State of California State Water Resources Control Board

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000 Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

PETITION FOR TEMPORARY URGENCY CHANGE

(Water Code 1435)

Point of Diversion,Point of Rediversion,Place of Use,Purpose of Use (See Suppleme					(See Supplement)
Application #	16950 Pen	mit #15254_	License #	Statement or Oth	er
(Water F	Right Holders Nam	ie)		hereby petition for a t described as follows:	
				om section corner or & proposed points lie	
Present Grizzl	y Valley Dam ((Lake Davis) -	N 204,280 E 2,427.	790, Zone 1, Californ	ia Coord. System
Proposed	Same				
Place of Use (If	irrigation then	state number o	f acres to be irrigate	ed within each 40-acr	e tract.)
Present	Plumas Coun	ity			
Proposed	No Change				
Purpose of Use					
Present Dom	estic, Irrigation	, Municipal, Re	ecreation, Streamflo	w Enhancement	
Proposed	No Change	•			
			or enhance wetland 707)? Yes, See Su (yes/no)	s habitat, fish and wi	ldlife resources, or
The temporary u	irgency change	(s) is to be effe	ctive from Septem	ber 1, 2007 to February to Every to the February to Every	uary 26, 2008
Will this tempor	ary urgency ch	ange be made	without injury to an	y lawful user of water	r? <u>Yes</u> (yes/no)
Will this tempor instream benefic	ary urgency ch cial uses?	sange be made v See Suppl (yes/no)	without unreasonab ement	le effect upon fish, wi	ildlife, and other
State the "Urger petition:	•) which is the basis	of this temporary urg	gency change
	See Supplem	ent			
			g changed, is any perion and the propose	erson(s) taking water d point? No Cl (yes/n	nange
Are there any per of return flow?	See Supplem		tream between the o	old point of return flo	

See Supplement	
I (we) consulted the California Department of Fish and Game concerning this proposed	temporary change. Yes (yes/no)
mitigation.	te the measures required for
Ed Pert, Project Manager, Lake Davis Pike Eradication Project, (916) 653-7889 Requested change is necessary to allow DFG to implement the Lake Davis Pike	Eradication Project. See
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Ed Pert, Project Manager, Lake Davis Pike Eradication Project, (916) 653-7889 Requested change is necessary to allow DFG to implement the Lake Davis Pike Supplement. THIS TEMPORARY URGENCY CHANGE DOES NOT INVOLVE AN I AMOUNT OF THE APPROPRIATION OR SEASON OF USE. THIS TE CHANGE IS REQUESTED FOR A PERIOD OF ONE HUNDRED EIGH I (we) declare under penalty of perjury that the above is true and correct to the belief. Dated	NCREASE IN THE MPORARY URGENCY TY DAYS OR LESS. best of my (our) knowledge, Califor (916) 653-0190 Telephone No.

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PETITION FOR TEMPORARY URGENCY CHANGE

(Water Code 1435) Point of Diversion, ___Point of Rediversion, ___Place of Use, ___Purpose of Use (See Supplement) Application # 21443 Permit # 15255 License # Statement or Other I (we) California Department of Water Resources hereby petition for a temporary urgency (Water Right Holders Name) change(s) noted above and shown on the accompanying map and described as follows: Point of Diversion or Rediversion (Give coordinate distances from section corner or other ties as allowed by Cal CR 715, and the 40-acre subdivision in which the present & proposed points lie.) Present Grizzly Valley Dam (Lake Davis) - N 204,280 E 2,427,790, Zone 1, California Coord. System Proposed____ Same Place of Use (If irrigation then state number of acres to be irrigated within each 40-acre tract.) Present _____ Plumas County Proposed No Change Purpose of Use Present Domestic, Irrigation, Municipal, Recreation, Streamflow Enhancement Proposed ____ No Change Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? Yes, See Supplement The temporary urgency change(s) is to be effective from <u>September 1, 2007</u> to <u>February 26, 2008</u> (Cannot exceed 180 days) Will this temporary urgency change be made without injury to any lawful user of water? Yes Will this temporary urgency change be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses? See Supplement (ves/no) State the "Urgent Need" (Water Code 1435(c)) which is the basis of this temporary urgency change petition: See Supplement If the point of diversion or rediversion is being changed, is any person(s) taking water from the stream between the old point of diversion or rediversion and the proposed point? No Change (ves/no)

Are there any persons taking water from the stream between the old point of return flow and the new point

of return flow? <u>See Supplement</u> (yes/no)

See Supplement		
		
		
		
		
(we) consulted the California Department of Fish and Game concerning this proposed	d temporary change. Y	<u>es</u> yes/no)
f yes, state the name and phone number of the person contacted and the opining ffects of your proposed temporary urgency change on fish and wildlife and statisfaction.	on concerning the pote ate the measures requ	ential ired for
d Pert, Project Manager, Lake Davis Pike Eradication Project, (916) 653-788	39	<u>-</u>
Requested change is necessary to allow DFG to implement the Lake Davis Pil		
Supplement.		
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AMOUNT OF THE APPROPRIATION OR SEASON OF USE. THIS T CHANGE IS REQUESTED FOR A PERIOD OF ONE HUNDRED EIG	EMPORARY URGI HTY DAYS OR LES	ENCY SS.
AMOUNT OF THE APPROPRIATION OR SEASON OF USE. THIS TECHANGE IS REQUESTED FOR A PERIOD OF ONE HUNDRED EIGHT (we) declare under penalty of perjury that the above is true and correct to the	EMPORARY URGI HTY DAYS OR LES	ENCY SS.
MOUNT OF THE APPROPRIATION OR SEASON OF USE. THIS TEHANGE IS REQUESTED FOR A PERIOD OF ONE HUNDRED EIGHT. (we) declare under penalty of perjury that the above is true and correct to the elief.	EMPORARY URGINTY DAYS OR LES	ENCY S. owledge ar
THIS TEMPORARY URGENCY CHANGE DOES NOT INVOLVE AN AMOUNT OF THE APPROPRIATION OR SEASON OF USE. THIS TECHANGE IS REQUESTED FOR A PERIOD OF ONE HUNDRED EIGHT. I (we) declare under penalty of perjury that the above is true and correct to the belief. Dated July	EMPORARY URGI	ENCY S. owledge ar California

California Environmental Protection Agency

State Water Resources Control Board

DIVISION OF WATER RIGHTS

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ENVIRONMENTAL INFORMATION FOR PETITIONS

Petition for Extension of Time

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit
or a petition for extension of time to complete use, the SWRCB must consider the information contained in an
environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This
form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of
who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the
environmental evaluation and preparation of the required CEQA documents. Please answer the following questions
to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation
of your project. If you need more space to completely answer the questions, please number and attach additional

1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition to change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period. The Department of Water Resources (DWR) is petitioning the State Water Resources Control Board (SWRCB) pursuant to Water Code Section 1435 for a Temporary Urgency Change to its water rights Permits 15254 and 15255 (Applications 16950 and 21443). The petition requests that the SWRCB approve temporary changes in the minimum downstream releases required pursuant to the Streamflow Release Agreement between DWR and the Department of Fish and Game (DFG) (as amended March 31, 1994 ("1994 Agreement"). If approved, DWR will temporarily reduce or cease streamflow releases from Grizzly Valley Dam as provided in Amendment No. 1 to the 1994 Agreement to enable DFG to implement its proposed Lake Davis Pike Eradication Project. Term 15 of DWR's water rights permits requires that the Chief of the Division of Water Rights approve such changes. DFG's proposed project involves the application of liquid rotenone throughout the reservoir and its tributaries to eradicate the invasive northern pike illegally introduced to the reservoir in the 1980's. The project requires cessation of releases during chemical treatment and a significant reduction or cessation of releases during the neutralization phase. The existence of northern pike in Lake Davis presents a significant threat to downstream resources including the sensitive Sacramento/San Joaquin Delta. If the pike are not eradicated from Lake Davis, escape is likely making future control unlikely if not impossible.

	See	Attachment	No.	
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X Petition for Change

sheets.

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N/A

	Contact your county planning or public works department and provide the following information:						
				Date of contact:			
	Department: Telephone:						
	County Zoning Designation:						
	☐ Gradin	ig permit ∐Use	uired for your project? permit Watercourse Other (explain):	YES □ NO If YES, che □ Obstruction permit	eck appropriate box belo Change of zoning		
Ь.	If YES, p	obtained any of the rovide a complete attachment No.	copy of each permit obta	ibed above? YES N ined.	О		
			IITS AND REQUIR				
a.	Check an	y additional state	or federal permits require	d for your project:	est and Management		
	Li Federa	al Energy Regulato	ory Commission LI U.S.	Forest Service Bureau of	on Land Management		
	☐ Soil C	onservation Service	ce Dept. of Water Res	ources (Div. of Safety of Da	ams) \square Reclamation Bo		
D.	U Coasta	al Commission \square	State Lands Commission	Other (specify)	VP's action is limited t		
DF	-G IS ODIE	aining all necessa	ary permits for impleme	entation of the project, DV water rights permits to all	over a reduction in		
pe	uuoning 1	ora remporary (orgency Change to its	ect including chemical tre	ow a reduction in		
Str				ect including chemical tre	aunem and		
	umanzam	on in Lake Davis.					
ne	un unzun						
		agency from which		ovide the following informat	tion:		
b.	For each		h a permit is required, pro				
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b.	For each and GENCY See Atta	PERMIT TYPE	PERSON(S) CONTAC	TED CONTACT DATE	TELEPHONE NO.		
b.	For each and GENCY See Atta	PERMIT TYPE	PERSON(S) CONTAC	TED CONTACT DATE	TELEPHONE NO.		
b.	For each and GENCY See Atta	PERMIT TYPE schment No r proposed project would significant	PERSON(S) CONTAC	or grading-related activity of any stream or lake?	TELEPHONE NO.		
b.	GENCY See Atta Does your altered or	PERMIT TYPE schment No r proposed project would significant	PERSON(S) CONTAC	or grading-related activity of any stream or lake?	TELEPHONE NO.		
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b.	GENCY See Atta Does your altered or	PERMIT TYPE schment No r proposed project would significant	PERSON(S) CONTAC	or grading-related activity of any stream or lake?	TELEPHONE NO.		

d.	Have you contacted the California Department of Fish and Game concerning your project? ▼ YES □ NO If YES, name and telephone number of contact: Ed Pert (916) 653-7889
4. EN	VIRONMENTAL DOCUMENTS
a.	Has any California public agency prepared an environmental document for your project? LIYES LINO If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: DFG
b.	If NO, check the appropriate box and explain below, if necessary: The petitioner is a California public agency and will be preparing the environmental document.* I expect that the SWRCB will be preparing the environmental document.** I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.* Public agency:
	DWR reviewed the Final EIR/EIS prepared by DFG and prepared Findings of Fact, a Statement
	of Overriding Considerations and a Notice of Determination relative to it's action of executing
	Amendment No. 1 to the DWR-DFG Streamflow Agreement
	☐ See Attachment No
	* Note: When completed, submit a copy of the <u>final</u> environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.
	** Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.
5. V	VASTE/WASTEWATER N/A
a.	Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation of YES NO
	If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):
	☐ See Attachment No
b.	Will a waste discharge permit be required for your project? ☐ YES ☐ NO
c.	Person contacted: Date of contact: What method of treatment and disposal will be used?
	☐ See Attachment No
6. AR	CHEOLOGY N/A There is no site work required as a result of the proposed change Have any archeological reports been prepared on this project? YES NO
ь. с.	Will you be preparing an archeological report to satisfy another public agency? YES NO Do you know of any archeological or historic sites located within the general project area? YES NO If YES, explain:
	☐ See Attachment No

7.	ENVIRONMENTAL SETTING N/A
	Attach three complete sets of color photographs, clearly dated and labeled, showing the
	vegetation that exists at the below-listed three locations. For time extension petitions, the
	photographs should document only those areas of the project that will be impacted during
	the requested extension period.
	Along the stream channel immediately downstream from the proposed point(s) of diversion.
	Along the stream channel immediately upstream from the proposed point(s) of diversion.
	☐ At the place(s) where the water is to be used.
	There will be no change in project facilities and no construction required as part of the requested
	change.
8.	CERTIFICATION
	I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.
	Date: July 27, 2007 Signature: Many July
	Date: Signature: Signature:

Supplement to Petition for Temporary Urgency Change Applications 16950 and 21443

The Department of Water Resources (DWR) is petitioning the State Water Resources Control Board (SWRCB) pursuant to Water Code Section 1435 for a Temporary Urgency Change to its water rights Permits 15254 and 15255 (Applications 16950 and 21443). This petition requests that the SWRCB approve temporary changes in the minimum downstream releases required pursuant to the Streamflow Release Agreement between DWR and the Department of Fish and Game (DFG), as amended, March 31, 1994 (1994 Agreement). Condition 15 of DWR's water right permits requires SWRCB approve such changes to the Agreement. If such approval is granted, DWR will temporarily reduce or cease the streamflow releases from Grizzly Valley Dam as provided in the attached Amendment No. 1 to the 1994 Agreement to enable DFG to implement its proposed Lake Davis Pike Eradication Project. The temporary reduction in streamflow releases will occur after Labor Day 2007 (cessation of releases for chemical treatment of the lake is currently scheduled to begin around September 25, 2007 and may continue for up to 45 days, as described below). As a result of the reduction or cessation of releases from Lake Davis, inflow to the reservoir will be captured prior to October 1, 2007. However, the quantities of natural inflow to Lake Davis during September are not anticipated to exceed evaporation and seepage losses in the reservoir, and consequently no diversion to storage will occur during the period prior to October 1, 2007.

Northern pike were illegally introduced to Lake Davis in the 1980's. There was a previous eradication effort by DFG in 1997; however, the northern pike reappeared in 1999. The existence of northern pike in Lake Davis has degraded the local trout fishery and the potential for escape continues to be a significant threat to the biological resources downstream of Lake Davis including the ecologically sensitive Sacramento/San Joaquin Delta. Following extensive evaluation and consultation with the community, and in coordination with the U.S. Forest Service (USFS), DFG developed alternatives to eradicate northern pike from Lake Davis and its tributaries as presented in the Final EIR/EIS for the Lake Davis Pike Eradication Project dated January 2007. DFG approved the project on January 23, 2007 after certification and consideration of the EIR/EIS and in conjunction with making findings and a statement of overriding considerations pursuant to the California Environmental Quality Act (CEQA), which can be found on DFG's website at: http://www.dfg.ca.gov/lakedavis/docs/07cega-fof-soc.pdf. On February 8, 2007, USFS completed a Record of Decision and issued DFG a special use permit to implement its approved Pike Eradication Project at Lake Davis and its tributaries, utilizing national forest lands and facilities.

DWR supports DFG's efforts to eradicate the northern pike and operates Lake Davis to the extent possible to accommodate DFG's pike management measures. The environmentally superior alternative selected in the Final EIR/EIS includes a target storage of approximately 45,000 to 48,000 acre-feet (comparable to current lake level management) and treating the reservoir with rotenone. Neutralization of the rotenone is required prior to discharge of any water from Lake Davis to Big Grizzly Creek to protect

downstream aquatic resources. Four neutralization options were evaluated and are detailed in Appendix E of the Final EIR/EIS. The options include one which requires the cessation of all releases for the period of rotenone application and mixing in Lake Davis through complete natural degradation within the reservoir, estimated to take 14 to 45 days. The three remaining options include the cessation of releases during the five day application period followed by chemical neutralization of releases from Lake Davis ranging from 0.2 to 5 cfs. The Regional Water Quality Control Board, Central Valley Region, approved the NPDES Permit for DFG's Lake Davis Pike Eradication Project on June 21, 2007, authorizing the four neutralization options described in Appendix E of the Final EIR/EIS. The order became effective on July 11, 2007.

DWR's water rights permits for the operation of Lake Davis require DWR to make releases for streamflow enhancement. Water Right Condition 15 states "Minimum downstream releases in Big Grizzly Creek for recreation and fishery enhancement shall be made at the flow rates set forth in the Agreement dated March 31, 1994 between DWR, the Forest Service, and DFG. These releases shall include the quantities of water released for diversion from Big Grizzly Creek pursuant to agreement between DWR, and water users. Any changes in the minimum downstream releases agreed to by DWR and DFG shall not become effective until and unless approved by the Chief of the Division of Water Rights." The 1994 Agreement specifies a minimum streamflow release schedule from Lake Davis to Big Grizzly Creek. The required minimum release varies from 10 cfs to 23 cfs depending on the volume of Lake Davis on May 1, or the greatest volume anticipated to occur during the May-June time period. Based on the specified release schedule, minimum streamflow releases for 2007 are 10 cfs.

Term 5 of the 1994 Agreement allows for a temporary reduction of flow for not more than five consecutive days with the approval of both DWR and DFG. Each of the neutralization options will require streamflow releases below the minimum specified in the existing agreement. Therefore, an amendment to the 1994 Agreement between DWR and DFG allowing significantly smaller streamflow releases to Big Grizzly Creek will be required to implement the Lake Davis Pike Eradication Project. Depending on environmental conditions, DFG has determined that the rotenone is expected to degrade naturally to nontoxic byproducts within 14 to 45 days. DFG's preferred neutralization method, Option 1 as provided in Appendix E of the Final EIR/EIS, includes the cessation of all streamflow releases from Lake Davis to Big Grizzly Creek during the application period, five days and the entire neutralization period, up to 45 days.

Urgent Need for Change

The existence of northern pike in Lake Davis has degraded the local trout fishery and continues to threaten sensitive ecosystems of statewide significance downstream in the Sacramento/San Joaquin Delta watershed. Since the rediscovery of northern pike in Lake Davis following the 1997 eradication effort, the northern pike have already had a significant impact on the trout fishery in the reservoir and the associated local economy. DWR operates Lake Davis to the extent possible to avoid releases over the spillway which would bypass the strainers installed at the outlet of the Dam in 2006. However, the operators cannot guarantee containment in Lake Davis. If the northern pike are not eradicated from Lake Davis, eventual escape is likely making future control difficult if not impossible. Despite DFG's efforts to control and contain the northern pike population, it continues to grow. In addition, there are increasing incidences of anglers catching northern pike. There are recent known incidents of anglers moving live northern pike. And, there is the potential for spilling of the dam in extremely wet years such as the winter of 2005-6.

As a result, DFG has a very narrow window of time in which to conduct the northern pike eradication efforts. The approved project described in the CEQA findings referenced above will be implemented between September 4, 2007, and October 31, 2007 to provide optimum water temperatures for chemical treatment and to minimize potential impacts to area resources and the local population and economy. The project to chemically treat Lake Davis is a highly sensitive project and DFG has invested considerable time and resources to evaluate reasonable alternatives and has coordinated with the numerous interested parties to arrive at the selected alternative. DFG has diligently pursued the work necessary to comply with CEQA and obtain each of the permits, agreements, and other authorizations necessary to implement the project. A delay in the project beyond fall 2007 presents a serious risk to DFG's ability to rid the State of northern pike. There is no guarantee that DFG will have the opportunity to implement the project in a future year; northern pike may escape Lake Davis in the meantime or funding and staffing resources may not be available.

Potential Impacts to Downstream Water Users

As a condition of the NPDES permit issued by the Regional Board DFG is required to develop and implement a water quality monitoring plan as specified in Attachment E of that order. The plan contains specific monitoring requirements for the waters of Lake Davis as well as Big Grizzly Creek. Specific monitoring requirements are provided for each of the four neutralization options. The plan includes a requirement for long-term, a minimum of 12 months, monitoring of Big Grizzly Creek. Following consultation with the California Department of Health Services, the Central Valley Regional Water Quality Control Board, and Plumas County Environmental Health, DFG will notify DWR when normal releases to Big Grizzly Creek may resume.

A significant reduction or cessation of releases to Big Grizzly Creek may impact downstream water users. Four parties downstream of Lake Davis divert water from Big Grizzly Creek under water supply agreements with DWR:

U.S. Forest Service Alice Carlton Forest Supervisor Plumas National Forest Post Office Box 11500 Quincy, California 95971

Todd York (As lessee under US Forest Service)

Grizzly Creek Ranch Mr. Dave White 5900 Grizzly Creek Road Portola, California 96122

Mr. David Lake Post Office Box 1421 Portola, California 96122

Grizzly Ranch Development (water provided by Plumas County Flood Control and Water Conservation District, a SWP long-term water supply contractor)
Ms. Donna Lindquist
4456 Grizzly Road
Portola, California 96122

Potential impacts to downstream water users and proposed mitigation measures are presented in DFG's CEQA findings and chapter 13 of the Final EIR/EIS. DFG is currently negotiating agreements with each of the downstream water users to address potential impacts and specify acceptable mitigation. With implementation of the mitigation measures, impacts to downstream water users are reduced to less than significant. Copies of the executed agreements will be provided to the SWRCB as soon as they are available.

In addition to the above water users, Walton's Grizzly Lodge (Post Office Box 519 Portola, California 96122) operates a children's summer camp including water sports at Grizzly Ice Pond. There are also a number of riparian water users on Big Grizzly Creek downstream of Lake Davis. DFG personnel conducted a survey of downstream diversions to identify potential users. The list of downstream parties potentially impacted by the Lake Davis Pike Eradication Project, provided by DFG, is as follows:

Roni Jo Barker, et al 1620 Plymouth Way Sparks, Nevada 89431

Laura J. Bemis 249 East Spruce Portola, California 96122

Donald L. Berry 408 Wasatch Circle Fernley, Nevada 89408

Robert W. & Helen M. Bowden 6602 Metz Street Long Beach, California 90808

Charles W. & Ula S. Burgess, Trustee 2097 Tamarisk Drive Reno, Nevada 89502

Estate of Francis L. Carmichael c/o Jeff Carmichael 76844 Parkside Lane Portola, California 96122

Roger W. & Bonnie M. Clark Post Office Box 518 Portola, California 96122

Michael & Cherry Diaz 175 Riverside Avenue Portola, California 96122

Edward C. & Tiffany S., et al 1180 Charles Drive Reno, Nevada 89509

Brad & Carol Hester Post Office Box 6748 Tahoe City, California 96145

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