



CALIFORNIA CENTRAL VALLEY
FLOOD CONTROL
ASSOCIATION

<i>Executive Director</i>	MELINDA TERRY
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January 20, 2012

Anthony Saracino, Chair
CA Water Commission
1416 – 9th Street
Sacramento, CA 95814

SUBJECT: Procedure for Public Comment

Dear Mr. Saracino:

The California Central Valley Flood Control Association (CCVFCA) respectfully objects to the CA Water Commission (Commission) limiting the number of speakers on agendized items for eminent domain proceedings to only two speakers on behalf of the landowner of the particular parcel under consideration.

In reviewing the "Procedure" document dated August 17, 2011, page three says, "All affected landowners and *any other members of the public may appear and speak* to the Commission" and page 4 again states, "The Commission will accept public testimony from the landowner and *any other member of the public who appears at the hearing.*" Both of these opportunities for any member of the public to speak is specifically indicated as part of the "Consideration of Evidence in support of Resolution of Necessity" and therefore ***does not*** limit the speaker to only provide general comments on the eminent domain proceedings, but is clearly intended to allow ***all*** members of the public to comment on ***each*** Resolution under consideration.

The permanent and serious nature of these actions and their potential to affect other landowners (neighbors, farm lessees, easement holders such as RDs, mineral rights owners, etc.) is an appropriate reason for the existing Procedure to allow for "All affected landowners" and "any other members of the public" to appear and speak on each Resolution. Furthermore, stifling full public debate to only two parcel owner representatives on each Resolution is ***not*** consistent with the intent of the Commission expressed on page two of the August 17, 2011 Procedure to: "provide a transparent and well-defined process," "ensure all legal requirements have been met," and to ensure "**affected and interested parties are provided due process.**"

With all due respect to the owners of the properties proposed for condemnation, they are not the only affected parties or interested parties, as there are others (mentioned above) with issues associated with DWR's proposed actions that should be fully vetted and considered by the

Commission prior to making decisions on any Resolutions of Necessity. To date, nearly all (and maybe all) of the Resolutions for Necessity are for parcels located within the 300,000 acre boundary of the North Delta Water Agency. In addition, many of the locations of individual drill borings, test pits, and cone penetration test sites appear to be located in or near the easements enforced by local Reclamation Districts and may pose a significant risk to the levee stability. Therefore, both the North Delta Water Agency and the members of the CA Central Valley Flood Control Association are interested parties *and* affected by the decisions made by the Commission on individual Resolutions of Necessity.

In closing, as part of the Commission's intent to provide due process for all, we formally request that the August 17, 2011 "Procedure for Eminent Domain" be followed by allowing **all affected and interested parties** to provide testimony on any of the Resolutions under consideration. Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "Melinda Terry". The signature is fluid and cursive, with a large loop at the end of the last name.

Melinda Terry,
Executive Director