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SCDA-59

9 Attorney for Protestants Save the California Delta Alliance, et al.

10 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

11 **IN RE CALIFORNIA WATERFIX**  
12 **CALIFORNIA DEPARTMENT OF**  
13 **WATER RESOURCES AND U.S.**  
14 **BUREAU OF RECLAMATION**  
15 **PETITION FOR CHANGES IN**  
16 **WATER RIGHTS, POINTS OF**  
17 **DIVERSION/RE-DIVERSION**

18 **PROTESTANT SAVE THE CALIFORNIA**  
19 **DELTA ALLIANCE, ET AL.'s WRITTEN**  
20 **TESTIMONY OF JANET McCLEERY**  
21 **REVISED AS PER THE SWRCB ORDER OF**  
22 **OCTOBER 7, 2016.**

1 I, Janet McCleery, do hereby declare:

2 My husband and I live in Discovery Bay. We moved to Discovery Bay after spending 35  
3 year in Silicone Valley – myself as a software engineer then cofounder/ CTO of a software start up  
4 company. My husband was a financial analyst and retired as Controller of Space Systems Loral, a  
5 major satellite builder. We both worked hard, saved our money, and lived in a small Sunnyvale  
6 home where we raised our two girls. We spent weekends driving to the Delta where we and our  
7 girls learned to water ski and learned to enjoy the beautiful nature and setting of the unique area  
8 called the “Delta.”

9 We built our “dream house” and moved to Discovery Bay in 2006. We looked forward to  
10 retirement years boating on the waterways we love and enjoying the beauty and serenity of this  
11 wonderful place. ~~In addition, we picked discovery Bay because of our daughters’ love of~~  
12 ~~waterskiing and the Delta. We figured that we’d see more of them and their families if we lived in a~~  
13 ~~location where they all wanted to come visit often.~~

14 ~~We understand that the effects of the tunnels on recreation are scheduled for part II of the~~  
15 ~~hearings. Many of the activities that make discovery Bay what it is, taken in isolation, might be~~  
16 ~~considered as recreation. However,~~ Discovery Bay is a freshwater community. Our culture,  
17 societal values, economy, and entire way of life depend on the health of our bays, which are fed by  
18 and connected to Indian Slough and Kellogg Creek.

19 Many of the businesses in Discovery Bay are marine-based. These include boat sales, boat  
20 repair, ~~water sports equipment sales,~~ boat storage and launching, our marina and fuel dock, and  
21 waterfront restaurants, ~~and the Discovery Bay Yacht Club~~. If the tunnels go into operation,  
22 depriving our community of fresh water, many of these businesses will have to close. This will  
23 dramatically impact our economy overall and negatively impact our tax base. Many people will lose  
24 their livelihood.

25 The waterfront homes of Discovery Bay are set on a series of freshwater bays. Each bay has  
26 its own name and community identity. Our home fronts Marlin Bay. When we sit on our deck or  
27 dock we look out across the bay and see our neighbors. Marlin Bay is our community commons—it  
28 belongs to everyone and we all take care of it. The water is part of our culture, part of our

1 community. Some communities have a big central commons, a grassy lawn area. Our “commons”  
2 are our bays. It is how we see our neighbors. ~~We swim on our bays, people paddle by, others are~~  
3 ~~out on pedal boats, or patio boats.~~ Instead of neighbors sharing a grassy common area, we share our  
4 watery bays.

5 If the tunnels go into operation, depriving Discovery Bay of freshwater and degrading the  
6 quality of water in our bays, our commons will be ruined and our entire culture and sense of  
7 community will be destroyed. Many of our neighbors will give up and move away. Home values  
8 will plummet. ~~This goes beyond impacting recreation. It is the destruction of an~~ Our entire  
9 community will be destroyed.

10 Over 2000 homes in Discovery Bay are waterfront with docks and boats in the backyard.  
11 Their owners share a similar love of the Delta, water-based lifestyle and the Delta’s scenic beauty.  
12 In addition to the waterfront homes, there is a large Marina. ~~with many dry dock water ski and~~  
13 ~~wakeboard boats and berths for many larger houseboats and powerboats owned by people in~~  
14 ~~Silicone Valley and other nearby areas for weekend enjoyment.~~ The commercial uses of the Marina  
15 and our commercial waterfront businesses account for ~~most~~ much of our community’s economic  
16 basis. Waterfront lots are about \$300 K more than non-waterfront lots and all lots in Discovery Bay  
17 are quite a bit more expensive than surrounding communities. This is because of our unique water-  
18 based activities and focus.

19 When we go to visit our friends and neighbors, we travel by boat—either across our bay to  
20 our close neighbors or through the interconnecting channels to visit friends who live on other bays.  
21 There have been times in the past when the bays were so choked with invasive weeds that it was not  
22 possible to navigate in many areas of Discovery Bay. We have begun to get a handle on this  
23 problem but if the tunnels going to operation they will deprive us of good quality fresh water and  
24 cause conditions that will make invasive weed growth explode. Our means of transportation and  
25 way of life will be destroyed.

26 The tunnels will have a devastating effect on our community while the project is underway,  
27 with its significant noise pollution and air pollution, and the destruction afterwards. During  
28 construction, barges will block waterways and large muck ponds will be dumped nearby with the

1 resulting smell and bugs. Highway 4, which is the main commuter route from Discovery Bay to  
2 Stockton, will suffer significant closures.

3         This summer we have also had an outbreak of toxic blue-green algae. Blue-green algae not  
4 only makes water ~~un-swimmable and~~ unusable for domestic use, it is also highly toxic to pets. Our  
5 dog drinks out of our bay as do all of the dogs and cats that live in Discovery Bay. If the tunnels go  
6 into operation, water temperatures will increase in Discovery Bay, circulation will decrease, and  
7 conditions will cause blue-green algae to be a pervasive problem in Discovery Bay. Pets will die. It  
8 is difficult, if not impossible, to fence off the water—and doing so would destroy our community in  
9 any event. In addition to all the other community destroying effects of the tunnels, blue-green algae  
10 will give an additional incentive for pet lovers to move away from Discovery Bay.

11         We are a freshwater community. The bays will become brackish or polluted as the result of  
12 removing the freshwater upstream in the Sacramento River so that it cannot flow through the Delta  
13 and through our bays. Some may say that won't happen. But it already has started. The combination  
14 of years of drought and continued over-pumping has taken it's toll. This year the water turned green  
15 from algae. It was the standard green algae we get most years, but much more. As I mentioned  
16 earlier, this year there was also some of the toxic blue-green algae in the bays at the far end of  
17 Discovery Bay – something that hasn't been a problem in past years. The news stations came and  
18 reported on our toxic blue-green algae and signs went up through the community ~~to not wade or~~  
19 ~~swim in the water.~~ We've lost home sales and Marina business as a result. People as far away as  
20 Canada have asked their friends if "Discovery Bay has been shut down." If the tunnels go in, the  
21 problems will be exacerbated, because the fresher Sacramento River water will not be allowed to  
22 flow down through our community, and our economy will be even more impacted.

23         When the economic housing crisis hit in the mid 2000's, surrounding communities were  
24 hard-hit. Mountain House, just south of Discovery Bay, had 90% of its homes foreclosed,  
25 devastating that community. Discovery Bay, though impacted, was not nearly as impacted as  
26 surrounding communities because it is a thriving boating community.

27         Our community is a freshwater boating community. It is our way of life. It is our economy.  
28 It is the basis of our home values. And for me, personally, it is my retirement and peace of mind.

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Executed October 17, 2016, at Discovery Bay California

By: /s Janet McCleery

**STATEMENT OF SERVICE**

**CALIFORNIA WATERFIX PETITION HEARING  
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)**

I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

**PROTESTANT SAVE THE CALIFORNIA DELTA ALLIANCE, ET AL.'s WRITTEN TESTIMONY OF JANET McCLEERY REVISED AS PER THE SWRCB ORDER OF OCTOBER 7, 2016.**


**PROTESTANT SAVE THE CALIFORNIA DELTA ALLIANCE, ET AL.'s WRITTEN TESTIMONY OF MICHAEL BRODSKY REVISED AS PER THE SWRCB ORDER OF OCTOBER 7, 2016.**

**PROTESTANT SAVE THE CALIFORNIA DELTA ALLIANCE, ET AL.'s WRITTEN TESTIMONY OF FRANK MORGAN REVISED AS PER THE SWRCB ORDER OF OCTOBER 7, 2016.**

**PROTESTANT SAVE THE CALIFORNIA DELTA ALLIANCE, ET AL.'s CASE IN CHIEF EXHIBIT INDEX REVISED**

to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated October 6, 2016, posted by the State Water Resources Control Board at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/california\\_waterfix/service\\_list.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml)

I certify that the foregoing is true and correct and that this document was executed on October 17, 2016.

Signature:   
Name: Michael A. Brodsky  
Title: Attorney

Party/Affiliation:  
Save the California Delta Alliance, et al.

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