To The California Water Commission

Re; Resolution of Necessity No 2011-11

Commission Members and Staff

Thank You for the opportunity to comment here today.

I am Steven Mello, owner of land described as DWR Parcel No. DCAP 207, APH 156-0030-018-0000. I farm this land as well as other land that I own and lease in the Delta. I am President of Relamation District 563 (RD 563) where this land is located. I served for 8 years on the Delta Protection Commission as a Commissioner, several of those years as vice-chair. I am currently serving as a director on the North Delta Water Agency (NDWA). I am also a member of the Board of Directors of the Central Valley Flood Control Association.

I am very concerned about any isolated facility being built that would allow Northern California water to be diverted to areas south of the Sacramento/San Jouquin Delta without first flowing through the Delta. I will oppose the building of any such facility.

This Resolution of Necessity, if allowed would make it easier for such an isolated facility to be built, without first fully considering the negative socio-economic impacts to the Delta Regions' businesses, schools, special districts and property owners.

I do not believe it is appropriate or legal that condemnation be used prior to a project being fully

vetted through the California Environmental Quility Act (CEQA) and the National Environmental Protection Act (NEPA) processes. Only upon completion of the Environmental Impact Report (EIR) and the Environmental Impact Statement (EIS) to comply with CEQA and NEPA that would fully vet all concerns, mitigating impacts that can not be avoided should condemnation be considered. Only when a specific project is authorized and funded is condemnation an appropriate tool for the acquisition of property to carry out that project.

The CEQA and NEPA processes are important so that property owners know how their property will be impacted by a specific potential project.
I asked several questions to California Department of Water Resources (DWR) staff, Carolyn Dabney & Tom O'neil way back in the early summer of 2010 when we met at my office in Walnut Grove. They referred me to Rebecca Nicholas with whom I spoke on the telephone. While these are all nice folks just trying to do their jobs, none of my questions were ansered to my liking. Some of the questions, I was told could not be ansered by them.

The list of questions I asked follows.

For RD 563

You have not yet contacted RD 563. RD 563 has a permit process for boring under channels and levees. Some of the concerns of RD 563 are;

1. How close and deep do you intend to bore by the levee?
2. Will there be borings in the channel and on the levee?
3. Will there be a surety bond to deal with potential damage to island infrastructure and or flooding?
4. Will you pay district legal and engineering costs to process your permit application?
5. Will you comply with the provisions of proposition 218 by paying local assessments?
6. How can this process comply with CEQA by declaring a Mitigated Negative Declaration when you do not yet know Reclamation District and landowner concerns?

For Private Property Owners

Some of my concerns are;

1. How wide of an easement will be required for your pipeline and what will you pay for it?
2. How will this easement impact our surface rights and mineral rights? (water wells, building improvements, permanent crops, gas wells, seismic studies

for gas exploration, etc.)

3. Do you intend to pay my legal fees? A $500 payment will not cover them.
4. Borings for your geo-technical purposes have caused artesian type springs before. For how long will you agree to continue dealing with them and paying for economic losses from them?
5. Have you contacted the Companies that explore for, drill for, produce and ship natural gas from and across the Delta?
6. There are a myriad of other concerns that need to be dealt with!

My parents were children of immigrants to the United States from Portugal. My parents grew up poor before marrying and raising a family that ultimately grew to six children. My parents worked a lifetime to create a legacy to pass down to their offspring and future generations. That legacy depends on water. I believe that the lack of process in determining the impacts to the Delta of building an isolated water conveyance system that by-passes the channels that water historically flowed through is an affront to their memory.

Please deny this request by DWR for a Resolution of Necessity until such time that all of the concerns of Delta property owners,

special districts and business interests have been properly addressed

Thank You for considering my comments and concerns.

Sincerely,

Steven Mello

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