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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **IN AND FOR THE COUNTY OF SACRAMENTO**

18 Coordinated Proceeding
19 Special Title (Rule 3.550)

JCCP NO. 4974

Assigned to: James E. McFetridge, Dept. 30

20 **OROVILLE DAM CASES**

**DECLARATION OF HARRISON TREVOR
HUNTER IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANT'S
MOTION TO STRIKE**

Date: February 15, 2019
Time: 10:00 a.m.

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DECLARATION OF HARRISON TREVOR HUNTER

1 I, Harrison Trevor Hunter, hereby declare as follows:

2 1. I have personal knowledge of the matters set forth below and, if called as a witness,
3 I could and would testify competently to the statements herein.

4 2. In 2007, I was hired by the California Department of Water Resources (“DWR”)
5 and began a three-year journeyman apprenticeship to become a Utility Craft Worker. I worked as
6 a utility craft worker in the civil maintenance department until I was forced to resign from my
7 employment with DWR in 2017.

8 3. For the first 4-5 years of my employment with DWR, I worked in West
9 Sacramento, commuting over 50 miles each way from my home in Gridley, California. I was
10 comfortable working for DWR in Sacramento, despite the long commute. Wanting to be closer to
11 home, I applied for a transfer to DWR’s Oroville Field Division.

12 4. In March 2012, I transferred to DWR’s Oroville Field Division in after working
13 Sacramento. In Oroville, my experience working for DWR was quite different than in
14 Sacramento. As a Utility Craft Worker within the maintenance department, I worked on the Lake
15 Crew for approximately 5 years. The Lake Crew was responsible for maintenance work on and
16 surrounding Lake Oroville, including the spillway.

17 5. In Oroville, I worked mainly under DWR Supervisors Chuck Saiz and Gregg
18 Ahlers, who both had a negative attitude towards me from the start. I was repeatedly mistreated by
19 Ahlers until such time that he was transferred out of Oroville.

20 6. At DWR, I noticed problems when it came to safety, maintenance, and generally
21 following rules or procedures. Rules and safety procedures were often ignored by my supervisors.
22 I was frequently instructed to do tasks that were against the rules. Because I was unwilling to join
23 in the inappropriate culture at DWR, I was constantly harassed, monitored, and written up for
24 things that were either untrue or that I was instructed to do by a supervisor. DWR often “pads” the
25 files of DWR employees who speak out and/or voice concerns with unwarranted adverse actions.

26 7. Sometime around 2013, I was part of a crew assigned to do spillway maintenance
27 work. Supervisor Gregg Ahlers was in charge of the spillway maintenance work and crew. Ahlers
28 instructed us to use several different Sikka epoxy products to patch damaged areas of the spillway,

1 but I noticed that one of the products was expired and brought it to Ahlers' attention. Not only did
2 Ahlers know that the product was expired, he instructed us to use it anyway, since he purchased
3 the expired product from a friend of his who owns Close Lumber in Sutter, California, the town
4 where Ahlers lived. It was unbelievable to me that we would use the expired product, but we were
5 told by our supervisor to do so.

6 8. During this spillway maintenance work, we were instructed to remove loose, flaky,
7 or broken materials from the surface of the spillway (areas marked with paint), vacuum out the
8 void, place pieces of rebar inside and fill the voids with patch material. Once we applied the patch
9 material, we were quickly told, "That's good; move on to the next."

10 9. A DWR supervising engineer, Alex Samaan, was present at the time, and I
11 remember him looking over our shoulders and taking pictures while we worked. The engineer did
12 not approve of our use of the epoxy products because he noticed they were not working. Still, we
13 were told to continue to use the products when the engineer was no longer present.

14 10. The Orville Dam spillway also has a drainage system comprised of terra cotta clay
15 pipes. I noticed many of the pipes were either crushed or clogged and reported that fact. We never
16 cleared or repaired them.

17 11. The spillway maintenance work occurred around the time that DWR's FERC
18 license was expiring, and there was a rush to complete the work before FERC inspectors arrived.
19 It seemed like the spillway repairs were more for show than substance.

20 12. The 2013 spillway maintenance work seemed more like experimentation than a
21 well-devised work plan. The crew and I lacked confidence and questioned whether the repairs
22 would work at all, but Ahlers instructed us to shut up and get back to work. The crew was unable
23 to work as a cohesive group, because of the dysfunctional work environment.

24 13. In another instance, supervisor Ahlers instructed us to improperly use an epoxy
25 product during a hot summer day when outside temperatures were far above 100 degrees
26 Fahrenheit, despite the warning label advising not to use the product at temperatures above 100
27 degrees Fahrenheit. When I pointed this out to Ahlers, he told me to use it anyway and that the
28 warning was referring to Celsius, not Fahrenheit. The label clearly said Fahrenheit.

1 14. In yet another incident, Supervisor Ahlers instructed me to clear brush from some
2 trails around the dam – a task I deemed as punishment because it was clear that Ahlers did not like
3 me and he often assigned me with the most undesirable tasks. The brush I was expected to clear
4 looked a lot like poison oak, to which I am extremely allergic. When I pointed the poison oak out
5 to Ahlers he denied that it was poison oak and I was forced to pull up a picture on my phone to
6 prove that it actually was poison oak. I told Ahlers several times that day and previously that I am
7 highly allergy to poison oak. Despite using all available PPE (personal protective equipment), my
8 allergy is so strong and the level of exposure was so severe that I had to visit the doctor twice due
9 to my exposure to the poison oak.

10 15. During another assignment given to me by Supervisor Ahlers, I fell inside of a pipe
11 and injured my shoulder, which took two to three months of medical care and physical therapy in
12 order to achieve 100% recovery.

13 16. Despite the fact that DWR employees are taught proper safety procedures during
14 safety meetings and/or classes, out in the field it was a completely different story. It was common
15 to be instructed by a supervisor to do something “real quick while no one is looking.” I was often
16 concerned with my safety and the safety of other DWR employees.

17 17. I also witnessed DWR supervisors misusing state funds to purchase over-priced
18 tools and supplies from their friends, rather than from state-approved vendors. Just like the
19 expired epoxy Ahlers purchased from his home town, supervisors did not feel they needed to
20 follow the rules. These practices meant that more taxpayer money was spent than necessary.

21 18. From my experience, those who succeed within DWR are those who bend the rules,
22 play favorites, and are willing to join or condone the mistreatment of others. Employees who
23 spoke out against mistreatment, harassment, or unsafe practices, were punished by adverse actions,
24 undesirable assignments, and constant monitoring, while others were left alone. DWR employees
25 lacked trust in one another and in their supervisors. This all led to a lack of teamwork and
26 commitment to the job, and shoddy work.

1 19. In early 2017, as Lake Oroville levels began to rise, DWR began to refer to the
2 emergency spillway, as it had always been referred, as a “secondary spillway” despite the fact that
3 the emergency spillway was simply an earthen hillside.

4 20. The week before the February 2017 evacuation was ordered, several DWR
5 employees were called into a meeting due to a “potential situation” at the Oroville Dam. We were
6 told by DWR supervisors it was important not to arouse public fear. We went to the viewing
7 platform at the fish hatchery above the Oroville Dam to view the water rushing over the spillway.
8 DWR began releasing a lot of water from Lake Oroville, and DWR employees were told to “get
9 ready for a lot of overtime.”

10 21. During the February 2017 Oroville Dam spillway crisis, I was on my way to work
11 when Supervisor Chuck Saiz called and told me the emergency spillway was about to fail, and to
12 get my family and “get the hell out of Oroville!” I gathered my family and evacuated to the
13 mountains in Ukiah. It was very traumatic for my parents especially. The following day, Saiz
14 called to tell me he may need me to return to work the following day. I asked about the “imminent
15 failure” of the spillways and was told that the threat of an uncontrolled failure of the Oroville Dam
16 had been resolved. I called in to DWR to advise them I would be back on Friday. Upon my return
17 to work, DWR Assistant Superintendent Justin Sannar pronounced me AWOL for missing three
18 days of work and told me I was going to “suffer the consequences.”

19 22. As a consequence, I was then assigned to “traffic control” and was instructed to
20 stand guard with another Utility Craft Worker in front of two large barricades, only allowing
21 DWR-marked vehicles to pass. I was assigned to work “traffic control” for five straight nights for
22 14-15 hour shift. I only moved the barricades 3 times during those 5 nights. This assignment was
23 nothing more than punishment. When I tried to speak to my Supervisor Chuck Saiz about the
24 assignment, he asked me, “don’t you want all the overtime?”

25 23. After my traffic control assignment, I received two separate AWOL charges from
26 DWR and was offered counseling, but on my own time rather than DWR’s.

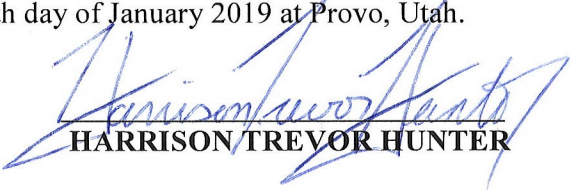
27 24. I overheard DWR supervisors talking about waiting for a catastrophic failure at the
28 Oroville Dam so that the department could apply for FEMA reimbursement. And sure enough the

1 February 2017 spillway crisis provided DWR with just the kind of catastrophic event they were
2 hoping for and quickly applied for federal funds (FEMA). Once the FEMA money began pouring
3 in, we suddenly had 15 brand new trucks in the yard, new white boards in the meeting rooms, new
4 flat screen televisions on the walls and in offices, and new rain gear for supervisors. It seemed like
5 DWR began spending a lot of money because they knew 75% of the money spent would be
6 reimbursed by FEMA.

7 25. In June 2017 I became sick and called in to work. If we call in sick for three
8 consecutive days, a doctor's note is required. I faxed two separate doctor's notes to DWR during
9 the time that I was sick, and returned to work on the day indicated on the second note. Upon my
10 return, DWR Supervisor Joey Cavasos denied receiving my doctor's notes despite the fax
11 confirmation receipt I had laid on his desk, and pronounced me AWOL again.

12 26. DWR had padded my file with numerous adverse actions and my attempts to defend
13 myself and protect my job were thwarted by DWR. I then received a two-week notice, and was
14 told that if I resigned I could get another state job, otherwise I would be fired from DWR with no
15 chance of ever working for the state again.

16 27. I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct. Executed this 30th day of January 2019 at Provo, Utah.

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20 **HARRISON TREVOR HUNTER**

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