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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 MOTION TO**
20 **CONTINUE HEARINGS FOR 45 DAYS TO**
21 **ALLOW PETITIONERS TO PROVIDE**
22 **MISSING INFORMATION AS REQUIRED BY**
23 **THE BOARD'S 4/18/2018 RULING AND TO**
24 **ALLOW ADEQUATE TIME FOR**
25 **PROTESTANTS TO PREPARE RESPONSIVE**
26 **REBUTTAL**

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I. Overview.

Delta Alliance respectfully requests that the Board direct DWR to comply with the Board's April 18, 2018, Ruling by providing a narrative description, at the same level of detail found in the NMFS Biological Opinion, of changes to barge routes, operations, and frequency entailed by the elimination of the primary barge landing at Clifton Court Forebay and the secondary barge landing at Glanville Tract. Delta Alliance requests that DWR provide this information within 15 days of the date of the Board's response to this motion and that Part 2 Rebuttal be scheduled to begin 30 days after DWR provides the information. Alternatively, scheduling a staggered Rebuttal phase, as requested by LAND and other parties, would also accommodate the need for DWR to provide the information before Protestants are required to submit their Rebuttal testimony.

II. Argument.

In its ruling of April 18, 2018, the Board acknowledged that the project changes portended by DWR's March 29, 2018, Notice have "the potential to materially change the basis for several parties' participation in Part 2 of this hearing." (April 18 Ruling, p.2.) The board specifically recognized the impact of the changes on Save the California Delta Alliance, et al. ("Delta Alliance" or "SCDA"): "SCDA, in particular, provided detailed examples illustrating how the new information that DWR provided significantly changes the facts and analysis underlying SCDA's Part 2 case-in-chief testimony." (April 18 Ruling, p.2)

Among the most important detailed examples that Delta Alliance provided to the Board were changes in barge landing locations and inherent major changes in barge routes and barge operations that will result. In its April 3, 2018, Motion requesting that DWR be required to provide additional specific information regarding changes to barge operations, Delta Alliance wrote:

Delta Alliance expended significant time and effort to produce Exhibits SCDA-72 and SCDA-73, which are maps of construction impacts, and include Delta Alliance's graphic representation of barge routes that will be used by DWR during the construction period.

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Delta Alliance determined the barge routes shown on SCDA-72 and 73 by reference to the National Marine Fisheries Service California WaterFix Biological Opinion ... the NMFS BiOp describes "Barge Traffic" at section 2.5.1.1.1.2, including locations of barge landings and a narrative description of expected points of inception and termination of barge trips.

(Delta Alliance April 3, 2018, Motion, p.5).

The specificity of the Biological Opinion in describing barge routes and the importance of those descriptions to Delta Alliance's determination of the impacts of barge traffic on recreation were again highlighted during Delta Alliance's Part 2 Case-in-Chief live testimony of Captain Frank Morgan and Commodore Bill Wells. Wells and Morgan made reference to the Biological Opinion and explained to the Board how barge routes and impacts on recreation were derived from that document.

The Board recognized the importance of the narrative description of the barge routes in the Biological Opinion in its April 18, 2018, ruling (responding in part to Delta Alliance's April 3 motion) providing that:

We hereby direct Petitioners to respond to this ruling by 5 p.m, April 20, 2018, with a date certain by which they will be able to provide the Service List with information regarding those project changes, *at a level of detail comparable to the detail provided in the **Biological Opinions*** and Final EIR for the WaterFix Project.

(April 18, 2018, Ruling, p. 2, emphasis added.) However, Delta Alliance has found no revised narrative description of the barge routes in the documents provided by DWR. Delta Alliance has found only the statement that the barge landings at Clifton Court Forebay and Glanville Tract are being eliminated. No narrative description of the major changes in barge operations entailed in the removal of these landings was found--and that description is essential for DWR to comply with the Board's April 18, 2018 direction. The reader is asked to refer to the NMFS BiOp, section 2.5.1.1.1.2

1 Barge Traffic, which can be found at SCDA-103, to understand the level of detail provide for the
2 approved project and that is now missing for the proposed changes.

3 By way of example, the BiOp provides that:

4 According to information provided in the PA, approximately 5,530 barge trips are
5 projected to carry tunnel segment liners from ports in San Francisco, Antioch, and
6 Stockton to two primary landings of CCF and Bouldin Island via the Sacramento and
San Joaquin rivers and adjacent waterways.

7 ***

8 The assumed one-way trips to CCF is 2,185 and to Bouldin Island is 3,344. It is
9 assumed that there will be four trips to each of these barge landings per day and four
10 returning trips back to the port of origin for a total of 16 trips per day combined for
both sites during the June 1 through October 31 period.

11 (NMFS BiOp, p. 152; 155 [excerpted at SCDA-103].)

12 Now that the CCF barge landing has been eliminated, we do not know if Bouldin Island will
13 absorb all of the traffic that was assigned to CCF in the approved project, or if another (or several
14 other) landings will pick up the CCF traffic. These changes and how they are accomplished have
15 major implications for impacts on recreation.
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17 **III. Conclusion.**

18 Delta Alliance respectfully urges the Board to direct DWR to comply with the Board's April
19 18, 2018, Ruling by providing information on changes to barge operations at a level of detail
20 comparable to the detail provide by the NMFS Biological Opinion, section 2.5.1.1.1.2. Delta
21 Alliance further requests that the Part 2 rebuttal testimony due date be extended 30 days from the
22 date that DWR provides the information or, alternatively, that Part 2 rebuttal be staggered as
23 requested by LAND and other parties.
24

25 Dated: July 5, 2018

26 Michael A. Brodsky,

27 Attorney for Save the California Delta Alliance, et al.
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STATEMENT OF SERVICE

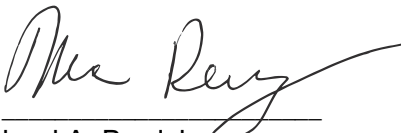
**CALIFORNIA WATERFIX PETITION HEARING
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)**

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 MOTION TO CONTINUE HEARINGS FOR 45 DAYS TO ALLOW PETITIONERS TO PROVIDE MISSING INFORMATION AS REQUIRED BY THE BOARD'S 4/18/2018 RULING AND TO ALLOW ADEQUATE TIME FOR PROTESTANTS TO PREPARE RESPONSIVE REBUTTAL

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 July 3, 2018, 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

I certify that the foregoing is true and correct and that this document was executed on July 5, 2018, at Discovery Bay, California.

Signature: 
Name: Michael A. Brodsky
Title: Attorney

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

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