.

16 MR. LONGSTRETH: First of all, I don't think  
17 this is very feasible. This project is depending on two  
18 benefits: The first benefit is percolation. There's no  
19 way the water is going to be held behind these dams long  
20 enough to create any -- and cover enough land, to create  
21 enough percolation to make this worthwhile.

22 The only way this could work, if you are going  
23 to use percolation, is if it is going to be bigger or  
24 held a lot longer; both of which they are telling us is  
25 not going to happen. You know, a lot of these things

1 are told to me from public offices, and they don't come  
2 true. Usually it is a lot worse than what we are told.  
3 And I am going to think that that's what this is all  
4 about.

5           The next thing is this is supposed to be  
6 protection to low lying areas that are being occupied by  
7 under-privileged people. You know, these low lying  
8 areas are all designed so they are in the flood plain.  
9 A lot of these may have mobile home parks, and that's  
10 why they are mobile home parks because they can't build  
11 on them. I have seen businesses build on these low  
12 lying areas and they are built ten feet off the ground  
13 and they vacate when it floods. That's what that area  
14 is designed to do.

15           But yet you want to take expensive ag land and  
16 flood it periodically enough so that it is not  
17 productive. So I see no benefit from this, and I see  
18 nothing but great loss and great cost.

19           The only other thing I can believe is  
20 California is a real political wheel; and there's some  
21 politics involved in this. I don't see the benefits,  
22 short-term or long-term. If you want to store the  
23 water, you are not going to store the water in a 25-year  
24 flood in some place close by, it ain't going to happen.  
25 Because everything else is wet, everything is

1 underwater. Where are you going to put this water you  
2 are trying to pipe off somewhere? Your best bet is to  
3 put in the San Luis Reservoir. Let it flow down, put it  
4 in the San Luis Reservoir, which you didn't do last time  
5 it flooded.

6 So I don't see where your motives are here. I  
7 really don't like this at all. I am very much against  
8 it. And it doesn't matter who is doing the models or  
9 what your projections are, there's no -- I see no  
10 benefit. There you go.

11 (Discussion held off the record)

12 MR. JAMES FEENEY: The biggest thing -- concern  
13 to me and to all of us is the sustainability of the  
14 aquifers. The aquifers will not last as we know them,  
15 where they are sustaining many different families, farm  
16 families, they will not last. When too many straws are  
17 stuck in the ground, the proverbial straw in the ground,  
18 especially the straws on almond orchards, walnut  
19 orchards, whatever orchards are adjacent to the river,  
20 they are getting free water from that river because the  
21 aquifer is being charged at the river. And they are  
22 just sucking river water and they are not paying a dime  
23 for it.

24 Now, I did not make friends in this room when I  
25 made that comment, and I knew it would be controversial.

1 But there is a gentleman, I think he's deceased now,  
2 Vance Kennedy, hydrologist. He has some profound things  
3 that he's written about recharging the aquifer. And the  
4 City of Modesto keeps adding the land -- annexing the  
5 land. And in doing so, all of this prime farm land is  
6 gone forever. The excavators come in, they take off the  
7 layer of good soil and they sell it off and then they  
8 put in the businesses. Now, I am still a general  
9 contractor and I believe in commerce, very strongly in  
10 commerce. I don't want things to come into the way of  
11 commerce, but we have to do it in a responsible way.  
12 Sustainable way. That's my comment.

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STATE OF CALIFORNIA        )  
                                  (        ss.  
COUNTY OF STANISLAUS    )

I, ERIC L. JOHNSON, do hereby certify that I am a licensed Certified Shorthand Reporter, duly qualified and certified as such by the State of California;

That the said proceeding was by me recorded stenographically at the time and place herein mentioned; and the foregoing pages constitute a full, true, complete and correct record of said proceeding;

That I am a disinterested person, not being in any way interested in the outcome of said action, or connected with, nor related to any of the parties in said action, or to their respective counsel, in any manner whatsoever.

DATED: FEBRUARY 23, 2022



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Eric L. Johnson, RPR, CSR 9771