

MEETING  
STATE LANDS COMMISSION  
STATE OF CALIFORNIA

ORIGINAL

STATE CAPITOL  
ROOM 437  
SACRAMENTO, CALIFORNIA

WEDNESDAY, AUGUST 3, 1994

4:00 P.M.

Nadine J. Parks  
Shorthand Reporter

MEMBERS PRESENT

Gray Davis, State Controller, Chairman

Leo T. McCarthy, Lieutenant Governor, Commissioner

Theresa Parker for Russell S. Gould,  
Director of Finance, Commissioner

Staff:

Robert Hight, Executive Officer

James Trout, Assistant Executive Officer

Jack Rump, Chief Counsel

Jan Stevens, Deputy Attorney General

Curtis Fossum, Senior Staff Counsel

Paul Mount

Peter Pelkofer

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## P R O C E E D I N G S

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CHAIRMAN DAVIS: We'll gavel this session of the Lands Commission meeting to order. And I'll note for the record that all three Lands Commission members are present.

Do I have a motion to approve last month's agenda?

COMMISSIONER MC CARTHY: Move.

COMMISSIONER PARKER: Second.

CHAIRMAN DAVIS: It's deemed to be unanimously adopted.

EXECUTIVE OFFICER HIGHT: Mr. Chairman, off the consent item calendar for today is Item C21 and C41, which we would ask pulled; and Item C36, which we would like to put over till the end of the agenda.

CHAIRMAN DAVIS: All right. Without objection, so ordered.

Want to start with the consent calendar?

EXECUTIVE OFFICER HIGHT: We can take the consent calendar as a whole, which is Items C1 through Item C52.

CHAIRMAN DAVIS: Okay. Anyone in the audience who has any objection to the adoption of the consent calendar? Any member have an objection?

COMMISSIONER PARKER: No.

CHAIRMAN DAVIS: Do I have a motion for approval?

COMMISSIONER MC CARTHY: Move approval.

1           CHAIRMAN DAVIS: All right. The consent calendar  
2 is deemed approved unanimously.

3           Next item?

4           EXECUTIVE OFFICER HIGHT: Okay. Item 53, Mr.  
5 Chairman, is the City of Carlsbad, and Curtis Fossum will  
6 present that item.

7           MR. FOSSUM: Good afternoon. My name is Curtis  
8 Fossum, and I am Senior Staff Counsel for the Commission,  
9 Southern California Region.

10           The Commission, over the years, has been involved  
11 in a number of wetlands restoration projects involving the  
12 State's public trust lands. This project is the most  
13 ambitious of those projects to date and is considered to be  
14 one of the most significant coastal wetlands restoration  
15 projects in the United States.

16           In order for the Port of Los Angeles to keep pace  
17 with the expanding Pacific Rim trade, it's necessary that  
18 additional facilities be developed in the Los Angeles  
19 Harbor. Nearly 10 years ago, Batiquitos Lagoon was  
20 identified as the best location along the Southern  
21 California coast to mitigate for the loss of habitat  
22 anticipated by the proposed harbor improvements.

23           Because the project involves expenditure of public  
24 trust revenues by the Port of Los Angeles outside its  
25 granted trust lands, the California Legislature enacted

1 Chapter 1415, Statutes of 1986, which authorized the State  
2 Lands Commission and the City of Los Angeles to, quote,  
3 "take all actions necessary for. . .expansion of the Port of  
4 Los Angeles by the enhancement, restoration, and management  
5 of Batiquitos Lagoon," unquote.

6 The legislation also specifically authorized  
7 expenditure of port revenues and provided that the  
8 Commission is to hold title to the property involved in the  
9 project.

10 Following two years of negotiations, the  
11 Commission, along with the City of Carlsbad, the City of Los  
12 Angeles, Department of Fish & Game, U.S. Fish & Wildlife  
13 Service, and National Marine Fisheries Service, entered into  
14 a Memorandum of Agreement in 1987, setting up the framework  
15 for development of this mitigation project.

16 Over the last ten years, dozens of public meetings  
17 have taken place, in which members of the public,  
18 representatives of public interest groups, and responsible  
19 public agencies have had the opportunity to discuss and  
20 provide input into the project design and environmental  
21 review.

22 Experts in the field of biology, fisheries,  
23 geology, oceanography, and engineering played a crucial role  
24 in developing the enhancement plan.

25 The EIR and EIS were both approved by the lead

1 agencies, City of Carlsbad and the U.S. Corps of Engineers,  
2 in 1990.

3 The California Coastal Commission approved the  
4 project in 1991, and the Army Corps 404 permit was issued in  
5 1992.

6 State Lands Commission approval is the last of 12  
7 federal, state, and local approvals necessary for  
8 construction of the project to begin.

9 Batiquitos Lagoon was once a healthy coastal  
10 estuary supporting shellfish and fisheries as well as  
11 shorebirds and waterfowl.

12 Today, after the impacts of 200 years of human  
13 activities in and around the lagoon, the natural process of  
14 tidal flushing has ceased and the former marine habitat is  
15 degraded to a seasonal lake created by local freshwater  
16 runoff.

17 In the summer and fall months, this lake develops  
18 excessive algal growth, depleting oxygen in the waters, and  
19 evaporating to the point of exposing large areas of dried  
20 mudflats.

21 The project approved by the responsible agencies  
22 provides the placement of jetties in the tidal inlet,  
23 dredging portion of the lagoon to create sufficient depths  
24 to restore a self-sustaining tidal lagoon; contouring the  
25 lagoon to provide a variety of subtidal, tidal, and nontidal

1 habitats for both fisheries and avian species, as well as  
2 placement of nearly 2 million cubic yards of sand on the  
3 sand-starved beaches of Carlsbad.

4 This latter action will both enhance the utility  
5 of the beach for public recreation as well as provide  
6 shoreline protection for the eroding coastal bluffs of North  
7 San Diego County.

8 At the March Commission meeting, you approved the  
9 first and smallest of five Least Tern nesting sites to be  
10 constructed as part of this project. That site has proven  
11 to be the most successful Least Tern nesting site  
12 constructed anywhere.

13 The project will create additional breeding,  
14 nesting, and foraging habitat for three of California's  
15 rarest coastal species -- the California Least Tern, the  
16 Western Snowy Plover, and the Savannah Sparrow.

17 It is your staff's recommendation that the item  
18 before you be approved and submitted.

19 If you have any questions, I'd be happy to answer  
20 them.

21 CHAIRMAN DAVIS: Any questions from the members?

22 COMMISSIONER PARKER: Mr. Chairman, I just have  
23 one question of staff or Mr. Fossum.

24 I noted in your recommendation, then comparing it  
25 to the write-up on page 3, it says that the Commission would

1 need to reauthorize a lease to the Department of Fish &  
2 Game. Is that included in this recommendation that's  
3 included on page 6?

4 MR. FOSSUM: No, it's not. At the time the MOA  
5 was agreed to in 1987, the parties basically agreed that the  
6 City of Carlsbad would be the lead agency for construction  
7 of the lagoon; that the State Lands Commission would hold  
8 title to the property as public trust lands; and that,  
9 ultimately, the Department of Fish & Game -- once the lagoon  
10 was restored -- would take control and manage the lagoon as  
11 an ecological reserve.

12 So, in three years from now, hopefully, you will--  
13 or the Commission will be asked at that time to authorize  
14 the inclusion of our property in an ecological reserve.  
15 Fish & Game does not want to take it until the construction  
16 project has been completed.

17 COMMISSIONER PARKER: Thank you.

18 CHAIRMAN DAVIS: Is there any public opposition to  
19 this project? Any opposition to the staff recommendation of  
20 support?

21 COMMISSIONER PARKER: Move the staff  
22 recommendation.

23 CHAIRMAN DAVIS: All right. Hearing no objection,  
24 the staff recommendation is unanimously adopted.

25 I want to commend the staff for a lot of hard

1 work, all of which is in the public interest. Not always  
2 the case, I might add, but always our intent.

3 (Laughter.)

4 CHAIRMAN DAVIS: In this case, the intent was  
5 realized today.

6 EXECUTIVE OFFICER HIGHT: Item 54, Mr. Chairman  
7 and members, is the adoption of a mitigated negative  
8 declaration to abandon four offshore platforms off of Santa  
9 Barbara. And Paul Mount of the Commission staff will  
10 present that item.

11 MR. MOUNT: Good afternoon, Commissioners.

12 Calendar Item 54 is to adopt a mitigated negative  
13 declaration and approve the abandonment and removal of four  
14 Chevron offshore oil platforms in Santa Barbara County.

15 This approval will result in the removal of four  
16 of the five existing platforms in Santa Barbara County in  
17 State waters. Two of the platforms, Hilda and Hazel, have  
18 been in Santa Barbara County since 1960, and the other two  
19 platforms, Heidi and Hope, have been in the channel since  
20 1965.

21 Commission adoption is required for the mitigated  
22 negative dec, and approval of abandonments is required of  
23 all four platforms and associated pipelines. All comments  
24 received on the mitigated negative declaration have been  
25 responded to, and additional stipulations have been

1 incorporated in Exhibit C.

2 The abandonment and removal process will be  
3 continuously monitored for mitigation measures and enforced  
4 by the State Lands engineers and inspectors.

5 Work is scheduled to begin on their removal in  
6 April of 1995, and to be completed in April of 1996.

7 It is your staff's recommendation that you adopt  
8 the mitigated negative declaration and approve the  
9 abandonment of the four platforms.

10 CHAIRMAN DAVIS: Any opposition from the public to  
11 the staff's recommendation? Any questions from the members?

12 EXECUTIVE OFFICER HIGHT: Mr. Chairman, Lee  
13 Bafalon of Chevron U.S.A. is here. And I don't know if he  
14 wishes to speak.

15 MR. BAFALON: (From the audience) Commissioners,  
16 I just want to introduce myself as a representative of the  
17 applicant and, if there are any questions that you may have  
18 on this, my colleagues and I are here to answer them.

19 CHAIRMAN DAVIS: No, we think the project is a  
20 good one. We look forward to working with you.

21 COMMISSIONER MC CARTHY: Moved.

22 CHAIRMAN DAVIS: All right. Moved and unanimously  
23 adopted. The staff report is unanimously adopted.

24 Okay. Item 55.

25 EXECUTIVE OFFICER HIGHT: Item 55, Mr. Chairman

1 and members, is the application by the Central Coast Water  
2 Authority for a permanent lease of 23 acres across sovereign  
3 lands.

4 As a regression, the Lands Commission acquired the  
5 area in red in 1991 in settlement of some litigation. The  
6 pipeline, which will be the subject of this easement, is  
7 shown in yellow on the three maps. I can't see on the red  
8 whether it's in yellow or black. I think it's in black.  
9 It's the area that skirts the outside of Vandenberg Village.

10 The line actually runs from Kern County through  
11 San Luis Obispo and into Santa Barbara County, and  
12 culminates at Lake Cachuma, which will then serve water to  
13 Santa Barbara County.

14 The total line is 144 miles long. The Department  
15 of Water Resources will operate 102 of the miles and the  
16 Central Coast Water Authority will construct and operate 42  
17 miles.

18 The total cost of the project is \$502 million,  
19 with CCWA's portion being \$129 -- \$129 million.

20 (Laughter.)

21 EXECUTIVE OFFICER HIGHT: The project has had two  
22 environmental impact reports. One was prepared. It was  
23 challenged by the Vandenberg Village Homeowners Association.  
24 A Superior Court Judge in Santa Barbara County ruled that it  
25 was inadequate. A supplement was done.

1           On the second map, that is indicated as items --  
2 as Lines V6 and V7. That EIR was certified and not  
3 challenged by the local agency and, thus, it is that EIR  
4 that is before the Commission today as the basis of the  
5 Commission's action.

6           There is some controversy from the homeowners, and  
7 from the Water District, and I think -- probably at this  
8 point -- if we heard from one of the applicants or the  
9 homeowners, we would get a flavor of what the dispute is.

10           Basically, the homeowners maintain that the EIR  
11 didn't find the least environmentally damaging line, and  
12 they have proposed the line that is shown in blue on the  
13 map.

14           CHAIRMAN DAVIS: Okay.

15           EXECUTIVE OFFICER HIGHT: Go to the applicant  
16 first?

17           CHAIRMAN DAVIS: Yes, let's hear from --

18           EXECUTIVE OFFICER HIGHT: Bruce Burnworth.

19           CHAIRMAN DAVIS: The only person who signed up to  
20 speak in support of the application -- let me withdraw that.  
21 Several people have signed up to be in support of it.

22           Mr. Burnworth, you're first. Would you state your  
23 name and position for the record?

24           MR. BURNWORTH: Thank you.

25           Mr. Chairman and Commissioners, my name is Bruce

1 Burnworth. I'm the Deputy Director with the Central Coast  
2 Water Authority.

3 The Central Coast Water Authority was formed in  
4 1991 as a joint powers authority, which includes nine cities  
5 and public water districts within Santa Barbara County.  
6 CCWA was formed specifically to provide a supplemental water  
7 supply for communities in Santa Barbara County, relying on  
8 the State Water Project.

9 We are here today to request your approval of a  
10 lease across State lands for the purpose of building a  
11 buried pipeline. We are also requesting approval of an  
12 agreement that would result in CCWA restoring sensitive  
13 habitat within the Burton Mesa chaparral reserve near  
14 Lompoc.

15 Our presentation includes four parts. First, I'll  
16 provide a brief introduction, and then Dr. Rosemary Thompson  
17 from SAIC Environmental Consultants will provide a  
18 description of the proposed alignment and the alternates  
19 that we have considered and rejected.

20 I will then review some engineering feasibility of  
21 the alternatives. And, finally, Susan Petrovich, an  
22 attorney from Hatch and Parent will conclude our  
23 presentation.

24 The project currently under construction includes,  
25 as Bob Hight was saying, 102 miles of pipeline to be built

1 by the Department of Water Resources from Kern County to  
2 Vandenberg Air Force Base in Santa Barbara County. CCWA is  
3 currently building 40 miles of pipeline from Vandenberg Air  
4 Force Base to Lake Cachuma.

5 The project will deliver State's water to  
6 approximately 350,000 residents in San Luis Obispo and Santa  
7 Barbara Counties.

8 CCWA has awarded all of its construction contracts  
9 for this project, all six of them. The Department of Water  
10 Resources has awarded approximately 15 of the 30-plus  
11 contracts that the DWR -- for the DWR portion of the  
12 project.

13 The overall construction period is two years, with  
14 full delivery from the project planned for August of 1996

15 In order to minimize the environmental effects of  
16 the project and meet regulatory requirements, most of the  
17 construction has been scheduled to occur outside of the  
18 rainy season and also outside of the bird nesting periods.

19 In some areas, such as near the Burton Mesa  
20 chaparral, these constraints limit construction to a few  
21 months in the summer and late fall -- and early fall  
22 actually.

23 The section of pipeline affected by today's action  
24 is scheduled for construction to begin September 1st, with  
25 completion in mid-October of 1994.

1           During the planning and design process, we have  
2 made extensive revisions to the pipeline alignment in order  
3 to reduce the impact on the environment, while minimizing  
4 the impact on the community.

5           Approximately 80 percent of the pipeline route has  
6 been changed over the last two years in order to minimize  
7 impact to sensitive habitat, property owners, and the  
8 public. In some places, we have had to make -- made  
9 decisions that are best for the environment, yet are  
10 disliked by some of the property owners.

11           In addition selecting the environmentally superior  
12 alternative, we have developed and are currently  
13 successfully implementing an extensive environmental  
14 training and monitoring program to further minimize the  
15 environmental impacts during construction.

16           We have handed out, and I believe you have before  
17 you, a package that is typically handed out to construction  
18 workers and anybody that is to be on the construction site.  
19 That includes materials about endangered species and  
20 habitats that are in the area of construction, as well as  
21 some simple rules about how to take care of the habitat and  
22 preserve the habitat as much as possible.

23           And last, we are required by various regulatory  
24 agencies -- and we are committed -- to complete revegetation  
25 of the construction corridor and -- of the construction

1 corridor itself and also offsite land as mitigation.

2           These revegetated areas will be monitored for up  
3 to ten years in order to ensure successful revegetation.

4           In the Vandenberg Village area, our selection of  
5 the environmentally superior alternative has been met with  
6 opposition from some local residents. Over the last year,  
7 we have attempted to understand the issues some residents  
8 have raised and have worked with the residents to  
9 extensively evaluate the alternative pipeline routes in this  
10 area.

11           During this one-year period, we have had five  
12 personal meetings with the residents in this area, including  
13 some field visits. We have also had four public hearings to  
14 address the Vandenberg portion of the pipeline alignment.

15           The last meeting to discuss this route was last --  
16 about a week ago, a week and a half ago. We met out in the  
17 field to review the latest route proposed by the residents.

18           At this point, I'd like to introduce Dr. Rosemary  
19 Thompson, SAIC Environmental Consultants. She'll describe  
20 the specific route that we're proposing and many of the  
21 alternatives that have been considered.

22           CHAIRMAN DAVIS: If the speakers could try and  
23 keep their remarks within the three-minute time limit that  
24 we ask all speakers before the Lands Commission to try and  
25 observe, we'd appreciate it. I know you've come a long way,

1 and I know this is important, but we have a lot of people on  
2 both sides of this issue that want to be heard.

3 MS. PETROVICH: Would it help if we moved these up  
4 closer (speaking of charts and maps), so you can see them?

5 CHAIRMAN DAVIS: Yeah, it might.

6 MS. PETROVICH: And, Rose, if you want to speak  
7 from over here, and that way you can point to things and  
8 save some time, I think.

9 CHAIRMAN DAVIS: Susan, could you identify  
10 yourself for the record?

11 MS. PETROVICH: Oh, I'm Susan Petrovich. I'll be  
12 the last speaker.

13 DR. THOMPSON: My name is Rosemary Thompson. I am  
14 a senior biologist with SAIC. And I'll try to keep this  
15 very brief, but there's a lot of information to present. We  
16 have looked at many routes that started out that the  
17 original project had come across and went to Tank 6, which  
18 was the dividing line between the Mission Hills extension  
19 and the Santa Ynez extension.

20 When CCWA took over the project, the original  
21 route had gone through a lot of chaparral and oak woodlands,  
22 because DWR had started designing it, and they generally  
23 tried to avoid using existing corridors to avoid conflicts  
24 with those right-of-ways. And, so, we tried to look at,  
25 through mitigation planning, how to reduce these impacts;

1 and, in the design process, found that the tank was not  
2 necessary, so it didn't have to be up on that hill in the  
3 middle of the chaparral.

4           So, we started looking at alternative routes and  
5 chose a number of ones to look at, and a number were  
6 rejected because they were found to be infeasible. One was  
7 Highway 1 from Vandenberg to Lompoc. This one -- Caltrans  
8 has a strictly enforced policy that prohibits lateral  
9 encroachments in their right-of-way, and there would be high  
10 environmental impacts by placing it outside the pavement.  
11 And there are a lot of cut areas where they'd have to cut  
12 back further in order to put a pipeline in. It would take  
13 out a lot of chaparral.

14           And, then, road fill is -- doesn't have the same  
15 bearing capacity as undisturbed ground, and so it could  
16 jeopardize the integrity of the pipeline. There are oil  
17 fields further east. Could have gone on past (indicating),  
18 and then come down much further away, but there are a lot of  
19 hazards in the oil fields, which we'd have to go through in  
20 some areas with contaminated soils and many kinds of old oil  
21 and gas pipelines.

22           And the elevation gets higher as you go east and  
23 would require additional pumping on the pipeline, which  
24 results in a lot more cost.

25           We also looked at a route just to the west of the

1 existing -- the proposed route, which would go through the  
2 back of the lots in Vandenberg Village. That has very low  
3 impact on the native plant communities; but, by going  
4 through the back yards, it would have a much higher impact  
5 on the people. So, it was rejected.

6 A proposed route was selected, and we went through  
7 the supplemental EIR process for that. And it crosses  
8 through the edges of the State Lands management area. It's  
9 in this portion. There's one little corner here, and then  
10 along Burton Mesa Boulevard (indicating on map).

11 By picking this route, we reduced the amount of  
12 Burton Mesa chaparral affected from 30.7 acres down to 1.7  
13 acres. That's a 95 percent reduction. And there's one area  
14 in -- dropping down off of the -- from the houses, going  
15 across this -- through the private parcel, there's a creek  
16 here. We picked a crossing on that stream that was between  
17 the riparian woodland, so there would be no woodland taken  
18 out. And there's no marsh present there, although there is  
19 further downstream where you can see it from the road.

20 We have put in a lot of mitigation measures, which  
21 I'll discuss in just a moment.

22 The other alternatives we have looked at mostly at  
23 the direction and through discussions with the landowners.  
24 And, as you can see, this -- the many, many routes we have  
25 looked at, including coming down through the golf course,

1 following a city street, going through an oil field road,  
2 adjacent to Harris Grade, cutting through the preserve on  
3 old oil field roads that are generally like 15 feet wide or  
4 less.

5 And, then, the most recent route that the  
6 residents have proposed, which comes out and follows away  
7 from Harris Grade Road, and then in the road, down through  
8 the intersection with Burton Mesa Boulevard (indicating on  
9 map).

10 In your package, there is a table which compares  
11 the vegetation losses for each of these alternatives.

12 COMMISSIONER MC CARTHY: Pardon me. Let's  
13 identify that as we talk.

14 DR. THOMPSON: Okay. It's a package that has  
15 Table 1 and Table 2 in it. Table 1 gives all the vegetation  
16 types and Table 2 lists the number of trees that's going to  
17 be impacted.

18 COMMISSIONER MC CARTHY: Thank you.

19 DR. THOMPSON: The -- V6, which goes along St.  
20 Andrews Way, was rejected due to high impacts on the local  
21 residents. It would affect approximately twice as many  
22 homes as the proposed route, disruption of the street and  
23 access to their homes.

24 The V7 route through the golf course was rejected  
25 due to impacts on recreation and residents. It also would

1 affect more than twice as many as the proposed route.

2 The variations on all of these over here  
3 (indicating), they're -- V5 impacted almost as much Burton  
4 Mesa chaparral as the original route. It caused habitat  
5 fragmentation. So, we eliminated that one.

6 V4 has high safety risks. It follows a 60 kV  
7 transmission line. It actually is going between the poles  
8 right down it, and that's a safety risk in trying to put  
9 that in as well as impacting quite a bit of chaparral.

10 And V3 had a large habitat fragmentation. It's  
11 the one that goes out through the center.

12 And V2 has -- it's a very narrow road and would  
13 fragment habitat and take out many oak trees and chaparral,  
14 which is this route across there (indicating).

15 Then, for V1, we have looked at two alternatives  
16 within that one -- following the oil field road over to and  
17 adjacent to Harris Grade; or Alternative "b," of going out a  
18 little bit further, which the residents had proposed, around  
19 an oil well here and then down in through the -- under  
20 Harris Grade Road.

21 In comparing -- oh, the V1 route, the alternative  
22 proposed by the landowners, reduces the impacts of the V1a,  
23 but not to the same level as -- in terms of chaparral and  
24 oak trees -- as the proposed route.

25 And you have those tables which do give the

1 comparisons; the number of oak trees --

2 CHAIRMAN DAVIS: Which is -- how do you have  
3 designated this line here?

4 COMMISSIONER PARKER: The homeowners --

5 DR. THOMPSON: V1b.

6 COMMISSIONER PARKER: -- route?

7 CHAIRMAN DAVIS: Is V1b?

8 DR. THOMPSON: Yes.

9 CHAIRMAN DAVIS: Okay.

10 DR. THOMPSON: V1 --

11 CHAIRMAN DAVIS: V as in victor V as in boy?

12 DR. THOMPSON: V1b being the modified Harris Grade  
13 route. It's the blue line, yes.

14 EXECUTIVE OFFICER HIGHT: Excuse me, Mr. Chairman.  
15 For the record, that alternative was not analyzed as V1b in  
16 the EIR. I want to make sure --

17 DR. THOMPSON: The supplemental EIR -- this route  
18 was brought up during the comments to the draft, but it was  
19 not drawn out. It was only in writing and not clearly  
20 defined exactly where it was. We went out with the  
21 residents a little over a week ago and defined this route,  
22 and have added it to our analysis.

23 In Table 2, showing the number of oak trees, there  
24 are about 96 that could be removed from the proposed route;  
25 and for V1b, the proposed one the homeowners prefer, there

1 would be 155 -- are the two comparisons I would point out to  
2 you (sic).

3 All of these routes have some impacts that's  
4 unavoidable, but we're trying to minimize these as much as  
5 possible and trying to balance the impacts between impacts  
6 to the natural environment and to the human environment.

7 So, the plants and animals versus the aesthetics,  
8 traffic and noise, recreation and land use types of impacts.

9 The last thing I would like to discuss are the  
10 mitigation measures that have been incorporated as part of  
11 this project. And for that, it's the -- this is the pasteup  
12 of all of the engineering drawings with the environmental  
13 mitigations placed on them that the construction contractor  
14 has (indicating) a copy of to work from in the field as well  
15 as all of the monitors.

16 The exclusion zones are in the pink. So, we have  
17 excluded a lot of the corridor. And in doing that, we have  
18 protected 180 oak trees and another 142 within Burton Mesa  
19 chaparral that's been excluded. There are also oak trees  
20 that are -- we call red-flagged. They get big red flags  
21 hung on them and the contractor cannot impact those without  
22 any monetary penalty, depending on the size of the tree, but  
23 up to \$5,000 per tree.

24 We have all of -- as Bruce mentioned -- all of the  
25 construction workers go through environmental training so

1 they understand the sensitivity of all the environmental  
2 issues here. And, then, there are environmental monitors  
3 watching to make sure that they don't do anything that's  
4 outside of what we are allowed to do through all of our  
5 environmental permits.

6 The contractor has -- we have given them monetary  
7 incentives to save trees. All of the trees on there -- the  
8 little blue dots you see are trees that, if they can save  
9 them, they will get paid up to \$2500 per tree, depending on  
10 its size. We have --

11 COMMISSIONER PARKER: Are those trees that would  
12 reduce this number of 96?

13 DR. THOMPSON: Yes.

14 COMMISSIONER PARKER: So --

15 DR. THOMPSON: That is the 96. There are 96 of  
16 those blue-flagged trees.

17 COMMISSIONER PARKER: So, to the extent that they  
18 save those, it would be less than 96 trees impacted.

19 DR. THOMPSON: Yes. That is correct.

20 COMMISSIONER MC CARTHY: I take it, if there were  
21 another route, the same kind of incentive would be offered  
22 to save trees in any of the other routes?

23 DR. THOMPSON: Yes. There are dust and erosion  
24 control measures. The monitors are very careful in watching  
25 for dust. They have already made sure that the contractor,

1 in getting started up, that dust was not a problem. And  
2 they make the water trucks come back in anytime they notice  
3 that dust was being generated.

4 The right-of-way will be revegetated to preproject  
5 conditions, or better, as required by the Fish & Game  
6 Department. There will be no clear zone over the pipeline,  
7 but no trees that will grow large, such as an oak, will be  
8 planted directly over the pipe. But within 10 to 15 feet of  
9 the pipe, you could plant trees. And, so, the canopy would  
10 hang over and, so, you don't have just a clear swath going  
11 down the corridor.

12 There's monitoring maintenance and weed control to  
13 assure success of the revegetation. There's a revegetation  
14 plan that has been approved by the California Department of  
15 Fish & Game. It has criteria in there that must be met to  
16 qualify for revegetation being successful.

17 There'll be no new trails or roads. Access will  
18 be controlled by CCWA during the restoration, so that it  
19 works. And during operations, there will be periodic  
20 inspection of air valves, but those will be done on foot  
21 from existing roads. There will be no equipment necessary  
22 to go in. So, there will be nothing driven up and down the  
23 corridor.

24 And finally, in the packet of things, there are  
25 two color photographs that show work on the pipeline

1 corridor now, before they have gotten to this area up on  
2 Vandenberg Air Force Base, showing the work space. And it  
3 shows they're using about 60 feet out of their 120. And  
4 they have worked right beside trees, oak trees and willows,  
5 in these pictures and not taken the trees out.

6 And now, I'll turn it back to Bruce for the  
7 engineering points.

8 CHAIRMAN DAVIS: I want to again encourage people  
9 to stay within the three minutes, because I'm going to have  
10 to give the same amount of time to the other side.

11 MR. BURNWORTH: I'll be brief. I'd just like to  
12 briefly discuss the feasibility of the latest alternative  
13 route that's proposed by the Vandenberg Village residents.

14 The three main areas of concern that we have --  
15 one is conflicts with other uses along the alignment; the  
16 second area is the delay associated with a change in the  
17 alignment; the third is the cost of the alternative being  
18 proposed by the residents.

19 Initially, when Vandenberg Village residents went  
20 out and looked at the alignment, they could see areas that  
21 were open, clear of vegetation, and they thought this would  
22 be an ideal place to put the pipeline.

23 When we went out there and looked at these areas  
24 with the residents, we found that those clear areas that  
25 were -- didn't have vegetation on them were currently used

1 by pipelines. In some places, we had three or four oil  
2 pipelines, along with a high-pressure gas line in the same  
3 place along this corridor, which would be parallel to the  
4 construction of our trench for our pipeline.

5 COMMISSIONER MC CARTHY: Mr. Chairman? Mr.  
6 Burnworth, are you now referring to the last alternative?

7 MR. BURNWORTH: V1b.

8 COMMISSIONER MC CARTHY: V1b.

9 MR. BURNWORTH: V1b.

10 COMMISSIONER MC CARTHY: That's what you're  
11 describing now.

12 MR. BURNWORTH: Yes.

13 COMMISSIONER MC CARTHY: All right.

14 MR. BURNWORTH: And so, when we were out in the  
15 field, we made some slight adjustments in the alignment in  
16 order -- the alignment being proposed by the residents that  
17 resulted in additional impact to the trees and chaparral  
18 beyond what they had initially thought would be the case.

19 CHAIRMAN DAVIS: So, it would be more than 155  
20 trees?

21 MR. BURNWORTH: The information that Rosie was  
22 proposing included that analysis of the additional trees  
23 that would be damaged and taken out if we had to move the  
24 pipeline over outside of these corridors.

25 COMMISSIONER PARKER: Because of finding that

1 there were competing pipelines already there?

2 MR. BURNWORTH: Right. Correct.

3 And they're not readily apparent, and you have to  
4 go out and -- actually, we talked to the people from Union  
5 Oil that were there -- Unocal -- that were there at the site  
6 when we came. And they told us about the five or six  
7 pipelines, then we could go out and see some small  
8 indications of those pipelines. But we did find them out  
9 there.

10 There are some very severe problems associated  
11 with constructing pipelines -- a large 39-inch pipeline,  
12 which we'll be constructing through this area parallel to  
13 these pipelines (sic) -- with safety of the workers and also  
14 continued operation of the pipelines during construction.

15 So, for that reason, we had to move our pipeline,  
16 or the proposed route that the residents are proposing, away  
17 from these pipelines.

18 Another area of concern along the route was the  
19 use of Harris Grade Road. In order to reduce further the  
20 impacts on Burton Mesa chaparral and oak trees, the  
21 residents were proposing that we construct the pipeline  
22 right down the center of Harris Grade Road.

23 We've looked at that and talked with the County of  
24 Santa Barbara, with the transportation engineers, and also  
25 the permitting engineers. The county is very concerned

1 about taking traffic that's currently on Harris Grade Road  
2 and moving it over, as proposed by the residents, over to  
3 Rucker Road, which is the parallel road.

4 Rucker Road has 31 residents along the road.  
5 Parts of it are very narrow without even a center line  
6 stripe, 16 to 18 feet wide.

7 The county's position on this is that their first  
8 preference is that, instead of moving the traffic over, that  
9 we somehow widen Harris Grade Road from its 20 feet to  
10 something wider than that, so that we can construct the  
11 pipeline and maintain traffic on Harris Grade Road without  
12 moving it over to Rucker Road if we went -- if we had the  
13 pipeline go along this alignment.

14 Naturally, if we did that and widened the  
15 pavement, we'd be taking out the oak trees and the Burton  
16 Mesa chaparral that are right next to the edge of the road.  
17 So, that would not accomplish what -- the desired result.

18 If we did move the traffic over to Harris Grade  
19 Road -- off of Harris Grade Road over to Rucker road, the  
20 county would have to contact those property owners, the  
21 homeowners along Rucker Road, and see what their feelings  
22 were about moving the traffic over to Rucker Road. And,  
23 then, we'd have to probably make improvements to Rucker Road  
24 in order to temporarily handle the traffic on Rucker Road.

25 I have a table for an overhead projector that

1 shows the cost increase. I'll just briefly go over it with  
2 you instead of setting it up.

3 We did a detailed analysis of the cost of the  
4 various alternatives, all the way from -- there are seven of  
5 them here that we analyzed in addition to our own.

6 Our total cost for the two-mile section is \$2.4  
7 million. The alternative V1b, which is the one I was just  
8 discussing, the total cost -- including the cost of delays,  
9 redesign, permitting -- repermitting costs -- would be \$4.7  
10 million or a \$2.3 million increase above what we currently  
11 have designed.

12 In addition to that, we'd have to go back through  
13 with all the regulatory agencies -- and I think Susan will  
14 cover this a little bit -- that we've gotten permission from  
15 so far. And everything's been taken care of. We'd have to  
16 go back through those agencies and get new permits for this  
17 route, and redesign it, which would take six months to a  
18 year, and move construction over either into 1995 or even  
19 1996.

20 At this point, I'd like to turn the presentation  
21 over to Susan Petrovich, who will conclude --

22 COMMISSIONER MC CARTHY: May I ask a question?

23 CHAIRMAN DAVIS: Yes. Excuse me, Mr. Burnworth.  
24 Commissioner McCarthy.

25 COMMISSIONER MC CARTHY: Mr. Burnworth, in all of

1 the alternatives, with the single exception of V1b, which  
2 came in very late -- and you've indicated you went out with  
3 the residents only two weeks, whatever it was, and you tried  
4 to put together some information quickly.

5 Now, leaving that one aside, V1b --

6 MR. BURNWORTH: Right.

7 COMMISSIONER MC CARTHY: -- was equal attention  
8 paid to all of the other alternatives in the EIR?

9 MR. BURNWORTH: I don't think all of the  
10 alternatives were looked at equally. Some of them -- I  
11 think Rosie mentioned one that was talked about, which was  
12 going along the back of the lots themselves along Vandenberg  
13 Village. That one was pretty much dismissed early and --

14 COMMISSIONER MC CARTHY: Which one was that?

15 MR. BURNWORTH: That I don't even think is listed  
16 as one of the alternatives, because it was rejected prior to  
17 that.

18 COMMISSIONER MC CARTHY: All right. Well, looking  
19 at the ones that you formed the charts on here, would you  
20 please give us an idea of which of these alternatives  
21 received approximately equal attention based on the  
22 indicators that you've presented to us as your evidence?

23 MR. BURNWORTH: If I could just briefly talk about  
24 the costs and the engineering aspects, and then Rosie could  
25 talk about the environmental analysis that was done.

1           We did do a cost analysis of each one of the  
2 alternatives, and we did physically go out and review each  
3 one of these alternatives in the field to determine what the  
4 problems would be and what the issues would be with going on  
5 these alternative routes.

6           COMMISSIONER MC CARTHY: Was your comment  
7 applicable to all of the alternatives here?

8           MR. BURNWORTH: Yes.

9           COMMISSIONER MC CARTHY: So, as far as the cost  
10 analysis is concerned, they all received equal treatment?

11          MR. BURNWORTH: Correct.

12          COMMISSIONER MC CARTHY: Okay. Where, in the  
13 information you've given us -- and I'm sure you have -- are  
14 the cost estimates for the other alternatives? You gave  
15 them to us only for the most preferred route and for V1b.

16          MR. BURNWORTH: I'm not sure if they're in your  
17 presentation materials. We do have this overhead.

18          MS. PETROVICH: We can give you the overhead. It  
19 would probably be faster. We'll show you that.

20                 (Thereupon, the overhead projector was set  
21 up to display information.)

22          COMMISSIONER PARKER: There's 10 items. Can you  
23 not just read them off for us?

24          MR. BURNWORTH: Maybe that's the best thing.

25          COMMISSIONER MC CARTHY: If you're expecting my

1 eyes to read that --

2 (Laughter.)

3 COMMISSIONER MC CARTHY: -- I'm greatly  
4 complimented. But it's not likely.

5 MR. BURNWORTH: V1a, which is very similar,  
6 actually, to V1b, was analyzed in great detail in the EIR.  
7 The only difference between V1a and V1b, generally, is what?  
8 Two to three hundred feet of movement one way or the other?

9 DR. THOMPSON: Not very much.

10 MR. BURNWORTH: So, it's pretty close to V1b.  
11 V1b, if you went --

12 COMMISSIONER MC CARTHY: I'm sorry. What's the  
13 news on the cost?

14 MR. BURNWORTH: The V1a is \$2 million -- \$2.1  
15 million more than the Central Coast Water --

16 COMMISSIONER MC CARTHY: Give us the total,  
17 please.

18 MR. BURNWORTH: Okay. Total cost, \$4.5 million  
19 over V1a.

20 V1b, \$4.7 million; V2a is \$4.1 million; V2b is  
21 \$3.5 million; V2c is \$2.7 million; V6 is \$3 million; and V7  
22 is \$2.7 million.

23 And that, again, that's --

24 COMMISSIONER PARKER: The proposed route's cost?

25 MR. BURNWORTH: Is \$2.4 million.

1 COMMISSIONER MC CARTHY: 2.4.

2 CHAIRMAN DAVIS: So, V1b is the most expensive by  
3 far. Not by far, but most. Most expensive.

4 COMMISSIONER PARKER: It's the same, yeah.

5 COMMISSIONER MC CARTHY: And those are your total  
6 cost estimates, construction cost estimates?

7 MR. BURNWORTH: For this two-mile stretch of  
8 pipeline.

9 COMMISSIONER MC CARTHY: Two-mile stretch.

10 COMMISSIONER PARKER: Does this -- do these  
11 estimates, as you said earlier, include delay costs? Are  
12 these delay costs of what you were -- what's in here?

13 MR. BURNWORTH: They include the construction  
14 mitigation costs and also the redesign and repermitting  
15 costs, as well as escalation anticipated over the year of  
16 delay. And those are the three main components of that  
17 price -- that cost.

18 And the escalation costs vary between 40 and  
19 \$200,000. So, that's not a very large portion of it. The  
20 main portion of it is the extra construction costs,  
21 mitigation costs, as well as the extra redesign and  
22 repermitting costs.

23 COMMISSIONER MC CARTHY: Okay. My question is  
24 still hanging out there. So, whoever testifies, I hope  
25 you'll address it. We've gotten the first piece.

1 DR. THOMPSON: Okay. This is Rosemary Thompson  
2 again.

3 For the routes that we analyzed, the V1, V2 --

4 COMMISSIONER MC CARTHY: I'm sorry. What  
5 comparative standard are we talking about now?

6 DR. THOMPSON: In terms of overall environmental  
7 analysis, looking at biological resources, impacts on visual  
8 resources, and those types of things.

9 We looked at all of them equally, but V4, V5, and  
10 V3 got slightly less analysis, because they had more serious  
11 other problems that made them not as likely to be used; V4,  
12 particularly because of its self -- safety hazard with the  
13 power line. And V5, being almost the same as the original  
14 EIR route, had very high environmental impacts. And, so, we  
15 did not give it a lot more analysis.

16 And, then, V3 was fragmenting habitat, and it got  
17 an intermediate level of analysis.

18 And the rest were treated pretty much equally.

19 COMMISSIONER PARKER: So, from your perspective,  
20 the viable routes were V1, V6, and V7?

21 DR. THOMPSON: And V2.

22 COMMISSIONER PARKER: V2.

23 DR. THOMPSON: We also looked very -- at a lot of  
24 detail at V2.

25 COMMISSIONER MC CARTHY: So, we're talking about

1 six routes: V1a, V2a, V2b, V6, V7 -- pardon me -- and the  
2 proposed route. So I count right? There's six. You gave  
3 equal treatment to six routes.

4 DR. THOMPSON: V2 had three sub --

5 COMMISSIONER MC CARTHY: Oh, pardon me. V2c,  
6 also.

7 DR. THOMPSON: V2 had three subdivisions. V1 has  
8 two subdivisions.

9 COMMISSIONER MC CARTHY: Well, you've eliminated--  
10 V1b I guess I eliminated, because it only came to you in the  
11 last couple of weeks, and you gave it what attention was  
12 permitted in that time span.

13 DR. THOMPSON: Yes.

14 COMMISSIONER MC CARTHY: Okay. So, I'm not  
15 putting that in the same category --

16 DR. THOMPSON: Okay.

17 COMMISSIONER MC CARTHY: -- as the others now. I  
18 mean, you made a good-faith effort to look at it in the time  
19 that you had.

20 DR. THOMPSON: So, it would be seven alternatives  
21 got fairly equal analysis.

22 COMMISSIONER MC CARTHY: So, we're talking about  
23 V1a, the three divisions of V2, V6, V7, and the --

24 DR. THOMPSON: The proposed route.

25 COMMISSIONER MC CARTHY: -- preferred route.

1 DR. THOMPSON: Yes.

2 COMMISSIONER MC CARTHY: All right. And as far as  
3 the environmental, visual, biological analysis, which was  
4 roughly equal for all seven of these alternatives, you've  
5 presented us with the vegetation impacts and the estimated  
6 oak tree loss.

7 Is there anything else in our file on this  
8 component -- environmental, visual, biological -- that you  
9 want us to give weight to?

10 DR. THOMPSON: No, we don't have anything else in  
11 your file, other than we did put V1b in this analysis,  
12 because we did go out in the field and we did look at it at  
13 about the same level of detail as I had at V1a.

14 We went through and walked and drove the whole  
15 route, looked at all the oak trees and other vegetation  
16 characteristics, looking at sensitive plants as well, and  
17 potential for important wildlife.

18 So, it also got -- even though it was a short  
19 time, we did spend time working on it.

20 COMMISSIONER MC CARTHY: So, apart from these two  
21 charts, there's nothing you wish to add at this point to  
22 help us weigh this component.

23 DR. THOMPSON: Other than from that chart over  
24 there, you can get some of the visual analysis that some of  
25 the questions that have been raised to us on taking out oak

1 trees behind the houses, and it would disrupt their views of  
2 the oak trees and --

3 COMMISSIONER MC CARTHY: Which route are you  
4 referring to?

5 DR. THOMPSON: The proposed route. And if you  
6 look at where the blue-flagged trees are relative to those  
7 that are marked as being saved or are in exclusion areas,  
8 that they are usually right next to each other. And taking  
9 out one tree with another one right behind it or vice versa  
10 would not affect the visual analysis and make it -- it's not  
11 going to be barren behind the houses and look out to see a  
12 big 125 foot bare swath, because most of the trees will be  
13 left.

14 COMMISSIONER PARKER: Dr. Thompson, the number of  
15 trees impacted on your Table 2 for V1b of 155, does that  
16 assume, as Mr. Burnworth had said, that you would have to  
17 take trees out on either side of Rucker Road as opposed to  
18 going down the middle of it?

19 DR. THOMPSON: Harris Grade Road?

20 COMMISSIONER PARKER: Correct.

21 DR. THOMPSON: No, we did not add in taking out--  
22 if we went along Harris road, and if you could construct it  
23 in the road without having to build a road adjacent there,  
24 the ways the trees are spaced, it could work. And we only  
25 added, I think, about three trees along there that looked

1 like they might have to come out.

2 The rest of the trees could be maintained by  
3 working around them and using the spaces in between to pile  
4 up the excavated materials.

5 CHAIRMAN DAVIS: Any further questions of this  
6 witness?

7 COMMISSIONER MC CARTHY: Are there any other  
8 components you want us to think about, Mr. Chairman? You've  
9 given us the comparative cost analysis. You've given us  
10 the environmental, visual, biological analysis. Are there  
11 any other --

12 I should say at the outset -- my colleagues, I  
13 think, must be tiring of hearing me say this at every State  
14 Lands Commission meeting -- I don't believe we should retry  
15 every policy decision that's made at the local governmental  
16 level.

17 On the other hand, I do believe we should pay a  
18 great deal of attention to what our responsibility is here,  
19 which deals with the public trust. And, in this instance,  
20 because we acquired this land from Unocal in a tradeoff not  
21 too long ago specifically because of the chaparral  
22 uniqueness of this land and, secondarily, the oak tree asset  
23 that's involved in this land, that's what I'm going to focus  
24 on primarily.

25 In other words, I certainly respect the

1 neighbors', the homeowners' feelings about this on and so  
2 on. I'm assuming that they got fair hearings at the local  
3 level. They had a chance to say their piece, and they have  
4 lost among the alternatives that are concerned.

5 We have a responsibility, I feel, as one member of  
6 this Commission, to look at the public trust aspect. And  
7 that's what I'm going to listen carefully to your  
8 presentation about. Okay.

9 MS. PETROVICH: Mr. Chairman, my name is Susan  
10 Petrovich. And if I could just quickly wrap up, I do have  
11 some things that touch on the public trust and the public  
12 benefit, both to the citizens of the County of Santa Barbara  
13 and to those who are interested in your preserve.

14 I'm the supervising attorney who supervised the  
15 environmental review and the State, federal, and local  
16 permitting process. You have a handful of neighbors here  
17 who will tell you that this project hasn't had enough  
18 environmental review.

19 so, I brought along a table. And it's in the  
20 packet with the tables that Miss -- that Dr. Thompson was  
21 reviewing. It's entitled, "CCWA Completed Environmental  
22 Analysis."

23 It lists all of the environmental documents.  
24 Well, it's not all of them even, but it's the ones that  
25 would be of primary interest. And you will note there are

1 almost 4,000 pages of environmental documents. It includes  
2 Fish & Game, and U.S. Fish & Wildlife, and the Corps of  
3 Engineers, cultural and biological. It's a long list. It's  
4 28 documents.

5 Throughout all of the review processes, the Sierra  
6 Club, the Environmental Defense Center, the Citizens  
7 Planning Association, and other environmental watchdog  
8 groups participated actively in this process. Not one of  
9 those groups chose to attack the adequacy of the  
10 environmental review.

11 The sole court proceeding was by one small group  
12 in Vandenberg Village who literally want this project  
13 stopped or out of their back yards, one of the two.

14 When they sued, the court ordered CCWA to go back  
15 and prepare a supplemental EIR, which was to focus solely on  
16 the Vandenberg Village alternatives. And CCWA did that, a  
17 very detailed analysis, a completely separate document  
18 dealing with these alternatives.

19 There is no more environmental review that can be  
20 done, even late in the game when the applicant -- or the  
21 opponents came in with yet another route, it still got  
22 CCWA's complete attention. They immediately went out in the  
23 field and took a look at it, counted trees, and assessed the  
24 impacts on the chaparral.

25 We have yet to receive any evidence that there is

1 a route that is less environmentally intrusive on your  
2 preserve or on the environment in general than this route,  
3 other than the two -- the golf course and the -- going right  
4 down the main street, a residential street, which would have  
5 tremendous human impacts.

6 So, we were trying in this process to balance  
7 those human impacts and the impacts on the natural  
8 environment. And that's one of the reasons why we chose a  
9 route that skirted right around the edge of your preserve to  
10 the greatest extent possible.

11 Incidentally, as Mr. Hight pointed out, the  
12 Vandenberg Village folks did not challenge the second EIR.  
13 The court gave very strict parameters as to what had to be  
14 done, and they did not challenge it. The state of  
15 limitations passed.

16 I believe that's because they knew they'd lose,  
17 and they chose instead to come here and try to get you to  
18 impose a different standard from the standard that CEQA  
19 requires be met by this project.

20 You will also probably hear from these opponents  
21 that CCWA has an ulterior motive in placing the pipeline  
22 near their community, because there's a large tract of  
23 undeveloped land in the community. And they seem to think  
24 that CCWA plans to hook that land up to the pipeline and  
25 serve water, which the owner could not otherwise receive;

1 that we have told them over and over again that that's not  
2 true; that that property owner and Vandenberg Village  
3 Community Services District have no interest in this  
4 pipeline and no right to participate.

5 There's no turn-out plan for anywhere near this  
6 property and anywhere near Vandenberg Village. So, there's  
7 no way physically that this property could participate. But  
8 they are convinced that the further they get this pipeline  
9 deeper into your preserve, the further it will be away from  
10 this vacant piece of property.

11 I would like to review the consequences of acting  
12 as the opponents urge you to do or will be urging you to do.  
13 First, you could disapprove the lease and ask CCWA to seek  
14 an alternative route. That's going to result in delay;  
15 that's inevitable.

16 It took us a year and a half to get these permits  
17 from Fish & Game -- or these approvals from Fish & Game and  
18 Fish & Wildlife Service, and they are concentrating on the  
19 natural environment, not on the impact on people. We would  
20 have to start late in the year again, after the nesting  
21 season. That's all going to be very expensive. And this  
22 will be the only place along the route where this kind of  
23 delay is occurring.

24 The alternatives themselves will increase the  
25 project's cost by several million dollars. Moving the

1 pipeline deeper into the preserve will cause extensive  
2 environmental damage, which will fragment the habitat and  
3 take years and many tens or hundreds of thousands of dollars  
4 to repair.

5           And, I might add, this is a practical concern that  
6 speaks to the issue of the public trust. CCWA is not  
7 legally required to do its offsite mitigation on this  
8 preserve. We offered to do it from the outset. We had to  
9 twist Fish & Game's arm to let us do it on your preserve.  
10 It can be done elsewhere at no more cost than the \$200,000  
11 that we're offering to the Commission for the benefit of the  
12 preserve, in addition to our doing the mitigation. That is,  
13 we're going to be upgrading areas of your habitat that are  
14 degraded and other -- otherwise, you would have to spend  
15 money upgrading.

16           And, then, we're looking at hundreds of thousands  
17 of rate payers. There will be about 250,000 rate payers who  
18 will be impacted by the increased costs. Some of our rate  
19 payers will not be, because they're further north. But  
20 about 250,000 rate payers, who will be paying for the  
21 increased cost, because this project is being paid entirely  
22 out of water rates, not out of general funds of any kind --  
23 that's going to hurt. Santa Barbara County's economy is  
24 still suffering mightily, and that's going to hurt. This is  
25 a very high profile project.

1           CHAIRMAN DAVIS: Can you give us some estimate?  
2 Let's say, for argument's sake, that we rejected the  
3 application and suggested you come back with one of other  
4 two routes proposed -- contemplated in the EIR, and/or did a  
5 supplemental EIR on the route that the neighbors were  
6 proposing.

7           MS. PETROVICH: The best estimate I can give you  
8 are the estimates that Bruce Burnworth included in the table  
9 that he went through.

10           In terms of overall delay, if we're delayed two  
11 years, of course, it's going to be even a higher cost.

12           CHAIRMAN DAVIS: What's the impact to the average  
13 rate payer?

14           MS. PETROVICH: Oh.

15           CHAIRMAN DAVIS: How much per month?

16           MS. PETROVICH: I don't know.

17           COMMISSIONER PARKER: Isn't the entire project,  
18 about \$120 million? So, if we're talking about -- even in  
19 the worst-case scenario -- another \$2.4 million, what would  
20 that mean to -- what kind of impact would that have to the  
21 rate payer?

22           MS. PETROVICH: I don't know. I have not assessed  
23 that.

24           COMMISSIONER PARKER: You know we're talking about  
25 less than --

1 CHAIRMAN DAVIS: Oh, but she made --

2 MS. PETROVICH: (Interjecting) You know, it's  
3 less the dollars. It's the psychological impact on a rate  
4 payer. People's rates are already going up, because the  
5 cost of water in Santa Barbara has gone up and will continue  
6 to go up. It's the impact of the newspaper carrying an  
7 article about even more costs because of --

8 CHAIRMAN DAVIS: Didn't all --

9 MS. PETROVICH: -- the State Lands --

10 CHAIRMAN DAVIS: -- these people vote for it? I  
11 mean, wasn't this whole project subject to a multicounty  
12 vote? The people voted for it.

13 MS. PETROVICH: Oh, yes, the majority of the  
14 voters voted for the project.

15 CHAIRMAN DAVIS: And they knew it was going to  
16 cost them money.

17 MS. PETROVICH: Yes.

18 CHAIRMAN DAVIS: They voted to tax themselves to  
19 get more money.

20 MS. PETROVICH: They sure did.

21 CHAIRMAN DAVIS: That's why here.

22 MS. PETROVICH: They did.

23 CHAIRMAN DAVIS: Okay.

24 MS. PETROVICH: But they didn't -- they did not  
25 agree that cost was no object. And that's the problem when

1 you have expenses that are unnecessary or inappropriate.

2 A route modification will go back through all of  
3 the environmental review. I do not believe for a minute  
4 that Fish & Game and Fish & Wildlife Service are going to be  
5 entranced by the idea that we should have greater impacts  
6 because some homeowners don't like the project near the back  
7 yards.

8 It's going to be a very difficult sell to those  
9 agencies. Fish & Game and U.S. Fish & Wildlife, as well as  
10 the county, who found this consistent with their general  
11 plan with the existing route, were very concerned about  
12 minimizing habitat disturbance.

13 COMMISSIONER MC CARTHY: I'm sorry. I didn't --  
14 Ms. Petrovich, I didn't get the point you were just making.

15 You said Fish & Game and Fish & Wildlife will not  
16 be happy with the idea of increased negative impacts.

17 MS. PETROVICH: That's correct.

18 COMMISSIONER MC CARTHY: Tell me what you mean by  
19 that.

20 MS. PETROVICH: Well, we sold this route to them  
21 based upon the reduction and losses of Burton Mesa chaparral  
22 and oak woodlands.

23 Taking this project deeper into the preserve and  
24 causing additional environmental impacts that, from their  
25 view, are just to avoid some people who don't want it in

1 their back yard is not going to be an easy sell to Fish &  
2 Game or Fish & Wildlife Service, because they're concerned  
3 with preserving these habitats, not with people not liking a  
4 little dust and noise.

5 COMMISSIONER MC CARTHY: You're referring to V1b  
6 now; is that what you're thinking about on this --

7 MS. PETROVICH: I'm referring to any of the  
8 options, except V6 and V7, which take it through the golf  
9 course or down the residential street, any of those options.

10 COMMISSIONER PARKER: We haven't, Fish & Game --  
11 no one has done an evaluation of V1b to see, from a Fish &  
12 Game standpoint, what the wildlife impact would be.

13 EXECUTIVE OFFICER HIGHT: That's correct.

14 MS. PETROVICH: Except SAIC.

15 COMMISSIONER PARKER: And was that -- that was  
16 from the standpoint of looking at trees and --

17 MS. PETROVICH: Trees and Burton Mesa chaparral  
18 impacts. Correct.

19 The neighbors have made it clear that they will  
20 resist the routes through their golf course and residential  
21 streets. So, we have no doubt that that -- because it will  
22 have even greater impacts on more people -- will just get  
23 into more controversy.

24 The selected route is a compromise. There's no  
25 question about that. It's not ideal as most compromises are

1 not. it's a balancing between the two interests -- the  
2 human environment and the natural environment.

3 The other option that I wanted to mention to you  
4 is, if you disapprove this lease, then CCWA has to seriously  
5 consider the condemnation route. And, frankly, I want you  
6 to know that that is probably the more likely scenario.  
7 With condemnation, you lose a lot of the concessions that  
8 CCWA made in the negotiations for the lease.

9 For instance, a condemnation would be for an  
10 easement, not for a lease. The easement would be on terms  
11 approved by the court, not those that were pretty much  
12 dictated by your staff.

13 The compensation will be on the order of 10 to  
14 \$15,000 instead of the 200,000 that's now being offered.  
15 And I do not believe that CCWA would be interested in doing  
16 their offsite mitigation on the preserve and paying you the  
17 \$200,000 for that privilege if they have to go through a  
18 condemnation.

19 Don't misunderstand me. We understand the  
20 neighbors' objections. We've heard them repeatedly, and we  
21 understand them. They're not benefitting from this project,  
22 yet they have to put up with the dust, and the noise, and  
23 the inconvenience.

24 And I empathize with that concern. But you should  
25 know that we estimate the total disturbance in their area is

1 about one month, less than two weeks with heavy equipment.  
2 Total people running around back behind their back yards,  
3 about one month.

4 COMMISSIONER MC CARTHY: Ms. Petrovich, is that  
5 one-month estimate also applicable to V6 and V7?

6 MS. PETROVICH: That might take a little longer,  
7 because of the -- you're going down a much narrower area in  
8 the street. We may have to shore the trench. There are  
9 already pipelines in that street, so it may -- it would  
10 probably take a little longer.

11 COMMISSIONER MC CARTHY: And the golf course?

12 MS. PETROVICH: The golf course would be about the  
13 same, about a month. We'd be impacting twice as many  
14 property owners if we went down the golf course, because  
15 they're on both sides.

16 COMMISSIONER MC CARTHY: Because of their  
17 proximity.

18 COMMITTEE MEMBER PETROSINO: Yeah. And  
19 interestingly enough, the prevailing winds now will carry  
20 the dust away from these houses who are complaining. When  
21 we go down the golf course, you've got houses on both sides  
22 of the route. So, whichever way the wind's blowing,  
23 somebody's going to get dust and noise.

24 I guess I would ask you to consider that this is  
25 just a small group of people, and I would ask you to balance

1 it against the hundreds of thousands of people who would be  
2 benefitting from the project, bringing supplemental water to  
3 an area which is suffering from periodic droughts, and ask  
4 you to balance the objectors' concerns against the benefits  
5 to the preserve, which that \$200,000 can bring.

6 We think this will provide a resource for future  
7 generations to enjoy. And we have done everything humanly  
8 possible to accommodate the opponents' objections.

9 We cannot empathize with the position they've  
10 taken with us. I don't know if they'll say it to you here  
11 today, but the position they took with us is, "We don't care  
12 where in the preserve you put it. We don't care what the  
13 environmental costs are in the preserve. Get it out of our  
14 back yards, period."

15 UNIDENTIFIED SPEAKER IN AUDIENCE: That's wrong.

16 UNIDENTIFIED SPEAKER IN AUDIENCE: That's not  
17 true.

18 MS. PETROVICH: That statement has been made more  
19 than once --

20 CHAIRMAN DAVIS: You'll have your chance.

21 MS. PETROVICH: -- more than once, including in  
22 the field in the presence of Fish & Game and Fish &  
23 Wildlife.

24 The favorite game in Santa Barbara is to delay  
25 projects so the developers get worn out or go bankrupt.

1 That's not going to happen with this project. It's got to  
2 be built, and we are trying to build it for an economical  
3 price for the rate payers. And we do not believe that the  
4 objections that are being raised here are legitimate  
5 objections in light of all the work that has gone into the  
6 environmental analysis in trying to balance the advantages  
7 and the disadvantages of any route.

8 So, we would ask you to approve this lease and the  
9 mitigation agreement.

10 CHAIRMAN DAVIS: Thank you very much.

11 MS. PETROVICH: Thank you.

12 COMMISSIONER MC CARTHY: One final question, Mr.  
13 Chairman, if I may.

14 And any one of the witnesses that we've heard from  
15 can address this. Can you think of any compelling reason  
16 why you could not choose V6 or V7, other than, of course,  
17 the unpleasant reaction of incurring the wrath of a number  
18 of more homeowners?

19 MS. PETROVICH: No. Except that the likelihood of  
20 litigation could further delay us. But in terms of the  
21 environment, the natural environment, those routes are  
22 probably better. But in terms of the human environment,  
23 those are very serious impacts.

24 COMMISSIONER MC CARTHY: Well, you said this would  
25 take one month to complete on the golf course, and maybe a

1 little bit longer than a month on V6.

2 MS. PETROVICH: V6 is down St. Andrews Way and V7  
3 is through the golf course.

4 COMMISSIONER MC CARTHY: Yeah. So, you said it  
5 would take one month estimate for V7 and maybe a little more  
6 than one month for V6.

7 MS. PETROVICH: Yes.

8 COMMISSIONER MC CARTHY: So, that is the period of  
9 disruption.

10 MS. PETROVICH: Correct.

11 COMMISSIONER MC CARTHY: Okay.

12 CHAIRMAN DAVIS: I think I know the answer to this  
13 question, but V6 is basically down the main drag, if you  
14 will, in the development?

15 MS. PETROVICH: You can -- I don't know how well  
16 you can see it in the photo, but it's their main residential  
17 street. There are the various streets that come off it, but  
18 that is their main feed into the neighborhood. It is really  
19 their sole access in and out. So, from the standpoint of  
20 cutting off their access --

21 The reason why I say it'd take longer is,  
22 obviously, you have to accommodate emergency vehicles. You  
23 have to accommodate people coming and going on the street.

24 It's a fairly wide street, but it's fairly narrow  
25 for this kind of project.

1           COMMISSIONER PARKER: Again, when this pipeline is  
2 laid, you're going to cut out the area, put the pipe in, and  
3 cover it up; so that, when you're done, the pipeline will  
4 not be visible at all.

5           MS. PETROVICH: That's correct.

6           COMMISSIONER MC CARTHY: How far down is it?

7           MS. PETROVICH: It's four to five feet of cover.  
8 It varies. And, as you say, it will be revegetated. So, you  
9 won't know it's there.

10           And I did want to take -- there's one mention in  
11 the staff report about disruption when we come in to do  
12 maintenance. That is not correct. The only time -- this  
13 pipeline is being designed to not require it being dug up  
14 periodically to be maintained.

15           So, it will not require disturbance. Once in a  
16 while, someone will have to get out of a pickup truck and  
17 walk out and take a look at a meter or something. But  
18 nothing -- we're not talking about disturbance to the  
19 residence doing that.

20           COMMISSIONER MC CARTHY: One final question, Mr.  
21 Chairman.

22           Ms. Petrovich, you're the supervising attorney on  
23 this matter for the authority.

24           MS. PETROVICH: Correct.

25           COMMISSIONER MC CARTHY: You attended the

1 authority discussions as they discussed and considered these  
2 alternatives?

3 MS. PETROVICH: Yes.

4 COMMISSIONER MC CARTHY: Do you have any reason to  
5 believe that, but for the factor of attempting to reduce the  
6 number of homeowners that were objecting, any reason to  
7 believe that the authority would not comfortably and easily  
8 have selected either V6 or V7?

9 MS. PETROVICH: Other than the property owner  
10 concerns, no.

11 COMMISSIONER MC CARTHY: I understand. No other--

12 MS. PETROVICH: (Interjecting) No, there's no  
13 physical reason why you couldn't go that route.

14 COMMISSIONER MC CARTHY: No other reason material  
15 to what they would consider in making these decisions?

16 MR. BURNWORTH: The only issue right now is the  
17 cost of redesigning and the time delays associated with  
18 redesigning and getting new permits.

19 If it was a year and a half ago and that question  
20 was asked, I'd say there would be no question about --

21 COMMISSIONER MC CARTHY: I'm talking about V6 and  
22 V7.

23 MR. BURNWORTH: Right. We would have to redesign  
24 the pipeline that we currently have awarded to a contractor.

25 COMMISSIONER MC CARTHY: Presumably, you did some

1 work on this to make a determination about cost estimates  
2 and other related considerations.

3 MR. BURNWORTH: Correct. We did not do a detailed  
4 engineering design.

5 COMMISSIONER MC CARTHY: You're not suggesting  
6 that's going to take them a year and a half?

7 MR. BURNWORTH: No. Six months to a year for the  
8 redesigning of it, the detailed design, and the  
9 repermitting. We have to go back to Fish & Game, Fish &  
10 Wildlife, other regulatory agencies to get the permits.

11 MS. PETROVICH: Including the county.

12 MR. BURNWORTH: And that is speeding it up, having  
13 recognized that we've done it once already on one alignment;  
14 so, we know what we're doing and we can do it pretty quick.

15 It took us a year and a half the first time.

16 COMMISSIONER MC CARTHY: So, you think it would  
17 take you six months.

18 MR. BURNWORTH: Six months to a year.

19 MS. PETROVICH: And then we miss the window.

20 COMMISSIONER PARKER: Do you have --

21 MS. PETROVICH: If we don't hit the window  
22 exactly, the construction window in one year, we miss it.

23 COMMISSIONER PARKER: Does your window of  
24 construction open up wider to the extent that you would take  
25 the route, for example, down the main street, because you

1 don't have to worry about the birds?

2 MS. PETROVICH: Sure.

3 MR. BURNWORTH: Actually, both of those routes --  
4 through the golf course and down the street -- would have  
5 longer windows.

6 CHAIRMAN DAVIS: I think the question the  
7 Lieutenant Governor was asking earlier, at least as I  
8 understood it, was: Were you not concerned about homeowner  
9 objections, is it likely you would have chosen either V6 or  
10 V7 as your preferred route?

11 MR. BURNWORTH: Yes, we would have chosen the  
12 route through the golf course if we weren't concerned about  
13 the residents.

14 COMMISSIONER MC CARTHY: Thank you.

15 CHAIRMAN DAVIS: All right. That --

16 MS. PETROVICH: Thank you for your patience.

17 CHAIRMAN DAVIS: -- concludes the applicant's  
18 presentation. That took almost an hour.

19 EXECUTIVE OFFICER HIGHT: Mr. Chairman, we still  
20 have three witnesses in support of the project.

21 CHAIRMAN DAVIS: Well, I'm going to ask those  
22 witnesses --

23 COMMISSIONER PARKER: Is there anything they can  
24 really add?

25 CHAIRMAN DAVIS: Yeah, because, believe me, we

1 want to make a decision today; not ask you to have to come  
2 back again.

3 So, unless there's something new, some material  
4 new point that has not yet been made, I would ask that you  
5 not exercise your right. If you insist on exercising it,  
6 we'll hear you out.

7 Who are the three?

8 EXECUTIVE OFFICER HIGHT: Mr. Hom, Mr. Taylor, and  
9 Mr. Mack.

10 MR. HOM: I wish to speak. My name is Thomas Hom.

11 CHAIRMAN DAVIS: All right. We're going to audit  
12 your taxes if you make --

13 (Laughter.)

14 CHAIRMAN DAVIS: -- because I'm also the Chairman  
15 of that board, if you repeat something that's already been  
16 said.

17 (Laughter.)

18 COMMISSIONER MC CARTHY: Mr. Hom, is your name  
19 spelled H-o-m?

20 MR. HOM: That is correct.

21 COMMISSIONER MC CARTHY: Do you know that we used  
22 to have a member of the State Assembly named Thomas Hom?

23 MR. HOM: No, sir, I did not know that

24 COMMISSIONER MC CARTHY: He didn't go to jail. He  
25 was all right.

1 (Laughter.)

2 MR. HOM: He was a Republican?

3 COMMISSIONER MC CARTHY: Yes, he was.

4 MR. HOM: Good afternoon. My name is Thomas Hom.  
5 I'm the Chief of Engineering and Construction at Vandenberg  
6 Air Force Base, a U.S. military installation in Santa  
7 Barbara County, with a population of about 10,000 people.

8 Vandenberg Air Force Base has been seeking a  
9 supplemental water source to its current groundwater wells  
10 since the early 1960s. They recognized the importance of a  
11 reliable, safe, cost-effective water supply for the  
12 continuation of national defense and civil space exploration  
13 at Vandenberg Air Force Base.

14 We concluded, after several engineering studies  
15 and evaluations, that connection to the State Water Project  
16 was the right answer.

17 Congress authorized an appropriated \$16 in the  
18 1993 federal budget, of which 14 million was paid to the  
19 Central Coast Water Authority for Vandenberg Air Force Base  
20 share of the Mission Hills extension.

21 Vandenberg Air Force Base is responsible for a  
22 share of the final cost of construction. We desire to see  
23 costs kept to a minimum and to assure that public funds are  
24 properly spent on building this pipeline.

25 We recognize that time is of the essence, and that

1 construction must proceed without undue delay that would  
2 drive the final cost of construction upward.

3 We look forward to the day in the near future when  
4 we can take delivery of State water, and to be able to place  
5 our own water wells into a standby mode and allow our  
6 overdrafted aquifer to recover naturally.

7 The sooner water delivery can begin, the sooner we  
8 can begin this process of environmental recovery.

9 We highly recommend the State Lands Commission  
10 approve this agenda item. CCWA has done an admirable job in  
11 fully complying with the letter and the spirit of the  
12 environmental laws in their thorough studies and evaluation  
13 of all the alternative routes.

14 They have shown their environmental sensitivity  
15 and care while they were constructing that portion of the  
16 pipeline through Vandenberg Air Force Base. And that's a  
17 process that's ongoing right now.

18 I live in Vandenberg Village. I would like the  
19 Commission to know that I'm absolutely 100 percent in  
20 support of this project.

21 COMMISSIONER MC CARTHY: Mr. Hom, if we were to  
22 recommend, that should the Water Authority endorse it, that  
23 we would support V6 or V7, how do you feel about that?

24 MR. HOM: I would be quite concerned that the  
25 project is delayed and the cost would be going up.

1           COMMISSIONER MC CARTHY: Well, if we did  
2 everything we could and said we could talk to our sister  
3 State agencies and make sure that they expedited it in every  
4 way possible, so that there wasn't any undue delay --  
5 there's a lot of pipeline that's yet to be constructed  
6 before we even get to this two-mile stretch -- how would you  
7 feel about that? Do you have any other reasons to want to  
8 oppose V6 or V7?

9           MR. HOM: I've worked at Vandenberg Air Force Base  
10 for the past nine years, and I've dealt with many regulatory  
11 agencies in that county -- Fish & Wildlife, Fish & Game,  
12 Coastal Commission -- on many of the projects that are  
13 taking place on Vandenberg.

14           It is a slow, laborious process. I doubt if  
15 there's any agency that can influence any other agency to  
16 speed up their process.

17           COMMISSIONER MC CARTHY: Right. I appreciate your  
18 sentiment. Now, excepting that, do you have any other  
19 reasons to object to V6 or V7?

20           MR. HOM: I live in the Village.

21           COMMISSIONER MC CARTHY: Right.

22           MR. HOM: As an engineer, personally, I would hate  
23 to put a 39-inch pipeline down the middle of a street in the  
24 middle of a neighborhood.

25           COMMISSIONER MC CARTHY: How close is your home to

1 V6 or V7?

2 MR. HOM: Half a mile.

3 COMMISSIONER MC CARTHY: To which one? Both of  
4 them?

5 MR. HOM: To either one. It's not that big of a  
6 community.

7 COMMISSIONER MC CARTHY: How would you feel about  
8 any one-month disturbance to your equanimity while the  
9 construction was going on.

10 MR. HOM: If it was half a mile away? I wouldn't  
11 mind. If it was my back yard, I would object.

12 (Laughter.)

13 COMMISSIONER MC CARTHY: We've heard that  
14 somewhere before. Thank you, Mr. Hom.

15 MR. HOM: Thank you.

16 CHAIRMAN DAVIS: Okay. Now, with the forbearance  
17 of the other two speakers, I would like, unless you  
18 absolutely insist -- and I might add, I'm not sure you're  
19 strengthening your case by insisting on us hearing stuff  
20 when we don't want to hear anymore. We want to get on to  
21 the other side to hear their case.

22 And if you absolutely insist, we will hear you  
23 out.

24 Seeing no one, I'll call Jana --

25 MR. MACK: Excuse me. I'd like to speak. My name

1 is Steve Mack. I'm the Water Supply Manager for the City of  
2 San Barbara.

3 And I flew up here on a small plane, so I feel  
4 I've got to get at least one or two minutes in here.

5 I'd just like to -- I came up here with the  
6 support of the City of Santa Barbara and letters from two  
7 other water agencies in the area. I won't go into that.  
8 You've heard it

9 However, I want to disagree with one point that's  
10 Susan Petrovich brought up, and that was that the residents  
11 of Vandenberg Village aren't, as participants -- as  
12 nonparticipants, aren't benefitting from the project. The  
13 State Water Project coming into Santa Barbara County has  
14 really changed the way water politics and the feeling that  
15 water is looked at (sic).

16 All the residents of the county, regardless of  
17 whether they're directly participating or not, are  
18 beneficiaries of this project. Just some of us are paying  
19 for it. The city customers are some of those people.

20 Thank you.

21 COMMISSIONER MC CARTHY: Thank you, Mr. Mack. And  
22 we appreciate the importance of a water supply in the  
23 county. It is quite essential.

24 All right. The third witness has agreed not to  
25 speak. No?

1 MR. TAYLOR: Good afternoon --

2 COMMISSIONER MC CARTHY: Go ahead, sir.

3 MR. TAYLOR: -- members of the Committee. My name  
4 is Ken Taylor. I'm a Director of the Goleta Water District  
5 and represent the Goleta area on the CCWA Board of  
6 Directors.

7 I'd like to just take a few moments -- and I  
8 passed to you a -- to discuss a little background of the  
9 Goleta area and the most recent drought.

10 The Goleta area entered into a water moratorium in  
11 1972, requiring -- no new water meters have been issued  
12 since that point in time.

13 Out of that came an extensive lawsuit that, one,  
14 when it was settled, required that Goleta bring its  
15 hydrological balance into being by 1998. And part of our  
16 water plan is the State Water Project to meet those court  
17 orders.

18 I just passed to you a little chart that was taken  
19 out of "The Cost of Water Shortage Study of Santa Barbara  
20 County." That was a report that was made to the  
21 Metropolitan Water district and put together by Spectrum  
22 Economics and Sycamore Associates.

23 As you see there, the drought was very costly.  
24 Those numbers that are indicated there are losses to private  
25 landscaping in the Santa Barbara County area. And if you

1 look at the Goleta situation, almost half of the total cost,  
2 or a little over half the cost was primarily due to the fact  
3 that Goleta was under a moratorium since '72, and nothing  
4 was done to resolve the water problems in the Goleta area.

5           Since then, we have taken steps to build a  
6 reclamation plant. We have entered into an agreement with  
7 the State Water Project and also participating with the city  
8 in their "desal" facility.

9           Because of this \$80 million worth of expense that  
10 the community has taken on, and the losses that you've seen  
11 in these charts, the residents right now are paying one of  
12 the highest water rates throughout the State at \$3.02 an  
13 hcf. And, so, we're certainly very concerned at any delays  
14 and any cost increases in the project.

15           We feel very strong that the -- we have looked at  
16 the environmental impacts as well as the people impacts, and  
17 we've been told by many people in that community up there  
18 that they certainly wouldn't want this project going down  
19 and interrupting their golf course or their roadways.

20           And so, I just hope that, when you make your final  
21 decision today, that you will really look at not only the --  
22 I mean, there's been tremendous impacts from the drought and  
23 tremendous cost to the community throughout Santa Barbara  
24 County.

25           And those environmental losses, degradation of the

1 quality of life are important. The report goes on to talk  
2 about \$17 million worth of loss to Caltrans' landscaping in  
3 Santa Barbara County, 14 million of it in the south county.  
4 Those are losses, with the economic times of today, that  
5 cannot be replaced.

6 So, the residents of the county are paying -- have  
7 paid dearly for the lack of water. And with our -- and  
8 attempt now to -- to resolve the problem and bring our  
9 groundwater basins into good management and not  
10 overdrafting. All of these issues are part of the total  
11 environment that have to be considered along with what we're  
12 looking at today.

13 So, please, vote to approve the project that's  
14 before you, and let's get the project moving.

15 Thank you.

16 CHAIRMAN DAVIS: Okay. That's it from the  
17 applicant's side.

18 So, let's move to the opposition. Jana Zimmer?

19 MS. ZIMMER: Good afternoon, Mr. Chairman and  
20 Commissioners.

21 My name is Jana Zimmer, and I'm here today  
22 representing the Vandenberg Village Concerned Citizens.

23 This organization represents a number of homes,  
24 27, that are directly impacted by this pipe that is not more  
25 than 300 feet from their back property line.

1           But, in addition to that, this organization is  
2 supported by the Vandenberg Village Association, which  
3 represents 2400 homes of 8,000 people.

4           There are a couple of key issues, I think, that  
5 need to be focused on this evening.

6           As a matter of very quick background, there are a  
7 couple things I need to stress. One is, this is not about  
8 whether State water comes to Santa Barbara County. State  
9 water is coming. Everyone knows that. This is not about  
10 trying to stop the State Water Project. That allegation was  
11 completely false.

12           This is about which route is the best route for  
13 this particular segment. What we want to urge your  
14 Commission to do is balance the impact and come up with the  
15 route that is the most environmentally sensitive and, at the  
16 same time, is the most sensitive to human environment, to  
17 the impact on the people who live in the area.

18           While Mr. McCarthy is quite correct that you  
19 shouldn't be relitigating the factual issues that the local  
20 agency addressed, you do need to make independent findings  
21 and conclusions. And we hope that your minds remain open to  
22 the issue of which is the environmentally preferred route,  
23 both in terms -- as I said -- of human impact, but also in  
24 terms of your role as a trustee agency and your special  
25 concerns with the Burton Mesa Chaparral Reserve.

1           We have a biologist, Dr. Walters, who will follow  
2 me and speak. And I would like to urge you to pay special  
3 attention to his analysis, because we believe that the  
4 CCWA's assumptions and numbers are substantially incorrect  
5 and have misled your staff into making a recommendation on  
6 the proposed route.

7           Specifically, Dr. Walters will be concentrating on  
8 the existing setting, because there are some factual  
9 disputes as to what kinds of species are there, and in what  
10 numbers, and the relative impacts of the alternatives that  
11 we are particularly concerned about.

12           And another important aspect of Dr. Walters'  
13 testimony will be his analysis how one should best rank the  
14 various impacts to the various species.

15           I'm going to get into that packet in a minute and  
16 explain what it is.

17           We'd also like you to not accept a comparison of a  
18 best-case mitigated project for the CCWA proposal against a  
19 worst-case analysis for the V1 proposal and the V1b.

20           The packet of information that I've given you  
21 consists of rebuttal evidence to the testimony that you  
22 received on the feasibility of the V1 route. One of the  
23 most astonishing bits of testimony this afternoon were the  
24 contentions by Mr. Burnworth and by Ms. Petrovich with  
25 respect to the County of Santa Barbara's attitude toward

1 road encroachment permits for this project.

2 The staff report calls out several potential areas  
3 of infeasibility for this V1 alternative route. And the  
4 contention was that the county had objections to or serious  
5 concerns with issuing road encroachment permits.

6 Exhibit B in this packet consists of a declaration  
7 from the Deputy Director of the Public Works Department of  
8 Santa Barbara County, which I obtained yesterday. I'm not  
9 going to read it to you word for word. But essentially, it  
10 completely refutes these alleged concerns. And they appear  
11 to be a figment of someone's imagination.

12 Road encroachment permits in the County of Santa  
13 Barbara don't have to go through a big process. They're  
14 approved by the Road Commissioner, who is the Director of  
15 the Public Works Department. They are quasi-administerial  
16 permits that don't in themselves generally require  
17 environmental review.

18 And, as a matter of fact, CCWA has, in the past,  
19 applied for and received a number of road encroachment  
20 permits, some of which authorize them to cross Harris Grade  
21 Road at a different location from this particular segment.

22 The fact is that they have not presented the  
23 county with plans or specifications, and the county's only  
24 response to their inquiries thus far is that they cannot  
25 give them any idea of what conditions they would impose.

1 And those conditions would be limited to public safety  
2 conditions, because they haven't seen specific enough plans.

3 So, I think that you've been seriously misled, at  
4 least to that component of infeasibility.

5 The second component of infeasibility with which  
6 we take issue is this claim of cost. First of all, we  
7 believe you don't look at cost in the abstract. You look at  
8 cost compared to what, compared to the total cost of the  
9 project.

10 And the figures that have been given to you, we  
11 think, are inherently unreliable as well, because the CCWA  
12 minutes, which are Exhibit A of that packet, reflect at  
13 several junctures the fact that, systematically, the bids --  
14 the contractors' bids for this project have come in anywhere  
15 up to 20 percent under the estimate.

16 So, we believe that that seriously impairs the  
17 credibility of the allegation that this V1 alternative is  
18 going to cost as much as \$2.3 million more. In any event,  
19 those minutes also indicate that they have already saved \$23  
20 million from their estimates on this project. And so, it  
21 appears that the project can easily absorb some additional  
22 expense without impacting the rate payers.

23 The third component of the infeasibility of V1 is  
24 the allegation that there's a safety problem. I discussed  
25 this yesterday with the Public Works Director of Santa

1 Barbara and he said, "Call Underground Alert. This area is  
2 riddled with gas pipelines, oil pipelines. They've been  
3 there for years."

4 There are concerns with leaks. The residents of  
5 Vandenberg have been evacuated because of gas pipelines  
6 there. So, this is just a fact of life. And this V1  
7 alternative doesn't present any greater concern about  
8 existing utilities in Harris Grade Road or in other portions  
9 of the proposed route than any of the other alternatives.

10 COMMISSIONER MC CARTHY: Are you saying that there  
11 are as many pipes to deal with underneath the preferred  
12 route -- the authority's preferred route as there would be  
13 under the V1b alternative?

14 MS. ZIMMER: I can't testify to the number of  
15 pipes. All I can tell you is that the Public Works  
16 Director--

17 COMMISSIONER MC CARTHY: I don't mean pipe for  
18 pipe.

19 MS. ZIMMER: Yeah.

20 COMMISSIONER MC CARTHY: I'm asking whether there  
21 are --

22 MS. ZIMMER: The pipes are there.

23 COMMISSIONER MC CARTHY: -- substantially  
24 significant problems under both of those routes.

25 MS. ZIMMER: I can't say substantially significant

1 for one or not the other, because I don't know what kind of  
2 pipes exactly. The statement that was made to me is, this  
3 is not a big deal. There are pipes everywhere. "You call  
4 Underground Alert. You figure out where they are, and you  
5 avoid them.

6 CHAIRMAN DAVIS: Let me ask you this question.

7 MS. ZIMMER: Uh-huh.

8 CHAIRMAN DAVIS: Let's assume for argument's sake  
9 that we denied the permit and suggested that people explore  
10 this option that you're proposing. Of course, they may not.  
11 They may undertake condemnation proceedings.

12 But let's just argue for argument's sake. Let's  
13 say they did do an EIR. And it turns out to be more  
14 environmentally harmful than the three other options before  
15 us, which are the proposed route, V6, and V7.

16 If you were sitting where we're sitting and you  
17 had to choose between the three options that are less  
18 environmentally harmful, for argument's sake, than your  
19 proposed route, which would you choose?

20 If you had to choose between the proposed route,  
21 V6, or V7?

22 MS. ZIMMER: I will answer your question. I  
23 promise. But I want to state one point of disagreement, and  
24 that is the assumption that there has to be additional  
25 environmental review.

1           We believe that the V1 alternative has been  
2 analyzed sufficiently -- not correctly, but sufficiently.  
3 And the V1b alternative, as our biologist will testify, does  
4 not raise significant new issues. So, I want to dispel the  
5 notion, at least from our point of view, that additional  
6 environmental review is required. We don't believe that it  
7 is.

8           But, to answer your question -- and we believe  
9 that the testimony today, the totality of the evidence  
10 today, we hope will persuade you that V1b is environmentally  
11 superior.

12           But, assuming your hypothetical, I would have to  
13 say that that would depend on your view of how you balance  
14 your duties as a trustee agency. Do you believe that you  
15 look exclusively at environmental concerns or are you -- do  
16 you look at environmental concerns balanced against impacts  
17 on humans in the area, impacts on residential communities in  
18 the area?

19           And we believe that the evidence in this case will  
20 show that the differences -- if there are additional areas  
21 of concern -- are so minimal that, on balance, you should  
22 still be selecting the V1 or V1b.

23           CHAIRMAN DAVIS: But what if -- my question  
24 posited the assumption that we can't select V1b, because its  
25 environmental harm is so much greater than the other three

1 routes; that, even though it's farther away from the homes,  
2 on balance, we rule that out. And we're left with the other  
3 three options.

4 MS. ZIMMER: The golf course, the street --

5 CHAIRMAN DAVIS: Or the proposed route.

6 COMMISSIONER PARKER: Or the proposed route.

7 MS. ZIMMER: -- or the proposed route. Frankly,  
8 until this afternoon, the possibility of the V6 or V7 were  
9 going to be seriously considered didn't even come up. So, I  
10 haven't discussed that in any detail with the homeowners  
11 group. I would have to know more about the specifics of how  
12 construction in those areas would impact.

13 And I don't know, quite frankly, what the general  
14 view in the community is. I think that they think it's --  
15 when I went over earlier and asked Lt. Colonel Luce, you  
16 know, how he felt about V6 and V7, quickly, he said, "I  
17 think it's stupid."

18 But I don't think that's enough of an answer.

19 (Laughter.)

20 MS. ZIMMER: I think we would have to look a  
21 little more carefully, if those were the options, you know,  
22 which one would be the preferable one. In that case, if I  
23 were in your shoes, I would probably choose the one that's  
24 least impactful to the environmental resources.

25 But I don't have enough facts as to the true

1 impacts on the street or on the golf course.

2 CHAIRMAN DAVIS: And also, I guess it's our  
3 counsel's view that the homeowners' proposed route would  
4 require an EIR?

5 EXECUTIVE OFFICER HIGHT: Yes.

6 MS. ZIMMER: Well, I would hope that we could hear  
7 from our biologist, and maybe there'd be a slightly chance  
8 that that opinion could change.

9 We don't believe that V1b is so significantly --  
10 the standard for additional environmental review at this  
11 point has gotten increasingly higher. And I think the  
12 courts have said that, unless the changes render the  
13 existing document so meaningless that the public hasn't had  
14 a real opportunity to participate, the courts would not  
15 require additional review.

16 So, when we're talking about a half dozen or a  
17 dozen additional oak trees on a project that's already going  
18 to decimate a number of environmental resources, I think one  
19 of the things we can't forget is that every single route  
20 results in Class 1 impacts to biological resources.

21 It's a question of how much more and to what  
22 extent do you balance oaks against manzanita against  
23 chaparral, and the totality of that against the permanent  
24 visual and aesthetic loss and so forth.

25 The final area of infeasibility or alleged

1 infeasibility that I want to address has to do with this  
2 allegation of delay.

3 First of all, there's no county permit in terms of  
4 a land-use permit. We know that. There's no reason to  
5 believe that the county, having found this route to be  
6 consistent with the policies of the county general plan,  
7 would not find any of the others also consistent.

8 Since we've had some specific misstatements of  
9 fact as to the county's attitudes, and codes, and  
10 requirements with respect to road encroachment permits, I  
11 think that allegations of extensive delay and extensive  
12 repermitting should be taken with a grain of salt at this  
13 point.

14 And there's been no allocation that any delay on  
15 this segment of the pipeline would be so extensive or so  
16 expensive as to delay the ultimate turning on of the tap, if  
17 you will, connecting with the DWR portion and bringing the  
18 water down to Santa Barbara County.

19 So, I think all that adds up to very little. I  
20 think you cannot make the finding, based on the evidence  
21 before you, that V1b or V1 is infeasible. I'm hoping that  
22 our biologist will be able to persuade you that V1 or V1b  
23 are, in fact -- all things considered -- the  
24 environmentally, biologically most sensitive alternative.

25 In conclusion, I just want to say that I'm

1 somewhat pained and astonished that in Ms. Petrovich's  
2 presentation, in the first minute, there were three false --  
3 completely false allegations. My client's do not represent  
4 a handful of people. They represent an association. They  
5 are supported by the association that represents the  
6 entirety of Vandenberg Village. Of course, there are  
7 individuals that feel differently. But that's 8,000  
8 citizens, a great number of whom feel the same way as my  
9 clients do.

10 This is not about stopping State water. Everyone  
11 knows State water is coming. They truly want the best  
12 route. And, yes, they're entitled to want something that is  
13 the best for them as well as for the Burton Mesa chaparral.

14 And I'd like to now pass the baton, if you don't  
15 have any more questions, to the biologist, who I hope will  
16 persuade you that our suggested route is indeed the  
17 environmentally preferable one.

18 CHAIRMAN DAVIS: Okay. Thank you.

19 MS. ZIMMER: Thank you very much.

20 CHAIRMAN DAVIS: Thank you very much.

21 DR. WALTERS: I've just got some advice on how to  
22 do something for the first time. I'm also probably an  
23 unusual professor -- probably an unusual professor who  
24 doesn't like to talk. So, I'll try to keep my comments as  
25 short as possible.

1           CHAIRMAN DAVIS: Dirk, could you identify yourself  
2 for the record, please?

3           DR. WALTERS: Oh, excuse me. My name is Dirk  
4 Walters. I have a Ph.D. in systematic botany. And,  
5 recently, I've been doing a lot of teaching and ecological  
6 work.

7           I am from Cal Poly, San Luis Obispo. I was  
8 brought into this project around April. So, I'm sort of new  
9 to the project. When I was brought on, I was brought on to  
10 look at the route, which is called V2. And a lot of  
11 reference has been to that route. I discouraged the people  
12 from looking at that, because it would have tremendous  
13 fragmentation and a lot of other things.

14           But in the process of looking at the V2 route we  
15 were driving around, and I noticed all the open areas behind  
16 the veneer of trees along Harris Grade Road. And so, I  
17 suggested, sort of half in jest at the time, well, why  
18 doesn't route go around that way?

19           And they said, well, there is a route, V1. But  
20 when we looked at the route V1, it went down -- directly  
21 down the east side of the highway, which took out that whole  
22 row of oak trees and, thus, the tremendously large counts of  
23 oak tree loss.

24           Those oak trees are there because of Harris Grade  
25 road and an old agricultural fence that's protected them

1 from grazing and from all kinds of other things. So, by  
2 moving the pipeline just a few yards to the -- I guess it  
3 would be to the east, you avoided those impacts.

4           The other -- the other major thing that this route  
5 does is that it essentially avoids all of the manzanitas.  
6 There hasn't been much talk about these, but along the  
7 proposed route, there are a number of them that are in the  
8 fuel break. Some of them are quite large; some of them are  
9 quite beautiful. And a lot of them just simply will have to  
10 be -- would have to be removed.

11           As far as -- well, I will have to admit there are  
12 some differences of opinion as to just how many manzanitas  
13 would be destroyed between my view and the view of the CCWA  
14 biologist and, again, depending on the exact routing.

15           And I'm not an engineer, so I don't know exactly  
16 how far the routes would have to be. But anyway, I -- and  
17 they haven't been counted, per se. But my belief is that  
18 they would be a lot less on the V1b route than they would be  
19 on the proposed route.

20           The counts -- I won't go into those, since you've  
21 already had the figures for the various acreages. I want to  
22 point out that, although -- using the numbers that the  
23 proponents here have come up with, we come up with 2.5 acres  
24 of Burton Mesa chaparral that's supposedly would be  
25 destroyed by our route. But if you look at the numbers,

1 that is all for category BM3, which is the most degraded of  
2 the group.

3           It is all immediately along Harris Grade Road,  
4 where there are lots of impacts due to the highway itself.  
5 So, I'm not sure that you can -- well, I guess I am sure --  
6 that you can't compare BM3 and its 2.5 acres to, say, the  
7 1.5 acres of BMC2 and .01 acres of BMC1, which, according to  
8 their papers, are destroyed along the proposed route.

9           I think -- I guess the one -- one other thing in  
10 terms of routing, we haven't spent a lot of time talking  
11 about the effect of the proposed route once it gets past the  
12 Vandenberg Village area. Just about the discussion has been  
13 from Point A to where you get to just south of Vandenberg  
14 Village, and then when it goes off across the open country  
15 there, and then comes down and then reaches -- I'm from that  
16 area and I -- Burton Mesa Boulevard Road.

17           The contention -- and I might say this is also, I  
18 think, the contention for V6 and V7 -- would be that that --  
19 the pipeline then would be laid along the highway, Burton  
20 Mesa Boulevard to -- just along the side, and that the sandy  
21 soil -- and the contention is that it can be put in between  
22 the existing poles and the highway.

23           I hope they are right. But, if they aren't, that  
24 will mean that there will be more Burton Mesa chaparral that  
25 will be impacted along -- that may not be your problem; that

1 may be the other, other people's. But there will be Burton  
2 Mesa chaparral there. I guess that's probably why nobody's  
3 talking about it. But, from a biologist's point of view, it  
4 needs to be -- needs to be mentioned.

5 Well, I guess I will just simply say that I think  
6 that our route has fewer manzanitas that are destroyed, I  
7 think less oaks. There is a lot of controversy as to the  
8 different counts. And one thing I want to remind you is,  
9 when you look at the counts of oaks, ours assumes no  
10 mitigation whatsoever, since we had no way of anticipating  
11 whether we can know.

12 We did use the 60-foot number on calculating mine.  
13 I also didn't do standard demographic techniques; that is,  
14 mark so I didn't return and recount. So, I tried to be as  
15 honest as I can, and I did try. I think, if I erred, I  
16 erred on the high side, which is not good for my side. But  
17 I think it's the more honest way to do it.

18 But our figures have no mitigation whatsoever. I  
19 would say that our -- I think that the route that the  
20 Vandenberg Village people are proposing certainly has no  
21 more impacts; I believe a lot less. But they have  
22 essentially no people impacts, because they far enough away  
23 from Vandenberg Village. They are also -- most of the  
24 activities will be behind a shroud of trees.

25 So, during most of the construction -- well,

1 Harris Grade Road will probably be closed. But even after  
2 it's opened, there will be essentially no evidence that the  
3 pipeline will go through there.

4           Some question has been raised as to will this open  
5 up a central portion of the Burton Mesa Chaparral to  
6 intrusion, unauthorized intrusion? I don't think so,  
7 because there's roads and everything there now. And if the  
8 fences are removed -- are returned and some -- some of the  
9 native shrubs are planted back, I would see that it would be  
10 very much as it is now or could very much be so. Of course,  
11 there would be the loss of the oaks.

12           Any questions? I'll try to answer them.

13           CHAIRMAN DAVIS: Yes. I would like to ask a  
14 question.

15           Ms. Zimmer indicated that you could help answer  
16 the question of whether or not the V1b route would require a  
17 new EIR.

18           DR. WALTERS: It is basically the same as -- well,  
19 it is essentially the same as 1a, V1a. The original V1 with  
20 less impact.

21           In other words, we have -- by our moving, we've  
22 essentially moved -- we have eliminated all the large loss  
23 of oaks. Since V1 was along the east side of the highway,  
24 we have eliminated almost all impacts to the Burton Mesa  
25 chaparral as well.

1           So, it seems to me that there would be very little  
2 effort to say the EIR would not be needed.

3           CHAIRMAN DAVIS: What do you feel about the --

4           DR. WALTERS: I'm not a legal man.

5           CHAIRMAN DAVIS: Jan, what do you feel about that?

6           MR. STEVENS: Well, I think a lot of it will  
7 basically depend on a more factual analysis or comparison of  
8 the circumstances.

9           We've just looked at the new guidelines, and it  
10 requires a new EIR if substantial changes are proposed,  
11 which will require major revisions in the previous EIR, new  
12 significant environmental effects. So, it's a very fact-  
13 intensive analysis that would be hard to say right now that  
14 it would invariably require a new EIR.

15           EXECUTIVE OFFICER HIGHT: Yes, Mr. Chairman, the  
16 reason I said that it would, which I'm starting to waffle  
17 just a shade on, is that the original EIR did not include  
18 the traffic going down Rucker Road as a diversion. And, so,  
19 the question is, does that need to be addressed in an  
20 environmental document?

21           And I think we can kind of -- as the presentation  
22 goes, we can think about that. And I think that's one of  
23 the key factors that would make the decision as to whether  
24 or not a new EIR's required.

25           COMMISSIONER PARKER: How many homeowners are

1 there on Rucker Road?

2 EXECUTIVE OFFICER HIGHT: 30, I want to say.

3 MR. BURNWORTH: 30 or 31 immediately along Rucker  
4 road.

5 CHAIRMAN DAVIS: Okay. Fine. Why don't you think  
6 about that before we end this. It's important.

7 All right. The next witness, please.

8 MS. ZIMMER: Mr. Chair, may I just interject? If  
9 it would help on that issue, since the Vandenberg Village  
10 Concerned Citizens are the only persons who could or would  
11 be interested in a legal challenge -- since I've told you  
12 that I don't believe an additional EIR is necessary -- my  
13 clients would waive that. If you were to approve the route  
14 that we find most alternative (sic), we're certainly not  
15 going to turn around and sue the Commission claiming we  
16 should have done more environmental review.

17 I realize that you need to make this decision  
18 based on your --

19 EXECUTIVE OFFICER HIGHT: Other people --

20 MS. ZIMMER: -- policy concerns. But if that's a  
21 concern, it shouldn't be.

22 EXECUTIVE OFFICER HIGHT: Other people would have  
23 the option of suing; however, no one else has surfaced to  
24 date.

25 CHAIRMAN DAVIS: Okay.

1 MS. NASH: Mr. Chairman, my name is Carol Nash,  
2 and I am a member of the Vandenberg Village Concerned  
3 Citizens.

4 I've lived in the midst of the Burton Mesa  
5 chaparral --

6 CHAIRMAN DAVIS: What happened to Bob Haselmo?

7 MS. ZIMMER: He can go next.

8 MS. NASH: Oh, I'm sorry. You wanted me to go --

9 CHAIRMAN DAVIS: No, it's all right. Fine. Go  
10 ahead.

11 MS. NASH: Okay. I am a member of the Vandenberg  
12 Village Concerned Citizens. And I guess maybe what's gotten  
13 me excited to get to the chair -- and perhaps I should step  
14 down and let Bob Haselmo come first. The discussion here  
15 about EIRs, the original EIR that was done by DWR was --  
16 didn't include the Vandenberg Village route at all, which  
17 was one of the reasons we went to court. And, so, there was  
18 really no environmental analysis on any long-term impacts on  
19 any area.

20 In the original document, there were no  
21 residential areas impacted anywhere, so that this brought up  
22 a whole new realm and ideas.

23 If you -- you know, you asked earlier why we  
24 didn't go to -- why we didn't maybe challenge the second  
25 EIR. In all of my history classes, and civic classes, and

1 government classes, I was told that the most simple  
2 definition of government was, "Government does to people  
3 what people can't do for themselves." (sic)

4 So, I guess this is a -- this is the ultimate in  
5 my experience in that regard, because we tried desperately  
6 in every way we could to show another way. But we didn't  
7 have the equivalent staffs of all these other people to come  
8 up with all these things. So, here we are trying to do  
9 their work, in essence. But we have tried to find a better  
10 route. And we worked hard at it. V2 was our first try.  
11 And we don't think that's a really bad route, but we think  
12 that this route so far superior, without taking out much of  
13 any chaparral at all, not impacting in any long-term way any  
14 of the -- any residents.

15 When I say "long term," these people on Rucker  
16 Road are on one side of the road, and they will be impacted  
17 for perhaps -- as I see the pipeline moving in, it'll be  
18 impacted for perhaps a week. But we're going to be impacted  
19 for -- in perpetuity -- is the loss of oak trees and the  
20 loss of Burton Mesa chaparral, and a swath of sand for a  
21 period of time behind our houses that's going to be -- it's  
22 going to invite all kinds of competing recreational  
23 activities.

24 And we've experienced this in the past with a much  
25 smaller -- much smaller surrounding.

1           And we ourselves had to be the policing agency, as  
2 it were, because by the time the sheriff got up there, there  
3 was no one there.

4           So, we actually were able to control this  
5 primarily because they were neighborhood children, and we  
6 were able to maybe talk to the parents.

7           Now, we have got a big swath, maybe the size of a  
8 four-lane highway coming behind the homes. And this swath  
9 is going to allow all of these people from all over the  
10 country perhaps to come into the area. But it's going to --  
11 these people are going to be destroying and getting into the  
12 Burton Mesa chaparral in a way that children never, ever  
13 imagined, with four-wheel drives. Well, they already have  
14 been in there with four-wheel drives. They've been in with  
15 motorcycles going among the trees.

16           They have had nighttime powwows in some areas that  
17 we've called and gotten them out of there. A farm of  
18 marijuana and that sort of thing in the woods.

19           But we can expect that on a much greater scale  
20 because we have so much access out of every yard. When they  
21 tried at one point, after they did a very minor fire break,  
22 fuel break, a while back, we had people coming from all  
23 ways. They went through the yards. When they put a barrier  
24 up over one street, they would just make a slalom right down  
25 the streets and into this lovely sand and go around the

1 trees.

2           So, this is the sort of thing I think you can  
3 anticipate in the future in the use of this property. So,  
4 I'm sort of not talking to what I originally planned to.  
5 But I guess what I'm talking about is the long-term effects  
6 were never, never, never considered, because this is the  
7 judge's decision. This is so far removed from the original  
8 EIR that they put a disclaimer in their EIR, their  
9 supplement, that said they won't have to speak to these  
10 long-term impacts. But, in fact, it's long-term impact that  
11 the broader Vandenberg Village is concerned. We are very  
12 much concerned for you about -- and I'm a biologist, so I  
13 understand this very much -- that the very preserve itself  
14 is at stake.

15           We think this is a blueprint for disaster for the  
16 preserve itself, because once all this activity starts,  
17 there's going to be no way to control it. You don't have  
18 the funds, as I understand it, and the water district that I  
19 sit on -- the water board is saying the rate payers up there  
20 don't have it. And incidentally, our water bills up there  
21 are significant. My is over, sometimes, \$120 a month. So,  
22 I know what these people are talking about.

23           But these are significant bills. And these people  
24 don't have the means to patrol it. So, the best way I would  
25 think of that all of us can work together to preserve the

1 Burton Mesa chaparral -- because we're your best hope, in  
2 other words, is what I'm saying, for preserving the  
3 preserve, which you -- which you are here to -- it's the  
4 land that you're the trustee of.

5 And we're saying this has been the best thing you  
6 have going is a residential neighborhood. But to make the  
7 access for all of this other stuff greater and better, or  
8 bigger, is not, I think, is not something we should do.

9 I had some other points. I've love to --

10 COMMISSIONER PARKER: Ms. Nash, before you go, can  
11 I ask two questions?

12 MS. NASH: I'm sorry. I couldn't tell where your  
13 voice was coming from.

14 COMMISSIONER PARKER: Are you one of the 27  
15 homeowners that houses back up to --

16 MS. NASH: I am one.

17 COMMISSIONER PARKER: Okay.

18 MS. NASH: That's why I've been through this very  
19 well.

20 COMMISSIONER PARKER: The question that the Chair  
21 and the Lieutenant Governor had asked Mr. Hom earlier, if  
22 this route is reviewed and, for a variety of reasons, found  
23 to be more environmentally harmful than the proposed route,  
24 or V6, or V7, what is your position on alternatives of V6 or  
25 V7 versus the proposed route?

1 MS. NASH: Well, my position is, as has been  
2 stated before -- it did appear, incidentally, in the  
3 original SEIR. It only appeared in the second EIR. And the  
4 villagers were exhausted -- energy, money, and every other -  
5 - you know, this is us doing government's job as far as I'm  
6 concerned.

7 When we were exhausted by every way, shape, or  
8 form, we -- this was thrown in. And we, quite honestly, Mr.  
9 Burnworth himself -- they weren't seriously -- I think said  
10 at one point, they weren't seriously entertaining these two  
11 routes, because of the fact that we'd be tearing up the  
12 middle of Sanders Way and tearing up the golf course.

13 COMMISSIONER PARKER: With no long-term impacts or  
14 less long-term impacts from the standpoint of your concern.

15 MS. NASH: On the chaparral, that's probably true.  
16 But let me tell you another thing, when you're comparing  
17 these things. Compare the fact that the biggest improvement  
18 in their route was when they took out Tank 6, which was  
19 going to supply all of Lompoc Valley. Mission Hills,  
20 Vandenberg Village, and the City of Lompoc were all going to  
21 be served from that water capacity.

22 When it was removed from a top of a knoll covered  
23 with chaparral, that was the greatest improvement in their  
24 route environmentally. The improvement didn't come from  
25 their concern, I don't think -- this is speaking from own

1 point of view -- didn't come from a point of view of  
2 preserving chaparral. I think it came from the idea that  
3 they could then come back.

4 I am one of those who feels we were being  
5 threatened with suits for enormous amount -- Vandenberg  
6 Village Community Services District -- for enormous amounts  
7 of water to be delivered. And this person was actually  
8 trying to get water from the CCWA and having it delivered to  
9 his property, so that this was an area where the pipeline  
10 now comes. If I could show you on the map. Let me point to  
11 this.

12 I'll tell you one -- this is the other reason why  
13 the broader village is very concerned.

14 (Thereupon, Ms. Nash approached the map.)

15 MS. NASH: Here's the pipeline route coming down  
16 here. It turns about right here (pointing).

17 I think, if I'm looking at it correctly, when it  
18 gets to this particular -- it comes right around here and  
19 then it comes back out. This is about right in here where  
20 this developer's property begins.

21 That's why the people are so suspicious of this.  
22 And that -- this is the broader community. We have --

23 COMMISSIONER MC CARTHY: Which route are you  
24 addressing, Ms. Nash?

25 MS. NASH: We're now -- we're now addressing their

1 proposed route.

2 COMMISSIONER MC CARTHY: Now, the question my  
3 colleague --

4 MS. NASH: Okay. Over here.

5 COMMISSIONER MC CARTHY: -- proposed is, if you  
6 had to make a judgment, assuming that V1b were eliminated --

7 MS. NASH: That's not the question.

8 COMMISSIONER MC CARTHY: -- for a variety of  
9 considerations --

10 COMMISSIONER PARKER: Yes, that is my question.

11 MS. NASH: Oh, it is your question.

12 COMMISSIONER MC CARTHY: -- if you had to make a  
13 decision between the proposed route, V6, and V7, what would  
14 your decision be based on the values you just addressed --  
15 long-term environmental negative impact?

16 MS. NASH: I don't think it's a fair question,  
17 because what I -- I'll tell you I do think those are two  
18 frivolous routes, and I think they were thrown in actually  
19 so that you could see something where there was no Burton  
20 Mesa chaparral.

21 COMMISSIONER MC CARTHY: So, you're willing to  
22 leave the choice up to us, then? You have no opinion.

23 MS. NASH: I'm praying -- I'm really praying that  
24 you will say that you would be willing to go back to an  
25 environmentally superior route, which we think -- and we

1 think we can show, and we think we can do it without an EIR.

2 You know, they've been talking about tweaking the  
3 pipeline one way or the other, we think we can show, without  
4 an additional EIR, that this -- that this route is superior  
5 and doesn't have to go back.

6 They don't have to do things to go way out of the  
7 way of Vandenberg Village, just a little way off of V1,  
8 which has been approved in the original EIR.

9 COMMISSIONER MC CARTHY: Ms. Nash, we're willing  
10 to examine all of the evidence --

11 MS. NASH: Okay.

12 COMMISSIONER MC CARTHY: -- on V1b. We're willing  
13 to take a very serious look at that.

14 MS. NASH: Okay.

15 COMMISSIONER MC CARTHY: Now, we're asking you for  
16 guidance. Assuming that there are compelling reasons why  
17 V1b could not be chosen, we're asking you whether you will  
18 give us an opinion -- you don't have to.

19 MS. NASH: Uh-huh.

20 COMMISSIONER MC CARTHY: Whether you will give us  
21 an opinion as to what our judgment should be, in terms of  
22 our responsibilities, looking at the public trust factor  
23 here, what our choice should be between the proposed route,  
24 V6, and V7.

25 MS. NASH: Well, my opinion is that I would not

1 choose -- you're telling me to make a choice. I think that  
2 it's unreal, because that isn't your choice. You have a  
3 choice --

4 COMMISSIONER MC CARTHY: Thank you. You don't  
5 care to make a choice.

6 MS. NASH: Well, my choice is, if I wasn't going  
7 to destroy Burton Mesa chaparral -- I mean, I would go down  
8 probably one of these roads.

9 In my mind, the Burton Mesa chaparral is  
10 paramount. But I think it's an unfair situation.

11 COMMISSIONER MC CARTHY: You don't have to answer.  
12 You prefer not to answer.

13 MS. NASH: Well, I'm telling you that I would go  
14 down V --

15 COMMISSIONER PARKER: Excuse me.

16 COMMISSIONER MC CARTHY: Do you have anything else  
17 you want to --

18 COMMISSIONER PARKER: If I may --

19 CHAIRMAN DAVIS: V what?

20 COMMISSIONER PARKER: You would go down V1 --

21 MS. NASH: I would go down V1 -- what is it? I'll  
22 show you the one on the map. It's V1b, I believe.

23 This is it right here (indicating on map). You  
24 can see it.

25 CHAIRMAN DAVIS: We said --

1 COMMISSIONER MC CARTHY: Ms. Nash --

2 CHAIRMAN DAVIS: -- assuming you didn't have that  
3 option. We have to make this decision. I mean, everyone  
4 says you can't be reasonable. Choose this, choose that. We  
5 have to make the decision. We're going to make one. You  
6 may not like it. We're asking you for your input. If you  
7 don't want to give it to us, we'll make it without your  
8 input.

9 COMMISSIONER PARKER: We understand what your  
10 first choice is. But absent that, that's not an alternate.  
11 Where do we go from there?

12 MS. NASH: I guess I'd choose not to, because I  
13 think that is a reasonable alternate that doesn't -- that  
14 can be done without an EIR.

15 COMMISSIONER PARKER: Thank you.

16 COMMISSIONER MC CARTHY: Thank you.

17 CHAIRMAN DAVIS: Thank you. Okay. Next --

18 MR. HASELMO: I have to go over there to speak?

19 Bob Haselmo, and I live 535 Tamarack Court, right  
20 there (indicating on map).

21 I've been asked to speak, because I've been with  
22 the construction equipment for 33 years. I'm operated and  
23 worked on them -- worked on it. I'm an ironworker,  
24 pipefitter, and a consultant, with three years of civil  
25 engineering.

1 I talk with pictures, so if I could hand these  
2 out, and then after a bit, you'll know. I can save time by  
3 doing it.

4 (Thereupon, the witness passed out  
5 photographs and spoke to the Commissioners  
6 outside the hearing of the reporter.)

7 MR. HASELMO: First, on the color here, you can  
8 note the real dark green trees. These trees, a lot of them  
9 are 100 to 150. There's a couple 200-year-old oaks here.

10 CHAIRMAN DAVIS: Is that where the pipeline is  
11 going to go? This is the proposed pipeline.

12 MR. HASELMO: Yeah, this is the proposed. It goes  
13 right on down through here (indicating). What you see here  
14 is this swath. This is the start of the big, long line  
15 behind 27 homes.

16 So, what you have is all of this is gone, and  
17 here's the homes right here, all the way through.

18 Now, the problem I have with that is the off-road  
19 usage. When they're through with compaction and everything  
20 else, it's going to be a big problem.

21 I live there. The attorney says that with the  
22 different winds -- there's winds all over there. We get  
23 southerly, easterly, northerly, everything, because it's  
24 down in a ravine. This whole area is real low in here.

25 But, to me, I mean that's just total madness,

1 because it is close. I mean, when you say -- and they're  
2 going to landscape part of it, but they still need an access  
3 road.

4 And then, getting back to the access road, they go  
5 on to say that they have to patrol it, but it's not going to  
6 be a big deal. But yet, they turn around in their EIR and  
7 they acknowledge that there will be a problem.

8 And on page 14, they go on to say, (reading)  
9 Vandalism and other disturbances to the corridor will be  
10 controlled through a variety of measures that may include  
11 signs, fencing, random patrols, fines, use of barrier  
12 plants, easy access points, an organized method,  
13 observations and reporting by local residents. I mean, we  
14 even get to monitor the stuff for them. I love it.

15 CHAIRMAN DAVIS: Then you get a fee. They'll hire  
16 you.

17 MR. HASELMO: But the part that bothers me the  
18 most, and they will not address it. They just shine it off.  
19 So, I talked to the top guru, one of the top in the world,  
20 not just in the United States, and he's been feeding me  
21 information on oak root rot. And that is a major, major  
22 problem. And they will not address it. And I'll just go  
23 briefly over it.

24 It's oak root rot, like so many tree problems, has  
25 been greatly enhanced by the action of man. When trees are

1 stressed, which is a reversible condition resulting from  
2 disruption and blockage of energy, the defense system  
3 suffers. Stress is a result of soil moisture of extremes --  
4 too wet or too dry -- compaction in the case of heavy  
5 equipment. When they're all done, you can see all the  
6 equipment that's running around there.

7 Salt applications repeated, overpruning. They're  
8 cutting trees at ground level when they talk about  
9 overpruning.

10 Use of soil chemicals for controlling weeds, which  
11 they say in their EIR they are going to do, because they  
12 just want the desirable things to live in the chaparral.

13 Then they say they may even use some drip system.  
14 But the bad thing is that construction damage to the roots  
15 and the trunks of the trees that aren't pulled out. And the  
16 roots -- I don't care what kind of machinery they have there  
17 -- is either being torn, crushed, or whatever. That won't  
18 get it on a healthy plant. That, too, will, in turn, die.

19 And then a lot of the smaller roots and what not,  
20 that goes back in. They're kind of losing it in the soil  
21 with the final grading. Well, that provides nothing but  
22 more food for oak root rot. And that stuff can get -- well,  
23 it can get everywhere.

24 I have it in the front, they tell me, the  
25 botanist. And I have a spot outside back up in here. It's

1 not secret Central California is full of it, especially  
2 along the coastline. I mean there's parts that is more than  
3 others.

4           And to get rid of it, it's a real problem, and to  
5 do it right. You can spread it by -- with a rake,  
6 cultivation, watering with your water truck, which  
7 incidentally -- I told Susan Petrovich about the truck. And  
8 she said, well, they weren't going to have one there. Well,  
9 I've got a picture of one there at Vandenberg. And they're  
10 using it. It's 72 tons. Tha doesn't mean much, but when  
11 you break it down, it's 36 Buick station wagons that weigh  
12 4,000 pounds each. That's what 72 tons is. The Corning  
13 1000 series backhoe, 144,000 pounds. I mean, everywhere you  
14 look, there is heavyweight stuff that is going back and  
15 forth, back and forth.

16           So, when they're all done, the byproduct -- the  
17 product of this trench is nothing -- it is just nothing but  
18 an off-road freeway. That's all it's going to be. That's  
19 what we're going to get out of it.

20           And I want to stress again. I am not against  
21 State water. But I'm against it having it shoved up my  
22 nose, right here, because to me, that is just too close. I  
23 mean, you can argue about breakage. Well, they'll say, you  
24 know, a meteor could fall and, you know, hurt you, too.

25           Well, that's probably true, but I'd probably bet

1 on the waterline breaking before a meteor hit me.

2 As far as the heavy equipment, there's no way they  
3 can go in there and save a tree -- I mean the drip lines  
4 overlap each other, and roots of a tree go beyond a drip  
5 line. And, then, they're going to go in there and they're  
6 going to save all these trees? It can't be done if they're  
7 going to drag all that equipment in there.

8 And, like I say, you saw the pictures of the  
9 equipment. It's just not there, not in that area. And, you  
10 know, I'm just -- I'm being practical. I think you have to  
11 agree with me there. The route is not there.

12 COMMISSIONER MC CARTHY: This is the proposed  
13 route you're talking about.

14 MR. HASELMO: This is CCW route. It's just -- a  
15 five-year-old boy will tell you that.

16 COMMISSIONER MC CARTHY: If you have enough  
17 information about the other routes, would you please make  
18 any comments you'd like. We appreciate your personal  
19 interest because of the proximity of your home.

20 MR. HASELMO: Yeah, I'm talking --

21 COMMISSIONER MC CARTHY: That doesn't mean you  
22 don't have the right to comment on the impacts you're  
23 describing.

24 MR. HASELMO: No, no, I will agree when you get  
25 going down --

1           COMMISSIONER MC CARTHY: If you'd please comment  
2 on the other routes just briefly, if you would, to give us--

3           MR. HASELMO: Well, I'm being --

4           COMMISSIONER MC CARTHY: You've heard our  
5 questions.

6           MR. HASELMO: I'm being honest. I haven't walked  
7 any of the other routes at all. And the reason why is I  
8 coach varsity football and varsity baseball. And I flat  
9 don't have the time.

10          COMMISSIONER MC CARTHY: Okay.

11          MR. HASELMO: Dick Luce and Carol Nash, those  
12 people have been doing all the walking. They just asked me  
13 to talk on equipment.

14                 Incidentally, I built both of those pads for those  
15 houses, cut 'em down, and they're talking -- originally,  
16 they had a 30 to 40 foot initial cut, V cut at the top.  
17 Well, in that area -- and you don't have to take my word for  
18 it -- Sanchez Construction and Coastal Earth Movers --  
19 between them they've got about 120 years worth of  
20 experience, and they built 90 percent of Vandenberg Village  
21 out there. And they say, realistically, you'd be lucky to  
22 get by on a one-and-a-half to one slope. So, what that  
23 means is, if you got a four-foot wide bucket down here,  
24 which they're using, by the time you get out here, you're  
25 flirting with a 30-foot to 35-feet again.

1           Because that's not like out at Vandenberg, where  
2 they got some good, hard shale or whatever it is out there  
3 they're cutting through. Here, you've got a lot of sand  
4 cave-ins, so there'll be shoring.

5           But worse than that, you're going to be eating up  
6 more trees, you know, as you go wider, there's more trees,  
7 more trees.

8           And basically, the 27 people there that had homes  
9 or had them built, the reason they went there is for the  
10 oaks. I mean, if they wanted a sandpile, they probably  
11 would have went to Mesa Oaks in Vandenberg Village, you  
12 know, across town, where they've got a little bush of an  
13 oak. You know, I, for one -- there's many people that  
14 bought the lots there. That's a new development to the  
15 village.

16           And I just -- you know, I just feel bad that they  
17 didn't take the time to address this oak root rot, because  
18 it is a real problem. It can get ugly. And that's for  
19 everybody, not just one person.

20           CHAIRMAN DAVIS: Okay. Thank you very much, sir.

21           All right. I think Mr. Luce is next.

22           MR. LUCE: Gentlemen, I know it's late. Please  
23 give me ten minutes, maybe even less.

24           Would you pass these over to the Commissioners?

25           Mr. Chairman, Commissioners, my name is Richard

1 Luce, and I'm president of the grassroots organization, the  
2 Vandenberg Village Concerned Citizens.

3 You heard the comments from some of our members  
4 and consultants. This is not just a problem of 27  
5 homeowners. This affects all Vandenberg Village and the  
6 future of the Burton Mesa chaparral.

7 Let me read the purpose of our organization, or  
8 perhaps maybe we should go ahead with this first, and this--  
9 while you're looking at the picture, this is the Route V2.  
10 This is the same picture, incidentally, that you've got  
11 there.

12 COMMISSIONER PARKER: V2?

13 MR. LUCE: V -- I'm sorry. V1.

14 COMMISSIONER PARKER: V1b.

15 MR. LUCE: V1b. This is our proposed route.

16 But first, let me tell you what our purpose is.  
17 To keep the community apprised of all legally approved  
18 proposed projects affecting the residents of the community,  
19 and to provide a forum for the discussion of such projects;  
20 take necessary action to counteract those projects having  
21 adverse effects on village residents, their property, or  
22 their local environment.

23 To encourage the preservation of the unique  
24 surroundings of Vandenberg Village, namely, Burton Mesa  
25 project area, the California State Preserve.

1           In doing this, we have, as everybody has  
2 mentioned, looked at many, many routes. This one is the one  
3 that Dr. Walters was speaking of. And you'll notice that,  
4 when you come over through this area (indicating on map),  
5 there's absolutely no Burton Mesa chaparral there, nor down  
6 here. We do have the oak grove, which we spoke of, another  
7 closed canopy area. And there are a few oaks up here.

8           That's the route. I've got to make a brief  
9 comment on the organizations operating in a JPA. This has  
10 bothered us considerably because of the autocratic method  
11 that the JPAs can operate under. And we've been affected by  
12 this with our association, with CCWA.

13           There's no state organization to exercise  
14 oversight on a JPA. They write their own EIR, they approve  
15 their EIR, and they can do all sorts of things, which we  
16 feel ends up being quite an undemocratic operation.

17           Further, the citizens themselves must initiate  
18 litigation to enforce compliance with the applicable laws.  
19 We sought help from our county representatives and from our  
20 State representatives, to no avail. So, we must commit our  
21 own funds to hire an attorney to do this job. Which, in the  
22 case of the original EIR, which was so bad, it wasn't -- I  
23 mean the original SEIR. We won the case easily.

24           We had hoped that the second one would be a little  
25 better than it was.

1           Let me comment on a few things that were mentioned  
2 here earlier by CCWA. I think this is the best thing, and  
3 I'll terminate here.

4           There was not equal effort given to all of the  
5 routes. The CCWA actually surveyed -- had a formal survey  
6 of the route that they proposed. They marked all trees,  
7 painted them. And I still don't know why they did this,  
8 some reason obviously.

9           But no other route has received this same  
10 attention.

11           Before the litigation, everytime we would make a  
12 suggestion, they'd say, no, that's no good. After the  
13 litigation, obviously, they came up with some written  
14 analysis, but not the same depth that they had done on their  
15 own. That would answer one of the questions you asked  
16 before.

17           We did not get fair hearings at the CCWA meetings.  
18 In fact, all of the information that I presented at the last  
19 meeting on 2 June was ignored, which disturbs me greatly.  
20 But that was the way they operated.

21           Mr. Burnworth spoke of pipes on V1. Well, these  
22 were mentioned before. There are pipes all over the place in  
23 there. What I wanted to do was, before you ask me, I think,  
24 from an environmental standpoint, you can't do any better  
25 than V6 or V7. It's obvious. There's no trees there at

1 all, other than maybe some shrubs on the side that they  
2 might to tear out.

3 There are other problems. Engineeringwise, I  
4 think it's a real problem. But from a pure environmental  
5 standpoint, there's no question that that would be better,  
6 because it wouldn't bother anybody's chaparral.

7 Knowing it's late, let me go to the summary.

8 We feel the VVC route is the best. It destroys no  
9 Burton Mesa chaparral, destroys fewer trees, avoids urban  
10 areas, no fragmentation of the chaparral, sparing all  
11 aspects. We urgently request you deny CCWA the easement for  
12 their proposed route.

13 Thank you.

14 One big picture, gentlemen (displaying picture).

15 This is one of the trees that will be destroyed. And I have  
16 a personal interest in them.

17 COMMISSIONER PARKER: You said personal interest,  
18 would you care to --

19 MR. LUCE: It's the back of my house.

20 Thank you very much.

21 CHAIRMAN DAVIS: All right. That concludes the  
22 public testimony. I'd like to have staff have any final  
23 comments or recommendations before I turn to the  
24 Commissioners for their thoughts?

25 COMMISSIONER PARKER: Any assessment on the EIR

1 issue?

2 MR. PELKOFER: Peter Pelkofer, Staff Counsel.

3 We've discussed it. As best we can, with the  
4 information available, it seems to be the opinion of staff,  
5 at least at this moment, that -- at a minimum -- an addendum  
6 would be necessary, possible a supplemental EIR. In either  
7 case, there would be some requirement for public notice and  
8 public comment under the law.

9 So, there would be some type of timeframes  
10 involved which would provide for that and, presumably as  
11 well, some opportunity for persons dissatisfied with the  
12 results to take legal action.

13 CHAIRMAN DAVIS: And the timeframe, even for an  
14 addendum, would be 30 days to circulate it, 45 days for  
15 comment?

16 MR. PELKOFER: I think that's a fair statement.  
17 Certainly no more than that.

18 EXECUTIVE OFFICER HIGHT: I think there is a  
19 procedure --

20 MR. PELKOFER: There is a shortening procedure.

21 EXECUTIVE OFFICER HIGHT: There is a shortening  
22 procedure; and since you're doing an addendum, I think  
23 there's an additional shortening procedure. Jan, do you --

24 MR. STEVENS: I'm sorry for my temporary absence,  
25 but I guess the opening consideration is that I assume

1 additional environmental documentation, should this new  
2 route be considered, is basically going to be the  
3 responsibility of the agency. And that determination would  
4 have to be made as to what kind of document would have to be  
5 filed. And the time periods would depend upon whether it  
6 was a supplemental, an addendum, or whether it was  
7 significant enough to be a supplemental EIR.

8 CHAIRMAN DAVIS: But you think that this  
9 Commission would require some additional information.

10 EXECUTIVE OFFICER HIGHT: Yes.

11 CHAIRMAN DAVIS: Which would -- at a minimum,  
12 whatever that is, has to be filed by the applicant.

13 EXECUTIVE OFFICER HIGHT: Correct.

14 CHAIRMAN DAVIS: Who may or may not choose to do  
15 so.

16 EXECUTIVE OFFICER HIGHT: Correct.

17 CHAIRMAN DAVIS: And, then, how they provide that  
18 to us would determine whether or not it's subject to any  
19 subsequent legal challenge, whether or not these homeowners  
20 choose to challenge.

21 EXECUTIVE OFFICER HIGHT: Correct. And we would  
22 be most happy to work with them to explore the most  
23 expedient method of doing that.

24 MR. STEVENS: And this is the only alternative  
25 which would require even that consideration. Of course, V6,

1 V7, and the other routes have already been dealt with in the  
2 certified EIR.

3 CHAIRMAN DAVIS: But we're not in the position  
4 today to say -- turn down the proposed route, for example,  
5 but we approve V6 or V7?

6 MR. STEVENS: They are not before you.

7 CHAIRMAN DAVIS: And what would it take to put V6  
8 or V7 before us?

9 MR. STEVENS: Action by the agency.

10 EXECUTIVE OFFICER HIGHT: Yes, the local -- CCWA  
11 would have to do the necessary environmental findings, and  
12 then bring those to the Commission.

13 And the same thing with --

14 COMMISSIONER PARKER: So, we need additional  
15 findings whether we were to consider --

16 EXECUTIVE OFFICER HIGHT: Any.

17 COMMISSIONER PARKER: -- V1b, V6, V7.

18 EXECUTIVE OFFICER HIGHT: Correct.

19 MR. PELKOFER: That's correct.

20 COMMISSIONER PARKER: Or even V1a.

21 CHAIRMAN DAVIS: So, all we can do today is vote  
22 the proposed route up or down.

23 EXECUTIVE OFFICER HIGHT: Correct.

24 MR. PELKOFER: That's correct.

25 MR. STEVENS: Yes.

1           CHAIRMAN DAVIS: Okay. And the staff  
2 recommendation?

3           COMMISSIONER MC CARTHY: Mr. Chairman, let me make  
4 a couple comments, if I may, and then maybe the staff might  
5 react.

6           I think we all acknowledge the importance of  
7 completing this water project. There's a good deal of  
8 testimony that's been given that there's both economic and  
9 environmental damage to many parts of San Diego County --

10          CHAIRMAN DAVIS: Santa Barbara.

11          COMMISSIONER MC CARTHY: I'm sorry. That tells us  
12 what time of night it is.

13          -- because of the lack of water delivered to Santa  
14 Barbara County. So, I think we must attempt to move ahead  
15 with this as expeditiously as we can. But the State Lands  
16 Commission must seriously attempt to fulfill its  
17 responsibilities as we find in many court cases and actions  
18 of this Commission under the Public Trust Doctrine.

19          I think the applicant has attempted to try to go  
20 out and look at all considerations, both cost and  
21 environmental. I applaud the efforts for the applicant to  
22 do that. I'm, however, concerned that some of the testimony  
23 today has indicated that there would be some adverse  
24 environmental impacts that could be avoided by the proposed  
25 route of the Water Authority, and I'm -- I appreciate that

1 there are homeowners that are going to be very concerned  
2 over several of these routes, because, like the rest of us,  
3 they don't want disruption in their lives.

4 But I heard the testimony that at least some of  
5 the routes that would be the least environmentally damaging,  
6 long-term environmentally damaging, would also be completed  
7 within a construction period of, let's say, four to six  
8 weeks. I don't think I'm taking liberty with the testimony  
9 that I heard today.

10 Now, I don't know how to really make a judgment on  
11 V1b, because it was only raised a couple of weeks ago. And  
12 I appreciate -- I take very seriously the testimony given by  
13 householders/homeowners here that are proposing V1b, but  
14 given the magnitude of this whole project, even with the  
15 attempts of the Water Authority to try to address some of  
16 these issues in the last couple of weeks, I think it's fair  
17 to say that -- given a bit longer period of time -- a total  
18 picture of V1b, how many problems do we have with pipelines  
19 underneath the ground, what impact does that have on cost?  
20 Is there a different route moving out further than what the  
21 homeowners have proposed on V1b might be required because of  
22 the pipes? We don't know how to make a judgment on these  
23 things, because no one in the short timeframe since this  
24 last modification was proposed has had a real opportunity on  
25 the merits described.

1           So, that's an option we have. We can look at V1b  
2 and try to do that expeditiously. Or we can ask the Board  
3 of the Water Authority to look at V6 and V7, which, under  
4 their own evidence and under the testimony given by one or  
5 two of the Water Authority witnesses and one or two of the  
6 homeowner witnesses in opposition to the Water Authority's  
7 proposed route, would be the least environmentally damaging  
8 in the long run.

9           I am not prepared to support the proposed route  
10 today. I would pledge to the Water Authority that I am  
11 prepared to propose to the Chairman and my fellow  
12 Commissioner that this State Lands Commission meet quickly  
13 and schedule a special meeting, if need be, as soon as  
14 permitted by the law, as quickly as we can develop --  
15 quickly and thoroughly as we can develop some other  
16 additional information.

17           But I think we ought to be allowed to look at V6  
18 and V7 more seriously. I'm well aware that that is going to  
19 arouse the passions of a number of homeowners. But we're  
20 talking about a four-week period of construction in the case  
21 of V6, and something a little bit over that, as I remember  
22 the testimony -- pardon me. A four-week period for V7, and  
23 something a little bit over that for V6 as I remember the  
24 testimony.

25           And if those construction time estimates are

1 accurate, I think the chaparral and the oak trees that we're  
2 talking about saving are not just an asset to the homeowners  
3 nearby them along the proposed route, but perhaps an asset  
4 to the broader community involved here.

5 So, at least it's worth examining a little bit  
6 further.

7 I can't really comment too much on V1b, because I  
8 don't -- I'm not satisfied I've got enough information in  
9 front of me. Now, those are my feelings, Mr. Chairman. Not  
10 as precise as I would like them at this point, after hearing  
11 many hours of testimony. But I'd like to hear from the two  
12 of you.

13 CHAIRMAN DAVIS: Theresa?

14 COMMISSIONER PARKER: Mr. Chairman, actually, I  
15 concur with the direction the Lieutenant Governor's is  
16 going. I can't support, based on what we've heard today,  
17 going with the proposed route at this particular point in  
18 time. I'm very concerned with the long-term environmental  
19 impact.

20 And I think there have been questions raised of  
21 human impact in the long term that I'm also quite concerned  
22 about. I think that it looks like there might be something  
23 promising with the proposed alternative route of V1b, but we  
24 don't have enough information to make that determination.

25 It's very clear, also, that two routes that

1 haven't been looked at that were rejected, I guess, because  
2 of homeowners' concerns, pose short periods of time of  
3 disruption, but certainly long-term benefits from the  
4 standpoint of the environmental impact, and I think also the  
5 human impact to the extent that, if there are not those  
6 roads in close proximity going behind the neighbors where  
7 they can be accessed by people with recreational vehicles or  
8 any other number of other individuals, that that would have  
9 an impact on those homeowners throughout the development as  
10 well.

11 So, I, at this particular point, would propose to  
12 not support the lease by the water district.

13 CHAIRMAN DAVIS: I think we're all tracking pretty  
14 much together here. Strictly from an environmental  
15 perspective and the Public Trust Doctrine, it would be a lot  
16 easier to vote for either V6 or V7, because there's  
17 virtually no long-term environmental consequences to  
18 chaparral, oak trees, and we could easily meet our public  
19 trust responsibilities.

20 I appreciate what the applicant has done to try  
21 and accommodate human concerns. And I realize that if they  
22 had their druthers, they would have presented V6 or V7 to us  
23 initially, and our job would have been a good deal easier  
24 than it is today.

25 I, too, am interested to see if V1b offers any

1 promise. I don't know if the applicant will choose to do  
2 that. And it may or may not prove to be as hopeful as the  
3 homeowners suggest, hopeful an alternative as the homeowners  
4 suggest.

5 I do want to concur in some remarks the Lieutenant  
6 Governor made. I would favorably consider either V6 or V7  
7 if they were before me. If V1b was before me and it turned  
8 out that I could meet our Public Trust Doctrine in terms of  
9 the considerations I mentioned earlier relative to oak  
10 trees, and chaparral, and the other natural environment, I  
11 would also favorably consider V1b.

12 I think, as citizens of this State, we have to  
13 look at the larger issues. We're 31 million people and  
14 growing. Many years ago, probably before any of the  
15 homeowners bought their homes, the people of Santa Barbara  
16 County voted not to or chose not to -- I don't know if they  
17 voted or chose not to -- link up with the State Water  
18 Project. It was a decision they had the right to make.

19 But now, they're choosing to forge such a linkage.  
20 And I believe there has to be a way, consistent with that  
21 vote, for elected officials to make that linkage.

22 The applicant, under our laws, has to make a  
23 proposal. We may not like the proposal. You clearly don't  
24 like the proposal. So, I guess what I'm saying is, I'm not  
25 in favor of having this delay. I'm in favor of a fair

1 resolution, which allows us to meet our obligations and,  
2 hopefully, presents the fewest long-term objections to  
3 homeowners as possible.

4 So, I'm going to concur in the vote to reject the  
5 proposed alternative, and urge the applicant to put before  
6 us, if they choose, V6 or V7. And I would be prepared to  
7 vote for one of them.

8 If they choose to put before us V1b, I would  
9 certainly look at those earnestly, and see if that is a  
10 preferred alternative.

11 So, with that, I'll entertain a motion.

12 Robert, could you phrase a legally appropriate  
13 motion?

14 EXECUTIVE OFFICER HIGHT: Yes.

15 To deny the applicatifon in its present form from  
16 CCWA, and request of them either an amendment, an addendum,  
17 or a supplement to the EIR to look in further detail at V6,  
18 V7, and V1b. And I will add one more thing. To deny the  
19 application on public trust grounds and the environmental  
20 consequences that it will have.

21 CHAIRMAN DAVIS: All right. Does everyone  
22 understand the motion?

23 COMMISSIONER MC CARTHY: Yes, Mr. Chairman. I  
24 understand the motion. And I would add, so that the Water  
25 Authority knows what's on my mind -- assuming there's no

1 shocking revelations about V6 or V7 that we have not heard  
2 in testimony today, I'm prepared to give favorable  
3 consideration to one of those two choices. Or, if you come  
4 back with V1b as being competitively -- competitive on cost  
5 grounds and very appealing, in that it doesn't do any long-  
6 term environmental damage, I'm certainly quite open on  
7 supporting as well.

8           The intent of what I'm now saying is that I'm  
9 prepared to give you a final decision at the next meeting of  
10 the State Lands Commission on this subject.

11           CHAIRMAN DAVIS: Which presumably would be within  
12 30, 60 days, whatever.

13           COMMISSIONER MC CARTHY: We'll have to be guided  
14 by what response we get from the Water Authority talking to  
15 our staff, I think, Mr. Chairman, as to when they would be  
16 prepared to come back to us with this information on those  
17 three choices.

18           CHAIRMAN DAVIS: Well, suffice it to say, we meet  
19 roughly every four to six weeks. And we'll be prepared to  
20 deal with this issue at the first appropriate time it is  
21 presented to us.

22           COMMISSIONER PARKER: Mr. Chairman, would it be  
23 appropriate to amend our motion, then, to say that the  
24 Commission would entertain as part of this motion to have  
25 the water district come back to present us with those

1 options, and then we would be then ready to make a decision?

2 CHAIRMAN DAVIS: That's what we are saying.

3 COMMISSIONER PARKER: Okay. Thank you.

4 CHAIRMAN DAVIS: So, let the record reflect that  
5 our motion has been properly stated by the Executive  
6 Officer, Mr. Hight, and that the Commission amends to that  
7 its desire to act on this in a dispositive way the next time  
8 the applicant brings it before the Lands Commission, which  
9 we anticipate would be sometime in the next 30 to 60 days.

10 Okay? We have a motion before us.

11 COMMISSIONER PARKER: Yes.

12 COMMISSIONER MC CARTHY: All right.

13 CHAIRMAN DAVIS: All right. It's unanimously  
14 adopted.

15 EXECUTIVE OFFICER HIGHT: Thank you, Mr. Chairman.  
16 We have one little small clean-up item, Item No. 36.

17 MR. TROUT: Mr. Chairman, while you've been  
18 enjoying the wonders of the Burton Mesa chaparral, staff has  
19 put the final details of the settlement of the litigation at  
20 Chicory Bend, and we want to make the statement that  
21 approval of Calendar Item 36 will extinguish the State  
22 claims of implied dedication to public use across the  
23 property.

24 We would get access and frontage on the river as  
25 part of this settlement, and request your approval of Item

1 36.

2 CHAIRMAN DAVIS: All right. Is there any  
3 objection from the public? Any objection from the members?  
4 Hearing none, it's unanimously adopted.

5 All right. The meeting stands adjourned.

6 (Thereupon, the meeting was adjourned at  
7 6:45 p.m.)

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## CERTIFICATE OF SHORTHAND REPORTER

I, Nadine J. Parks, a shorthand reporter of the State of California, do hereby certify that I am a disinterested person herein; that the foregoing meeting of the State Lands Commission was reported by me in shorthand writing, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting, nor am I interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of September, 1994.

  
Nadine J. Parks  
Shorthand Reporter