



August 25, 2015

Mr. Tom Howard  
Executive Director  
State Water Resources Control Board  
1001 I Street  
Sacramento, California 95814

Dear Mr. Howard:

The California Department of Water Resources (DWR) and U.S. Bureau of Reclamation (Reclamation) jointly submit the attached petition for a change to the water rights necessary to allow for the implementation of key components of the State's "California WaterFix" program. Specifically, authorization to add three additional points of diversion to the water rights for both the State Water Project (SWP) and Central Valley Project (CVP) is necessary for the construction and operation of new water conveyance facilities that will be part of the SWP and operated in coordination with Reclamation and its operation of the CVP. The California WaterFix is a critical element of a broader State effort to meet the goals of providing for a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem.

#### Background

The proposed project reflects the culmination of a multiyear planning process that began in 2006 between DWR, the California Natural Resources Agency, Reclamation, public water agencies, State and federal fish and wildlife agencies, non-governmental organizations, agricultural interests, and the public. The planning process, which was called the Bay Delta Conservation Plan (BDCP) program, was initiated in response to the increasingly significant and escalating conflict between the needs of a range of at-risk Delta species and natural communities adversely affected by a wide range of human activities and the need for more reliable water supplies in California for communities, agriculture, and industry.

Nearly ten years later, the ecological health of the Delta continues to be at risk, the conflicts between species protection and Delta water exports have become more pronounced, as evidenced by years of litigation regarding the intersection of endangered species laws and the operational criteria of the SWP/CVP. Other factors, such as the continuing subsidence of lands within the Delta, increasing seismic risks and levee vulnerabilities, and rising sea levels caused by climate change, have served to further exacerbate these conflicts. The actions proposed by DWR and Reclamation in this petition would facilitate fundamental, systemic change to the current system, putting the State on a course to “[a]chieve the two coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem.” (California Public Resources Code Section 29702, subd. [a]).

#### Proposed Conveyance Facilities

The new SWP water conveyance facilities proposed under the California WaterFix and reflected in the attached petition would introduce new operational flexibility into the SWP and CVP, enabling SWP or CVP water to be diverted from the Sacramento River in the north Delta and conveyed to the south Delta or to be directly diverted in the south Delta at existing SWP and CVP facilities. Water would be diverted through one of three new fish-screened intakes located on the east bank of the Sacramento River between Clarksburg and Courtland. These intakes, each with a capacity of 3,000 cfs, would be situated on the river bank and would range from 1,259 to 1,667 feet in length. The intakes would consist of a reinforced concrete structure subdivided into individual bays that would be isolated from each other and operated independently. Two 30-mile-long, 40 foot diameter tunnels would be constructed from the intake facilities to the existing SWP and CVP south Delta facilities and water would travel through the tunnels by force of gravity to the south Delta where it would flow into the north cell of a redesigned Clifton Court Forebay. This redesign of the forebay would allow for water flowing from the north Delta facilities to be isolated from water entering Clifton Court Forebay from the south Delta.

#### Ecological and Water Supply Benefits

The California WaterFix would result in substantially improved conditions in the Delta for endangered and threatened species and afford greater water supply reliability for the State. With respect to at-risk species, the new conveyance facilities would provide the following benefits:

- Increased operational flexibility for the SWP/CVP through a “dual conveyance” system that allows water managers to shift between intakes to avoid entrainment of at-risk fish species
- Reduction in reverse Old and Middle River flows through adjustments to water operations to better reflect natural seasonal flow patterns

- Siting of new diversions in areas outside of the primary habitat for Delta Smelt and Longfin Smelt
- Integration of state-of-the-art fish screens at each intake to minimize entrainment

The California WaterFix would also advance the State's water supply goals by:

- Upgrading the SWP/CVP water conveyance system in a manner that improves the ability to capture water during wet years and store it for use during dry years
- Protecting against water supply disruptions associated with catastrophic system failures caused by earthquakes or failed levees
- Protecting against water supply disruptions associated with sea level rise caused by climate change

Based on the foregoing benefits, the implementation of the California WaterFix would represent an important step forward in efforts to resolve the longstanding conflicts within the Delta.

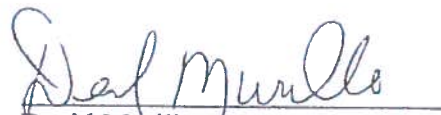
DWR and Reclamation look forward to providing additional documentation to support this petition through the subsequent hearing process. We appreciate the effort that the State Water Resources Control Board has invested in the Bay Delta Conservation Plan/California WaterFix programs and we look forward to successful completion of this critical endeavor.

Sincerely,



Mark W. Cowin  
Director  
Department of Water Resources

Date: 8/25/2015



David Murillo  
Regional Director  
Bureau of Reclamation

Date: 8/25/2015

Please indicate County where  
your project is located here:

See Supplement

MAIL FORM AND ATTACHMENTS TO:  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
P.O. Box 2000, Sacramento, CA 95812-2000  
Tel: (916) 341-5300 Fax: (916) 341-5400  
<http://www.waterboards.ca.gov/waterrights>

## PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

<input checked="" type="checkbox"/> <b>Point of Diversion</b> Wat. Code, § 1701	<input checked="" type="checkbox"/> <b>Point of Rediversion</b> Cal. Code Regs., tit. 23, § 791(e)	<input type="checkbox"/> <b>Place of Use</b> Wat. Code, § 1701	<input type="checkbox"/> <b>Purpose of Use</b> Wat. Code, § 1701
<input type="checkbox"/> <b>Distribution of Storage</b> Cal. Code Regs., tit. 23, § 791(e)	<input type="checkbox"/> <b>Temporary Urgency</b> Wat. Code, § 1435	<input type="checkbox"/> <b>Instream Flow Dedication</b> Wat. Code, § 1707	<input type="checkbox"/> <b>Waste Water</b> Wat. Code, § 1211
<input type="checkbox"/> <b>Split</b> Cal. Code Regs., tit. 23, § 836	<input type="checkbox"/> <b>Terms or Conditions</b> Cal. Code Regs., tit. 23, § 791(e)	<input type="checkbox"/> <b>Other</b> <span style="border: 1px solid black; display: inline-block; width: 200px; height: 20px; vertical-align: middle;"></span>	
Application <span style="border: 1px solid black; padding: 0 20px;">See Sup</span>	Permit <span style="border: 1px solid black; padding: 0 20px;">See Sup</span>	License <span style="border: 1px solid black; display: inline-block; width: 80px; height: 20px; vertical-align: middle;"></span>	Statement <span style="border: 1px solid black; display: inline-block; width: 80px; height: 20px; vertical-align: middle;"></span>

I (we) hereby petition for change(s) noted above and described as follows:

**Point of Diversion or Rediversion** – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Present: Existing SWP and CVP in-Delta diversion facilities as described in the permits listed in the supplement to this petition and Water Right Decision 1641.

Proposed: Three new points of diversion and rediversion within the Delta as described in the supplement and as shown on the maps attached to this petition

**Place of Use** – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation, list number of acres irrigated.

Present: SWP and CVP authorized places of use as shown on the maps on file with SWRCB

Proposed: No Change

### Purpose of Use

Present: Municipal, Industrial, Domestic, Irrigation, Fish & Wildlife Enhancement, Recreation, Streamflow Enhancement, Salinity Control, Incidental Power

Proposed: No Change

### Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

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In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

### Distribution of Storage

Present:	
Proposed:	

**Temporary Urgency**

This temporary urgency change will be effective from  to .

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

**Instream Flow Dedication** – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location:

Downstream Location:

List the quantities dedicated to instream flow in either: ☐ cubic feet per second or ☐ gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location? ☐ Yes ☐ No

If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

**Waste Water**

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? ☐ Yes ☐ No

Will any legal user of the treated waste water discharged be affected? ☐ Yes ☐ No

**General Information** – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? ☐ Yes ☒ No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:

☒ ownership ☐ lease ☐ verbal agreement ☐ written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the present point of diversion or redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change.

**All Right Holders Must Sign This Form:** I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated  August 25, 2015 at  Sacramento, California.

Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

**NOTE:** All petitions must be accompanied by:

- (1) the form Environmental Information for Petitions, including required attachments, available at: [http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_info.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf)
- (2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/fees/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/)
- (3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

## ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board 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 sheets.

### DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for 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.

Insert the attachment number here, if applicable:



## Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: [http://www.waterboards.ca.gov/waterboards\\_map.shtml](http://www.waterboards.ca.gov/waterboards_map.shtml). Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

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?

☒ Yes ☐ No

Will a waste discharge permit be required for the project?

☐ Yes ☐ No

If necessary, provide additional information below:

See Draft REIR/EIS

Insert the attachment number here, if applicable:

## Local Permits

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted:

Date of Contact:

Department:

Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below.

☐ Yes ☐ No

- ☐ Grading Permit ☐ Use Permit ☐ Watercourse ☐ Obstruction Permit  
☐ Change of Zoning ☐ General Plan Change ☐ Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies. ☐ Yes ☐ No

If necessary, provide additional information below:

See Draft REIR/EIS

Insert the attachment number here, if applicable:

## Federal and State Permits

Check any additional agencies that may require permits or other approvals for your project:

- ☐ Regional Water Quality Control Board    ☐ Department of Fish and Game
- ☐ Dept of Water Resources, Division of Safety of Dams    ☐ California Coastal Commission
- ☐ State Reclamation Board    ☐ U.S. Army Corps of Engineers    ☐ U.S. Forest Service
- ☐ Bureau of Land Management    ☐ Federal Energy Regulatory Commission
- ☐ Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies.    ☐ Yes    ☒ No

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number
See Draft REIR/EIS				

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

## Construction or Grading Activity

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake?    ☒ Yes    ☐ No

If necessary, provide additional information below:

Draft REIR/EIS

Insert the attachment number here, if applicable:



## Archeology

Has an archeological report been prepared for this project? If yes, provide a copy. ☐ Yes ☐ No

Will another public agency be preparing an archeological report? ☐ Yes ☐ No

Do you know of any archeological or historic sites in the area? If yes, explain below. ☐ Yes ☐ No

If necessary, provide additional information below:

Draft REIR/EIS

Insert the attachment number here, if applicable:

## Photographs

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- ☐ Along the stream channel immediately downstream from each point of diversion
- ☐ Along the stream channel immediately upstream from each point of diversion
- ☐ At the place where water subject to this water right will be used

## Maps

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of redirection, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

### All Water Right Holders Must Sign This Form:

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated August 25, 2015 at Sacramento, California.

  
Water Right Holder or Authorized Agent Signature

  
Water Right Holder or Authorized Agent Signature

### NOTE:

- Petitions for Change may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- Petitions for Temporary Transfer may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)



**SUPPLEMENTAL INFORMATION**  
**FOR**  
**PETITION FOR CHANGE IN POINT OF DIVERSION**

The California Department of Water Resources (DWR) and the United States Department of the Interior, Bureau of Reclamation (Reclamation) (jointly Petitioners) hereby petition the State Water Resources Control Board (State Water Board) to modify DWR permits 16478, 16479, 16481, 16482 for the State Water Project (SWP) and Reclamation permits 11315, 11316, 12721, 12722, 12723, 11967, 11968, 11969, 11971, 11973, and 12364 for the Central Valley Project (CVP) (jointly Projects), as described in this supplement and the required forms. This Petition is limited in scope. It proposes only to add points of diversion and rediversion within the Sacramento/San Joaquin Delta Estuary (Delta) of the permits listed above. This Petition does not propose to change any other aspect of the existing SWP/CVP permits.

The intent of this Petition is to add points of diversion and rediversion contained in water rights permits held by DWR and Reclamation to allow SWP and CVP water to move through the intakes identified by Alternative 4A (California WaterFix) of the Bay Delta Conservation Plan/California WaterFix Partially Recirculated Draft Environmental Impact Report / Supplemental Draft Environmental Impact Statement (Draft EIR/EIS)<sup>1</sup>, if ultimately approved and constructed. Petitioners will file a final Environmental Impact

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<sup>1</sup> References to the Draft EIR/EIS include to the extent applicable the 2013 Draft Bay Delta Conservation Plan Environmental Impact Report/Environmental Impact Statement.

Report/Environmental Impact Statement with the State Water Board during the course of the public hearing for this Petition. Subsequent filings and appearances before the State Water Board will fully support approval of the request contained in this Petition and demonstrate satisfaction of California Water Code section 85086.

The Petition is being submitted with the Draft EIR/EIS in order to allow the State Water Board and the public the time and information needed to fully consider the proposed changes. A final decision on this Petition is not requested until Petitioners provide final environmental documents. The Draft EIR/EIS provides information well beyond that which is sufficient to initiate consideration by the State Water Board and fully inform both the State Water Board and the public for the purposes of the limited scope of any public hearing associated with this Petition.

***The California WaterFix Implements Longstanding State Water Policy***

The key elements of the California WaterFix have long been an integral part of the state's comprehensive vision for the Delta, which strives to improve upon the unreliable manner in which water is conveyed through the Delta, reduce or eliminate costs to the environment and the economy that are a result of an aging water infrastructure, better prepare the state for the effects of climate change, and reduce impacts on aquatic species caused by the physical, chemical, and biological changes that have occurred within the Delta. The California WaterFix is consistent with the guidance stated in the Delta Protection Act of 1992, the Safe, Clean, Reliable Water Supply Act (1996), and Sacramento – San Joaquin Delta Reform Act of 2009.

The legislature further finds and declares that the basic goals of the state for the Delta are the following: (a) Achieve the two coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. – Delta Protection Act of 1992

The Legislature hereby finds and declares all of the following: (a) The state faces a water crisis that threatens our economy and environment. (b) The state's growing population has increasing

needs for safe water supplies which are essential to the public health, safety, and welfare. ... (d) The state should plan to meet the water supply needs of all beneficial uses of water, including urban, agricultural, and environmental, utilizing a wide range of strategies including... improvements in the state's water storage and delivery systems to meet the growing water needs of the state. – Safe Clean Reliable Water Supply Act (1996)

It is the intent of the Legislature to provide for the sustainable management of the Sacramento-San Joaquin Delta ecosystem, to provide for a more reliable water supply for the state, to protect and enhance the quality of water supply from the Delta, and to establish a governance structure that will direct efforts across state agencies to develop a legally enforceable Delta Plan. – Sacramento – San Joaquin Delta Reform Act of 2009

In 2006, the Governor's Executive Order S-17-06 initiated the Delta Vision process and established an independent Blue Ribbon Task Force to develop a plan for sustainable management of the Delta, which was developed with input from leaders from all levels of government, stakeholders, academia, and affected communities. The goal of Delta Vision was to identify actions to:

...manag[e] the Delta over the long term to restore and maintain identified functions and values that are determined to be important to the environmental quality of the Delta and the economic and social wellbeing of the people of the state.

One of the twelve integrated and linked Delta Vision recommendations was new SWP-CVP conveyance. The Blue Ribbon Task Force Delta Vision report concluded that:

New facilities for conveyance and storage, and better linkage between the two, are needed to better manage California's water resources for both the estuary and exports.

The Delta Vision implementation plan also included the new conveyance as one of its "fundamental actions."

The State Water Board echoed this recommendation to pursue new SWP-CVP conveyance in 2006. In its Revised Bay-Delta Water Quality Control Plan the State Water Board supported further development of new conveyance recommending that:

...the DWR and USBR should continue their efforts to develop alternative water conveyance and storage facilities in the Delta, and should evaluate these alternatives and their feasibility and take action as necessary to minimize impacts to fish.

A new conveyance project is also contemplated in the 2009 Sacramento-San Joaquin Delta Reform Act and in the Governor's 2014 California Water Action Plan as part of the state's plan to achieve its co-equal goals of water supply reliability and Bay-Delta ecosystem restoration.

New conveyance is one of the fundamental actions proposed for restoring the Delta because it would minimize environmental impacts commonly associated with the SWP-CVP, primarily salvage and entrainment resulting from through-Delta water conveyance that can result in negative Old and Middle River flows. Negative Old and Middle River flows affects Delta hydrodynamics and salinity gradients as Sacramento River water is drawn into the south and central Delta. During development of the 2010 Flow Report, a UC Davis expert panel advised the State Water Board of its concerns associated with through Delta conveyance.

Past changes in the Delta may influence migratory cues for some fishes. These cues are further scrambled by a reverse salinity gradient in the south Delta. It is important to establish seaward gradients and create more slough networks and natural channel geometry. Achieving a variable more complex estuary requires establishing seasonal gradients in salinity and other water quality variables and diverse habitats throughout the estuary. These goals in turn encourage policies which establish internal Delta flows that create a tidally-mixed upstream-downstream gradient (without cross-Delta flows) in water quality. Continued through-Delta conveyance is likely to continue the need for in-Delta flow requirements and restrictions to protect fish within the Delta.

And further:

Restoring environmental variability in the Delta is fundamentally inconsistent with continuing to move large volumes of water through the Delta for export. The drinking and agricultural water quality requirements of through-Delta exports, and perhaps even some current in-Delta uses, are at odds with the water quality and variability needs of desirable Delta species.

The new conveyance project would reduce the need for through-Delta conveyance, likely improving hydrodynamics and water quality gradients for migrating fishes by reduce negative Old and Middle River flows.

The United States National Marine Fisheries Service (NMFS) has acknowledged the benefits that could be achieved with alternative conveyance, recommending as part of its 2009 biological opinion that the Petitioners pursue alternative conveyance. As a conservation measure, NMFS recommended that:

Reclamation and DWR should continue to work with the BDCP process to develop a scientifically-based, alternative conveyance program for the Delta that conserves all ESA-listed anadromous fish species in the Central Valley. This effort should evaluate a new point of diversion in the Sacramento River without adding new stressors to listed fish and their critical habitat.

The California WaterFix was developed in cooperation with the California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS) and NMFS (jointly the Fishery Agencies). A goal was to avoid adding new stressors to listed fish and their critical habitat.

The Public Policy Institute of California Water Policy Center (PPIC) has produced analyses addressing challenges faced by the state in managing its water resources. The challenges discussed in recent reports highlight the need for alternative conveyance in the Delta. In 2015 alone, the PPIC published four reports of this nature.

Conveyance investments are most critical to maintain water supplies now drawn through the Delta, which could be disrupted by sea level

rise, seasonal flooding, and earthquakes. –California’s Water, April 2015

Bay Area and Southern California cities get more than half their water supplies from other regions. Some of this water – notably imports from the Delta – will require major new investments to remain reliable. –Water for Cities, April 2015

Striking a balance between improving ecosystem health while providing water supply, flood control, and hydropower – with a changing climate and a growing population – is one of California’s great challenges. –Water for the Environment, April 2015

These [local, state and federal water] agencies are considering the construction of two tunnels to tap some water upstream on the Sacramento River and move it underneath the Delta to the pumps. This change could be good for the environment: fewer native fish would be trapped in the pumps, and it would be easier to restore more natural flows within the Delta. The state’s economy could also benefit from improved water quality and water supply reliability. –California’s Future, February 2015

## **I. BACKGROUND**

The Delta is a vitally important ecosystem that is home to hundreds of aquatic and terrestrial species, many of which are endemic to the area and a number of which are threatened or endangered, as identified by CESA and ESA. The watersheds of the Sacramento and San Joaquin Rivers are at the core of California’s water system, which conveys water to millions of Californians throughout the San Francisco Bay Area, the Central Valley, and southern California. Water conveyed through the Delta supports farms and ranches from the north Delta to the Mexican border that are a source of financial stability for the state and that produce roughly half the nation’s domestically grown fresh produce. These watersheds provide water that is used in the Delta, the Sacramento River watershed, the San Joaquin watershed, the San Francisco Bay Area, the central coast region, and Southern California.

Many factors have affected the Delta, of which the SWP and CVP are just two. In a 2010 report to the State Water Board, titled “Changing ecosystems: a brief ecological



history of the Delta,” a number of experts explained the breath of physical modification to the Delta channels and biological/chemical alterations to the aquatic environment. The experts stated:

Habitats for Delta native fishes have changed immensely from pre-European settlement conditions because of extreme landscape changes... The estuary originally contained vast areas of seasonal and permanent wetlands. The elimination of these wetlands reflected massive human-caused changes to the landscape resulting from alterations of hydrologic patterns by dams and diversions, upstream land use changes, tidal marsh reclamation, and channelization of rivers and tidal channels. As a result, the San Francisco Estuary is one of the most highly modified and controlled estuaries in the world. The estuarine ecosystem has lost much of its former variability and complexity as indicated by major declines of many of its native fishes. Contributing to declines have been continual invasions of alien species and large changes in water quality from pollution and upstream diversions of fresh water.

The requested additional points of diversion/diversion are expected to provide several important environmental benefits without creating new, or exacerbating existing, environmental stressors. The requested additional points of diversion address one aspect of the Delta, the manner in which Petitioners move water through the Delta.

#### **A. CALIFORNIA WATERFIX**

This new diversion project was developed through a multiyear collaboration between the State of California, Reclamation, public water agencies, Fishery Agencies, nongovernmental organizations, agricultural interests, and the public.

Approval of this Petition would enable DWR to construct and operate new conveyance facilities that improve conditions for endangered and threatened aquatic species in the Delta while at the same time improving water supply reliability, consistent with California law. The new water diversions in the north Delta would minimize SWP/CVP related entrainment as the new diversion facilities would be equipped with state-of-the-art fish screens, while also being located in an area outside of the primary habitat of

Delta Smelt and Longfin Smelt. The new diversions would further reduce species entrainment by providing operational flexibility to cease diversions at a particular intake location when concern for entrainment of sensitive fish species is high at that intake location.

#### ***Current Permitted State Water Project North Delta Diversion Point***

DWR currently has an existing authorized point of diversion located on the Sacramento River. This Petition requests net diversions from the north Delta at all points of diversion, both existing and those proposed in the California WaterFix, to a rate of 9,000 cfs.

#### ***Development of the California WaterFix***

The California WaterFix represents the evolution of thinking in a planning process that started in 2006 to implement a comprehensive strategy to advance the planning goal of restoring ecological functions on the Delta and improving water supply reliability in California.

The California WaterFix described in this Petition is described as Alternative 4A, the preferred alternative, in the Draft EIR/EIS. Alternative 4A has been designed to achieve ESA compliance through Section 7 of the ESA and achieve CESA compliance through Section 2081(b) of the California Fish and Game Code. Alternative 4A is designed to avoid jeopardizing the continued existence of listed species.

#### ***Description of Alternative 4A***

Under Alternative 4A, SWP and CVP in-Delta operations would allow some SWP/CVP water to be conveyed from the north Delta to the south Delta through tunnels and directly diverted in the south Delta at the existing SWP and CVP facilities. Water diverted from the Sacramento River would occur through three fish-screened intakes on the east bank of the Sacramento River between Clarksburg and Courtland, each with a capacity of 3,000 cfs. Each intake would be from 1,259 to 1,667 feet in length along the river bank, depending on location, and would consist of a reinforced concrete structure subdivided into

individual bays that can be isolated and managed separately. Water would travel by gravity to the south Delta where it would flow into the north cell of the redesigned Clifton Court Forebay, which would be dredged and configured to isolate water flowing from the new north Delta facilities from water entering Clifton Court Forebay from south Delta channels. Clifton Court Forebay would be connected to Jones Pumping Plant to provide water to the CVP. Alternative 4A would include dual conveyance providing for the continued use of the existing SWP/CVP south Delta export facilities as well as the new diversions. Maps attached to this Petition identify the extent and location of physical facilities included in Alternative 4A.

Construction of the north Delta intakes will allow greater flexibility in operation of both south and north Delta diversions, and better balancing of the associated water quality and hydrodynamic benefits for fish, drinking water, agriculture, and other beneficial uses. Diversions at the north Delta intake would be greatest in wetter years and lowest in drier years, when south Delta diversions would provide the majority of the CVP and SWP south of Delta exports.

## **B. REGULATORY BACKGROUND**

The scope of this Petition is both limited by the statutes and regulations governing the petition process and constrained by the requested limited modification of the points of diversion for the SWP and CVP. This Petition leaves intact all existing places of use, manner of use, other existing points of diversion, quantities of diversion and other water rights terms and conditions identified in Water Rights Decision 1641 (D-1641). The instream flow issues under consideration in the State Water Board San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan (WQCP) update process are separate from the issues germane to this Petition. The instream flow decisions before the State Water Board in the WQCP update have had, and will continue to have, appropriate public process suitable for debate and discussion of Delta flow issues. This

Petition does not pre-ordain or preclude any outcomes in that separate proceeding. Hearings focused on this Petition are limited in scope and procedurally incapable of resolving many longstanding disputes that involve many parties other than the Petitioners and those disputes therefore should be the subject of the broader planning process. Importantly, the requested changes to points of diversion/rediversion identified in Alternative 4A would not detract from the ability of the SWP/CVP to meet current or future criteria or objectives. Rather, this Petition enhances the ability of the Projects to adapt operations to changes in the future.

### ***Petition Requirements***

California Water Code section 1700 et seq. sets forth the necessary requirements for approval of a change in point of diversion. This Petition for the change in point of diversion fulfills these requirements, and the Draft EIR/EIS provides the necessary analysis in order to support review of this petition.

Specifically, California Water Code section 1701.2 provides the substantive requirement list for this Petition. It states:

A petition for change in a permit or license shall meet all of the following requirements: (a) State the name and address of the petitioner. (b) Be signed by the petitioner, or the petitioner's agent or attorney. (c) Include all information reasonably available to the petitioner, or that can be obtained from the Department of Fish and [Wildlife], concerning the extent, if any, to which fish and wildlife would be affected by the change, and a statement of any measures proposed to be taken for the protection of fish and wildlife in connection with the change. (d) Include sufficient information to demonstrate a reasonable likelihood that the proposed change will not injure any other legal user of water. (e) Contain other appropriate information and be in the form required by applicable regulations.

Section 1701.3 allows the State Water Board to request additional information reasonably necessary to process the Petition.

These requirements are assessed in relation to the existing Water Quality Control Plan and D-1641. The WQCP was determined by the State Water Board to ensure

reasonable protection of beneficial uses and the prevention of nuisance.<sup>2</sup> The WQCP is not self-enforcing, but instead requires the State Water Board issue orders implementing the array of water quality objectives determined through that planning process. Thus the WQCP and the water rights decisions stemming from implementation of the WQCP and earlier water quality plans, including D-1641, are protective of beneficial uses until replaced through the update process and constitute the standard for determining injury to those beneficial uses when considering this Petition.

D-1641, adopted on December 29, 1999 and revised on March 15, 2000, describes the Petitioners' responsibilities for implementing specifically determined water quality objectives in the WQCP, as well as the responsibility of certain other Delta watershed users to implement the objectives. D-1641 was the result of a comprehensive public hearing conducted by the State Water Board that occurred over the course of over 80 days of hearings. This Petition does not seek any modification to the requirements of D-1641.

### ***Other Requirements***

The Sacramento-San Joaquin Delta Reform Act of 2009 recognizes the possibility of the California WaterFix in Water Code section 85086(c)(2):

Any order approving a change in the point of diversion of the State Water Project or the federal Central Valley Project from the southern Delta to a point on the Sacramento River shall include appropriate Delta flow criteria and shall be informed by the analysis conducted pursuant to this section. The flow criteria shall be subject to modification over time based on a science-based adaptive management program that integrates scientific and monitoring results, including the contribution of habitat and other conservation measures, into ongoing Delta water management.

Consideration of this Petition under Water Code §85086(c)(2) should occur within the existing regulatory framework for the Delta provided by the WQCP and D-1641.

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<sup>2</sup> State Water Resources Control Board Resolution No. 2006-0098.

Flows presented by Alternative 4A, beyond those required by D-1641, satisfy the appropriate Delta flow criteria to be considered by the Board under 85086(c)(2).

In addition to D-1641, the SWP and CVP currently operate in compliance with the NMFS 2009 Salmon and FWS 2008 Delta Smelt Biological Opinions (BiOps) completed under Section 7 of the ESA, and the SWP in compliance with the CDFW 2009 long-fin smelt Section 2081 Incidental Take Permit (ITP) and Consistency Determinations for Delta Smelt and Salmon. The CVP and SWP will continue to operate under these requirements until new requirements are issued by NMFS, USFWS or CDFW. Under the California WaterFix, the CVP and SWP would operate pursuant a new Section 7 consultation and ITP for in-Delta operations.

## **II. PETITION REQUEST**

DWR and Reclamation petition the State Water Board to modify DWR permits 16478, 16479, 16481, 16482 for the SWP and Reclamation permits 11315, 11316, 12721, 12722, 12723, 11967, 11968, 11969, 11971, 11973, and 12364 for the CVP, as described in this Petition and attachments. This Petition does not propose to change any aspect of the existing permits other than the points of diversion and rediversion within the Delta.

If granted, the changes requested in this Petition would alter the points of diversion/diversion for both SWP and CVP water rights permits. SWP and CVP water rights permits would reflect the addition of three new points of diversion/diversion at the locations specified in the California WaterFix. The proposed three new intakes on the Sacramento River would be located on the East bank of the Sacramento River between Clarksburg and Courtland, and each intake would divert a maximum of 3,000 cfs for a total north Delta diversion capacity of 9,000 cfs. The source of water would remain unchanged from the existing permits – direct diversion of unappropriated Delta water and diversion of storage releases. The maximum annual diversion limits of the existing permits are unchanged. These three intakes are located within the California Coordinate System at North 6,700,800-East 1,909,831, North 6,699,289-East 1,901,310 and North 6,695,594-East 1,889,835. The existing purposes of use, places of use, and all other aspects of the existing permits remain unchanged.

Thus the requested additional points of diversion do not concern the 34 SWP storage facilities (reservoirs and lakes), 4 pumping-generating plants, 5 hydroelectric power plants, approximate 700 miles of open canals and pipelines. Likewise, the requested additional points of diversion do not concern any CVP facilities, including 20 dams and reservoirs, 11 power plants, or approximate 500 miles of major canals, conduits, tunnels or related facilities. While the larger California WaterFix conveyance project includes an additional SWP pumping station in the south Delta as part of the reconfigured Clifton Court Forebay, water from the additional points of diversion is delivered to the new station through a tunnel and that water is at all times isolated from, and not comingled with, any other supplies. For this reason, the new SWP pumping station is not part of this petition, except to the extent construction impacts of the California WaterFix are discussed.

Recognizing the appropriate Delta flow requirements in §85086 (c)(2), Alternative 4A proposes a range of spring outflows above D-1641. Also, consistent with Water Code



section 85086 (c)(2), the exact flows proposed in Alternative 4(a) will be determined using science based adaptive management process.

#### **IV. STATUTORY & REGULATORY INFORMATION**

##### **A. PROTECTIONS OF FISH AND WILDLIFE**

The new points of diversion presented in this Petition will allow for flows and hydrodynamics that will reduce take of protected aquatic species, and will benefit aquatic species by virtue of locating the intakes upstream of habitats most utilized by certain protected species, including Longfin Smelt and Delta Smelt. The specific intake locations, configuration, and state-of-the-art fish screens were developed in collaboration with the Fishery Agencies.

To ensure the optimal design for the protection of fish in the Sacramento River, the Fish Facility Technical Team recommended twenty-two studies to inform design and to establish biological baseline conditions. This team adopted a work plan focusing on eleven pre-construction studies and three biological baseline conditions studies. Once completed, the results of these studies will be available for review by the State Water Board and others, and will be used to further inform design and operation of the diversion structures. Operations are constrained by Sacramento River bypass flow requirements and fish screen velocity rules to minimize entrainment and impingement.

##### **1. Benefits to Fish Species**

Approval of this Petition will enable DWR to construct and operate new conveyance facilities that improve conditions for endangered and threatened aquatic species in the Delta while at the same time improving water supply reliability, consistent with California law. Implementing a dual conveyance system would align water operations to better reflect natural seasonal flow patterns by creating new water diversions in the north Delta equipped with State-of-the-art fish screens, thus reducing reliance on south Delta

exports during times of the year when listed and other native at risk aquatic species are present and most vulnerable.

The existing operation of the SWP and CVP pumps can affect flow patterns. The changed hydrodynamics in the Delta can cause water in the Delta to flow in a north-south direction (towards the south Delta pumps). FWS, NMFS, and CDFW have concluded that these changed hydrodynamics can affect migration, entrainment, and predation of listed fish species. The new system would reduce physical impacts associated with sole reliance on the southern diversion facilities and allow for greater operational flexibility to better protect fish. Reducing south Delta pumping would substantially reduce the north-south flow pattern, likely favoring many native fish species.

Under the California WaterFix operations, south Delta entrainment of fish species is expected to be reduced relative to existing conditions. Entrainment at the south Delta facilities includes both direct entrainment at the SWP and CVP export facilities, as well as pre-screen predation losses.

## **2. Impacts to Fisheries and Aquatic Resources**

For the species analyzed in the draft EIR/EIS, screening of the proposed intakes would prevent entrainment of all but the smallest life stages that could be present in the vicinity of the proposed new intakes. Juvenile Chinook salmon migrating past the proposed new intakes would be large enough to avoid entrainment, and Delta Smelt eggs and larvae rarely occur in the area. Species with the greatest risk of entrainment are unlisted species that include striped bass, American shad, and splittail because these species have the potential to occur in the area of the proposed new intakes during early life stages. Impingement may also occur for larger fish, and would be managed through approach and sweeping velocity criteria for screen operation.

Operational measures, combined with the state-of-the-art screen design, have been devised to ensure that entrainment of migrating juvenile salmonids and other species will be avoided or greatly minimized.

### **3. Impacts to Terrestrial Resources**

#### ***Construction Impacts***

In addition to mitigated impacts to the aquatic environment, construction of new north Delta intakes would include mitigation of any effects to valley/riparian and grassland natural communities and terrestrial species habitats. Several species, including Swainson's hawk, valley elderberry longhorn beetle, least Bell's vireo, and white-tailed kite, have suitable habitat within riparian areas near the intake sites. However, construction and management associated with the California WaterFix would have no long-term adverse effects on the habitats. In addition, impacts would be offset through mitigation that includes the restoration and protection of valley/foothill riparian habitat.

White-tailed kite, northern harrier, and short-eared owl are three species associated with grassland habitats that have the potential to occur near the intake sites. Mitigation will offset any losses of grassland as result of construction activities including restoration and protection of grassland habitat and protection of cultivated lands maintained in crop types that provide similar habitat values for the species. For terrestrial species, protection and restoration for the loss of valley/riparian and grassland habitats would be minimized through specific requirements to minimize and avoid disturbances to species and habitats. For example, a nondisturbance buffer will be established around each active white-tailed kite and Swainson's hawk nest site. No entry for construction activity will be allowed in the buffer while a nest site is occupied by white-tailed kite or Swainson's hawk during the breeding season. In addition, to minimize near-term loss of habitats, a program to plant mature trees will be implemented. Planting larger, mature trees, including transplanting

trees scheduled for removal, and supplemented with additional saplings, is expected to accelerate the development of potential replacement nesting habitat.

#### **4. Protective Measures for Construction and Operation**

Construction and operation will include mitigation of the direct impacts to aquatic and terrestrial resources. The mitigation is more fully described in the EIR/EIS. (See Draft EIR/EIS section 4.1.2.3.) Where warranted, additional mitigation would further reduce impacts from the construction of water conveyance facilities. Other mitigation to minimize adverse effects to fish habitat address temporary increases in turbidity, hazardous material and accidental spills, and disturbance of contaminated sediments. Finally, the in-water work window for construction (expected to be June 1 through October 31) would occur during a time when most species are not expected to be present near intake construction sites, thus limiting the potential for negative impacts.

Adaptive management and monitoring, as well as a real-time operational decision-making will minimize impacts to fish and terrestrial species and measure success of applicable mitigation.

#### **5. Compliance with ESA, CESA and Fish and Wildlife Code**

##### ***ESA Section 7 Compliance***

Incidental take coverage under the federal Endangered Species Act for SWP and CVP future operations will be obtained through Section 7 of the ESA. Reclamation, as the federal lead action agency, will consult under ESA Section 7 on the California WaterFix, which includes the modification and addition of points of diversion contemplated in this Petition. Section 7 requires a federal agency to ensure that any action it authorizes, funds or carries out does not jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat.

Reclamation, with DWR as an applicant, will initiate Section 7 consultation with USFWS and NMFS. In cooperation with DWR, Reclamation will prepare a biological assessment for submission to USFWS and NMFS requesting formal consultation under ESA Section 7. It is expected that USFWS and NMFS will ultimately prepare a biological opinion analyzing the effects of the California WaterFix, including the modification and addition sought in this Petition, on listed species and designated critical habitats and an Incidental Take Statement authorizing any incidental take of federally listed species.

As described in the Draft EIR/EIS, impacts to federally listed species would be reduced or avoided through implementation of mitigation on listed fish species habitat. Acquisition of all lands to be used for habitat protection and restoration, and construction of such habitat, will be completed by the time the proposed intake and conveyance facilities become operational, approximately 14 years after proposed action approval.

As a component of the California WaterFix, an adaptive management and monitoring program would be developed and implemented to use new information and insight gained during the course of construction and operation of water conveyance facilities.

#### ***CESA Section 2081(b) Compliance***

DWR will comply with State endangered species laws will be through a permit request for authorization of the incidental take of species listed under CESA, pursuant to CA Fish & Game Code Section 2081(b) and issued by CDFW. The permit would ensure that take of California listed species is minimized and fully mitigated.

As a component of the California WaterFix, an adaptive management and monitoring program would be implemented to use new information and insight gained during the course of construction and operation of water conveyance facilities.

## **B. NO INJURY TO LEGAL USERS OF WATER**

The SWP and CVP are inter-basin water storage and delivery systems. These existing operations are permitted by the State Water Board and are operated consistent with California water rights and water quality laws. Under the California WaterFix existing obligations will continue to be met and beneficial uses in the Delta will not be negatively impacted by operations with the new point of diversion.

Petitioners maintain an accounting system to ensure that their diversions to storage occur at times when sufficient unregulated flow is available to satisfy senior downstream or Area of Origin uses. For this reason, operations both now and in the future will not impact the quantity of water available for water users in the watershed because these demands are accounted for prior to diversions to storage or export. As water users without a contract with either DWR or Reclamation do not have a right to stored water supplies, the quantity of water available for diversion by in-basin water users will not be impacted by any changes in stored water releases that occur as a result of the California WaterFix.

This Petition only requests a change to the points of diversion/rediversion for the Delta contained in existing SWP and CVP water rights permits listed in this Petition. As such, there are no requested changes to the SWP or CVP quantity or timing of diversion, place of use, return flows, or consumptive uses of water. Furthermore, this Petition does not request any modification of D-1641 obligations. Therefore as detailed in the Draft EIR/EIS, all protective thresholds for beneficial uses currently enacted by the State Water Board will be met if this Petition is granted.

### **1. Water Quality**

#### ***Salinity Impacts***

The modeling of the proposed operations of new intakes indicates only very minor impacts to Delta salinity, which can and will be avoided in real time operations that will

remain controlled by the Board's regulatory requirements, thus resulting in no injury to legal water users. Although the modeling analysis conducted for the Draft EIR/EIS showed minor impacts, real time Project operations are managed to meet existing regulatory requirements. DWR has analyzed through models the potential adverse effects of the north Delta intakes upon West Delta objectives of 150 mg/L and 250 mg/L in the 2006 WQCP, and for Suisun Marsh. Two modeling approaches were used to address complexities presented by the chloride ion. Data from the more conservative of the two approaches formed the basis for the assessment of impacts; therefore actual effects are likely less than the conservative modeling outcomes.

### ***Modeling Artifacts***

Some modeling results reflect uncertainties in the modeling for electrical conductivity. Modeled exceedances will be avoided by adjustments to reservoir storage, flows, and/or exports with continuous adjustments to respond to reservoir storage, river flows, in-Delta demands, tides, and other factors. A detailed description of the modeling tools and approach is provided Draft EIR/EIS Appendix 5A.

## **2. Regulatory Effects Upon Non-project Water Rights**

The Draft EIR/EIS considers the impacts of the north Delta intakes on water rights holders and finds that there are no regulatory actions that would affect non-project water rights holders. In addition to the priority system, water rights that are in the Area of Origin are protected by existing state law which provides that the CVP and SWP can only export water that is surplus to the legitimate water needs of the Bay-Delta watershed. The Petitioners operate the Projects consistent with the priority system and Area of Origin protections.



Other water rights holders in the watershed are likewise not harmed by the proposed north Delta intakes during times of “balanced” conditions. During “balanced” conditions, project (CVP and/or SWP) storage withdrawals are made to meet both regulatory and project needs. Non CVP and SWP water rights holders are not entitled to divert project storage withdrawals, therefore their water rights are not harmed by project operations in “balanced” conditions.

Deliveries to the CVP Settlement, Refuge, and Exchange Contractors, and SWP Feather River Service Area (FRSA) Contractors and Delta contracts will continue to be made under the terms of those agreements. This Petition does not propose any changes to any contractual obligations.

### **3. Water Levels**

The water level in the Delta is expected to be unaffected by the proposed north Delta intakes, with the exception of a small section of Sacramento River immediately downstream of the new proposed North Delta intakes. The drop in water level ranges between no change and 0.8 feet during high flow events in Winter and Spring. These are typically times when there is major concern with flood water levels being too high. At low flow periods, the change in water levels is negligible.

## **C. COMPLIANCE WITH CEQA**

A final environmental document will be completed within the time this Petition is fully considered. DWR and Reclamation have provided the State Water Board two administrative versions, a public draft and a partially recirculated / supplemental Draft EIR/EIS, the latest version of which was released to the public on July 10, 2015. The Draft EIR/EIS contains a wide range of alternatives and anticipated to be sufficient for the purposes of the State Water Board in analyzing this Petition.

Additional information about the California WaterFix may be found at its public website: <http://www.californiawaterfix.com/> and prior efforts of the Bay Delta Conservation Plan at: <http://www.baydeltaconservationplan.com>.

### ***SWRCB Involvement in EIR/s Development***

The State Water Board has been working with DWR to analyze an alternative that results in reduced south of Delta diversions. Preliminary model results show that this alternative would result in increases to mean annual Delta outflow of approximately 1.6 million acre-feet per year for the February through June period at a cost of approximately 1.5 million acre-feet per year on average reduction in south of Delta diversions relative to the no action alternative. This alternative will allow DWR and other lead agencies, and the State Water Board to evaluate a sufficiently broad range of alternatives to inform their respective processes.

### ***CEQA NEPA Alternatives***

The CEQA preferred alternative and over a dozen action alternatives, and the No Action / No Project alternative described and analyzed in the Draft EIR/EIS were developed over a 8-year period in collaboration and outreach with DWR, Reclamation, Fishery Agencies, state and federal water contractors, nongovernmental organizations, agricultural interests, Delta communities and public agencies, and the general public. The project alternatives described in the Draft EIR/EIS were selected using a multi-step screening selection process including consideration of comments submitted by the State Water Board and other responsible and cooperating agencies during the scoping and comment periods of the draft documents. Alternatives were also screened against the Sacramento-San Joaquin 2009 Delta Reform Act requirements to ensure compliance with Water Code Section 85320. Alternative 4A, developed in response to public and agency input, is the CEQA preferred alternative, and the NEPA preferred alternative. Prior

alternatives explored during the drafting of the Draft EIR/EIS did not designate a NEPA preferred alternative.

### ***NOP, NOI, and Scoping Activities***

The Notice of Preparation and Notice of Intent were first issued in 2008. Additional information was developed, and subsequent scoping activities were initiated on February 13, 2009 with the publication of a revised NOP and a revised NOI.

A Draft EIR/EIS was released for review on December 13, 2013, for a 120-day public review period. The review period was extended in April 2014 for an additional 60 days. In June 2014, the Lead Agencies decided to further extend the review period to July 29, 2014, for a total review period of approximately 7½ months. Public hearings were held after release of the public draft throughout the state in twelve locations in January and February 2014, accepting verbal comments via court reporter and written comments.

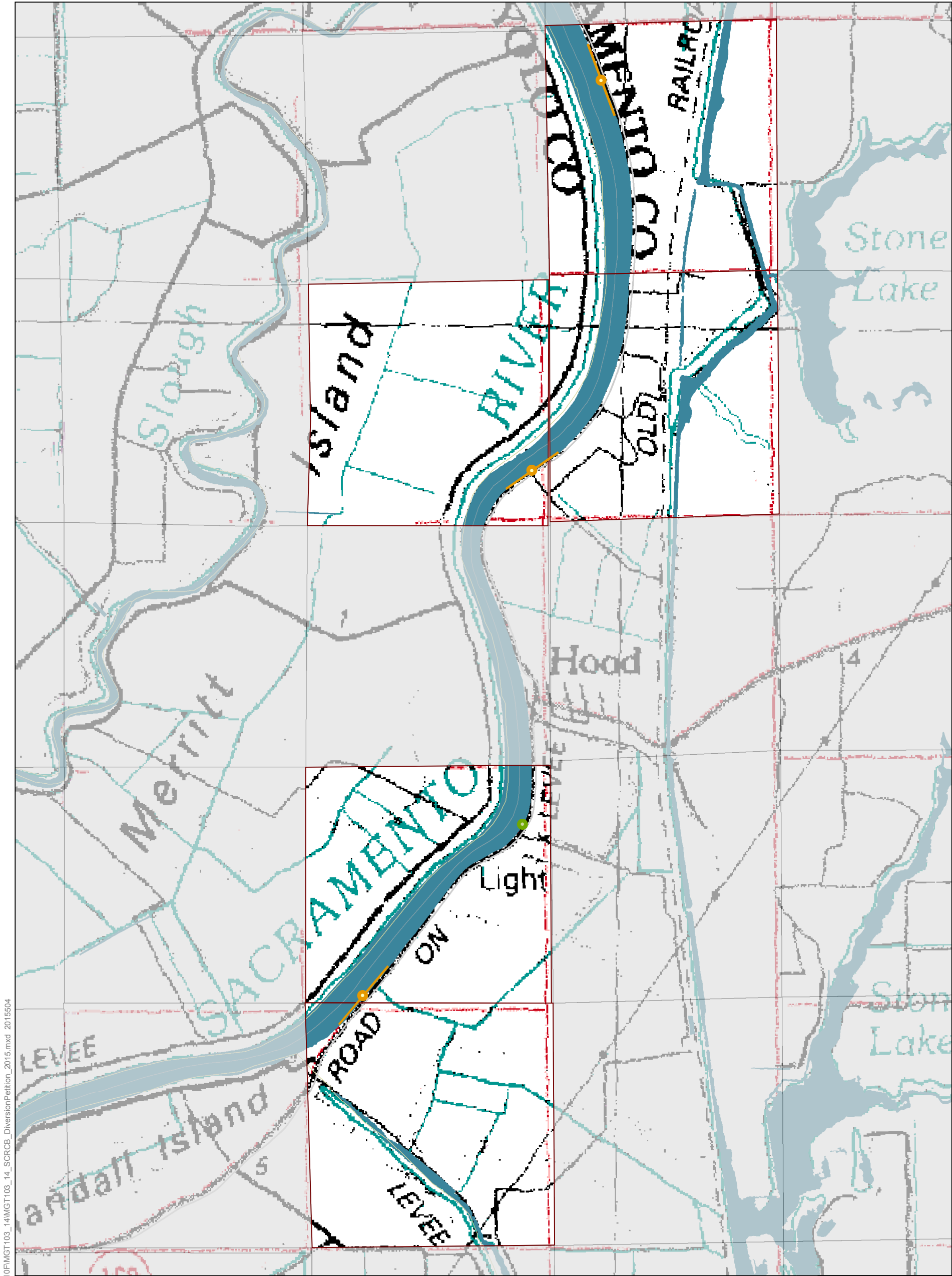
Subsequent to close of public comment and as part of reviewing comments received, DWR decided that certain portions of the proposed conservation strategy should be revised and modified to reduce environmental impacts, to increase the effectiveness of the proposed conservation strategy, and to improve the feasibility of conveyance facilities. Based largely on these comments, DWR and Reclamation have added alternatives to achieve the project objectives without preparation of a broad scale habitat conservation plan. On July 10, 2015 the Lead Agencies issued the Draft EIR/EIS to provide the public and interested agencies with updated environmental analysis to address certain revisions to the proposed alternatives, to introduce new sub-alternatives (Alternative 2D, 4A and 5A), and to address certain issues raised in comments received on the Draft EIR/EIS. The comment period for the Draft EIR/EIS ends October 30, 2015.

## **V. PROCESSING OF PETITION**

DWR and the Bureau submit this Petition to change the point of diversion with the objective of the State Water Board noticing this matter for any necessary hearing as soon as

possible, but not later than seven months after receipt of this Petition because of the importance of this Petition to help solve California's water crisis. This Petition is filed at the present time to allow the consideration of adding north Delta intakes as points of diversion/rediversion to the SWP/CVP water rights permits.

Should the State Water Board determine a hearing is necessary, DWR and Reclamation intend to present further evidence to the State Water Board demonstrating that the change in points of diversion requested for the California WaterFix meet the legal requirements of the Water Code.



**Legend**

- Plan Area
- Water
- Existing Authorized Point of Diversion and Rediversion
- Proposed New Points of Diversion and Rediversion
- Proposed New Diversion and Rediversion Facility

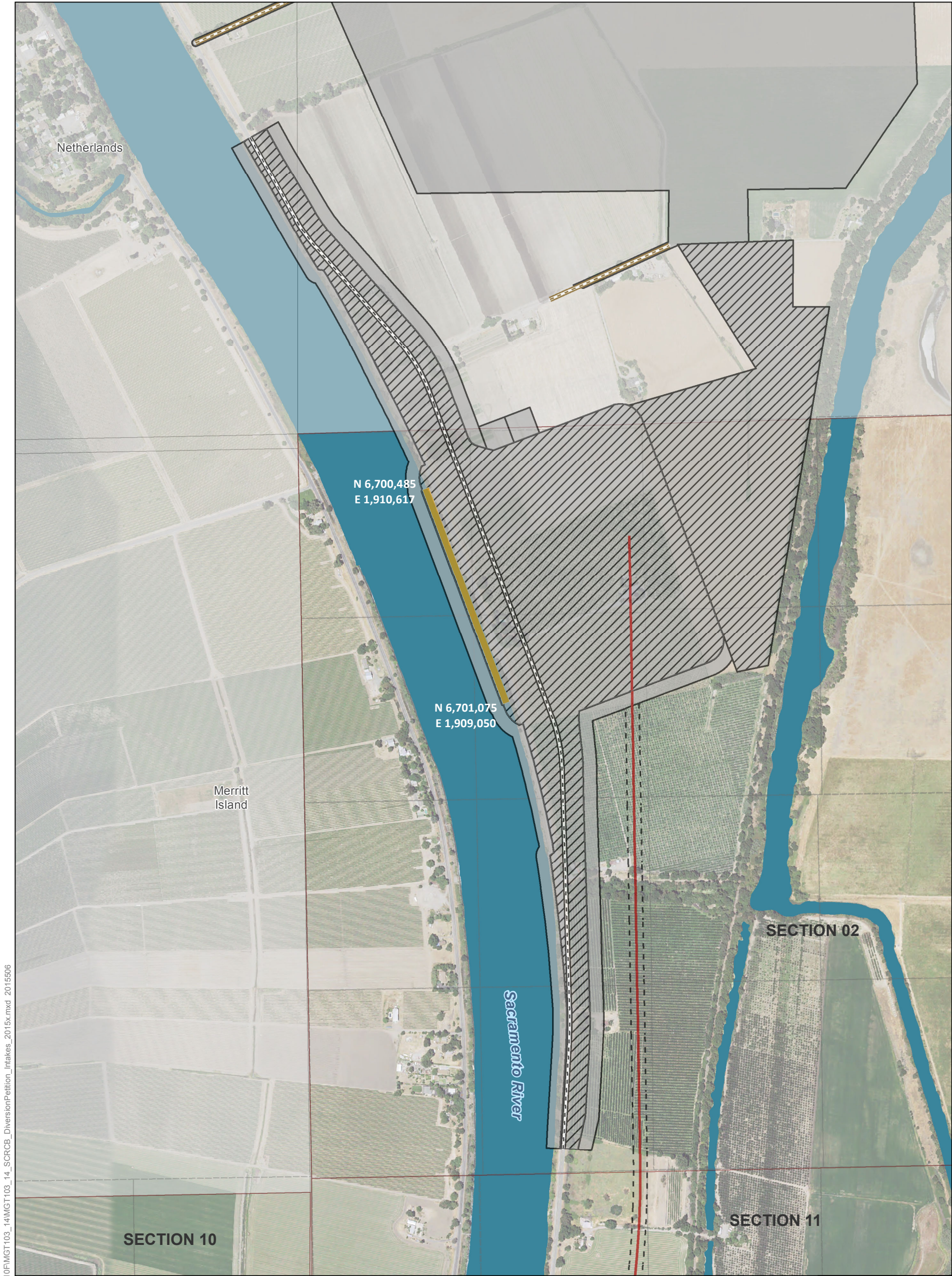
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BDCP Plan Area

Sources: Proposed and Existing Points of Diversions (BDCP); USGS 24k Quad; NAD 1983 State Plane California II FIPS 0402 (Feet)





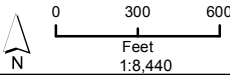
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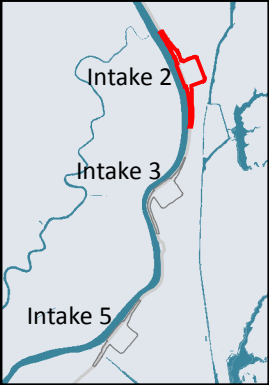
- Interstate
- State Highway/Route
- Railroad
- Water

**Proposed Engineering Facilities and Footprint**

- Permanent Access Road
- Temporary Access Road
- Tunnel
- Intake
- Permanent Subsurface Impact
- Permanent Surface Impact
- Temporary Surface Impact



\*Surface impacts are not expected to result from subsurface features.  
\*\*In-river features are not a permanent impact to navigation.  
\*\*\*Coordinate System: 1983 California State Plane II (Feet)

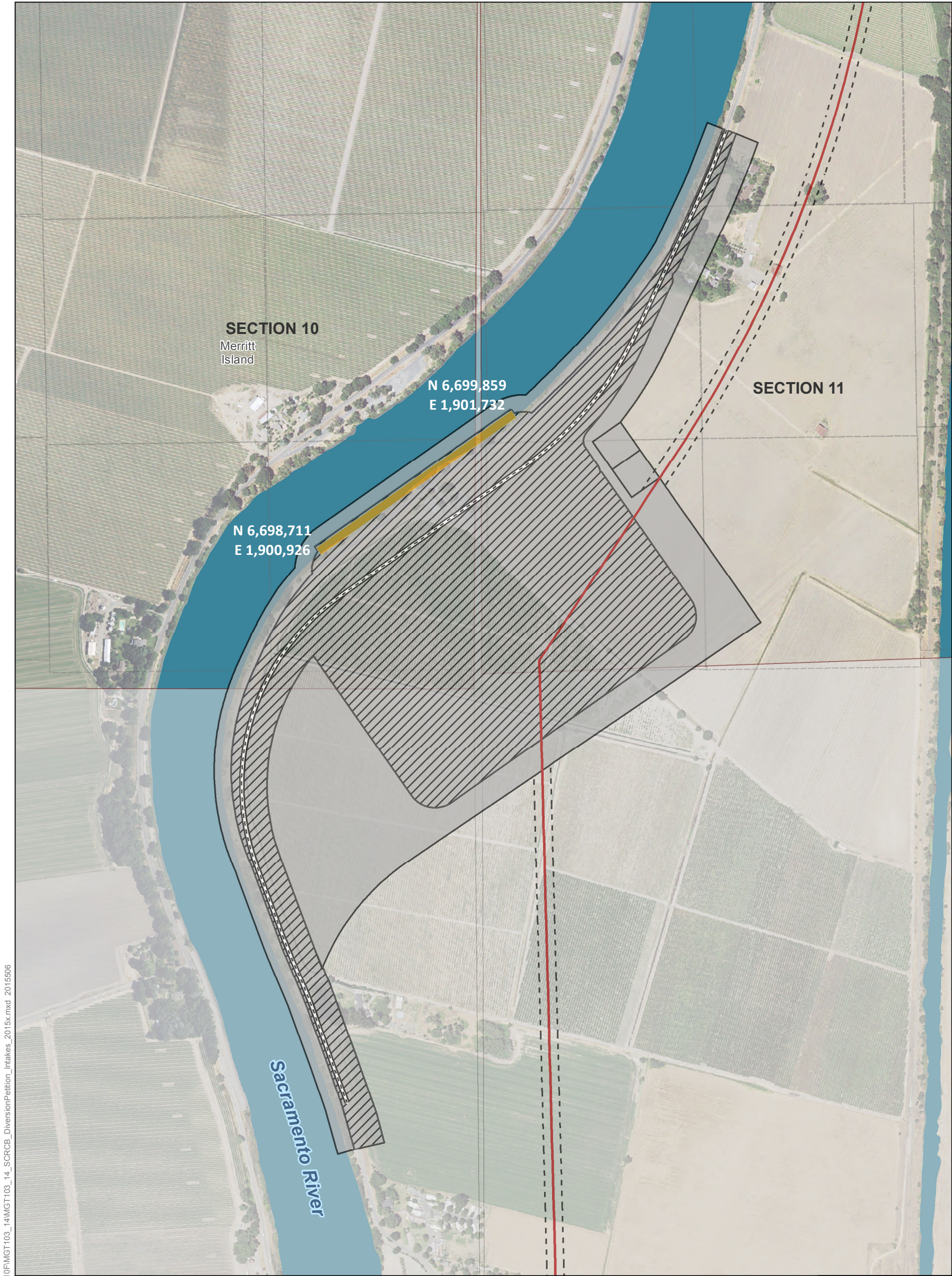


Sources: Plan Area, SAIC 2010; DWR DHCCP Engineering (rev 5a); NAIP 2014; USGS 24k Quad; NAD 1983 State Plane California II FIPS 0402 (Feet)

Version Date: 06 May 2015

**Intake 2**  
**State Water Resources Control Board**  
**Petitions for Change in Points of Diversion**  
**Application Numbers: A17512, A14445A, A14443, A5630**





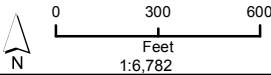
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**Legend**

- Interstate
- State Highway/Route
- Railroad
- Water

**Proposed Engineering Facilities and Footprint**

- Permanent Access Road
- Tunnel
- Intake
- Permanent Subsurface Impact
- Permanent Surface Impact
- Temporary Surface Impact



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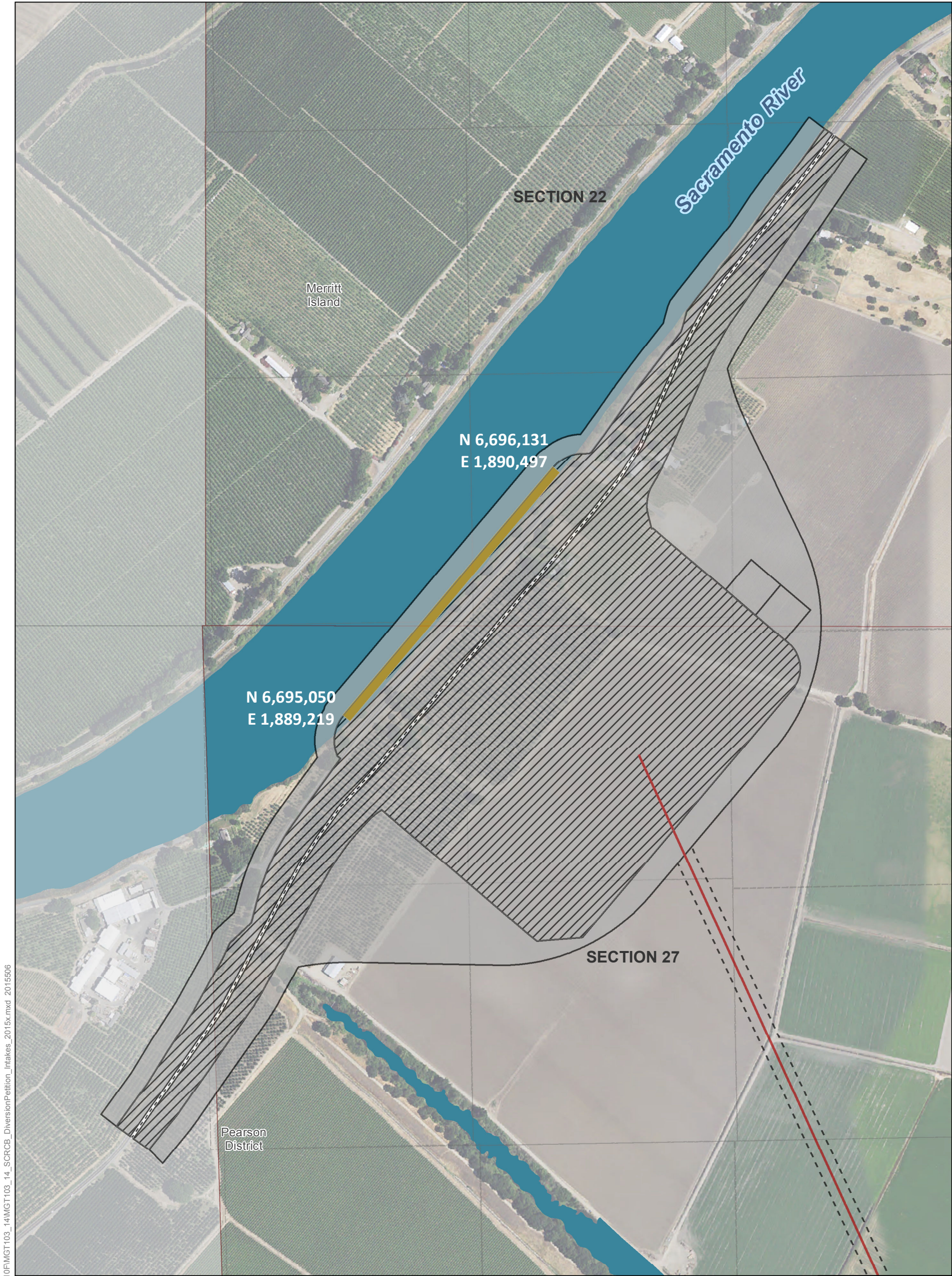


Sources: Plan Area, SAIC 2010; DWR DHCCP Engineering (rev 5a); NAIP 2014; USGS 24k Quad; NAD 1983 State Plane California II FIPS 0402 (Feet)

Version Date: 06 May 2015

**Intake 2**  
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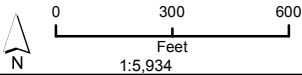
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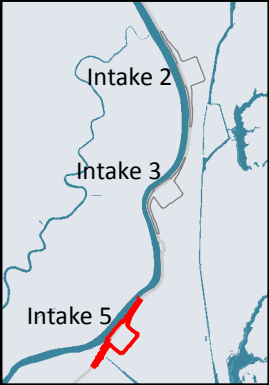
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- State Highway/Route
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**Proposed Engineering Facilities and Footprint**

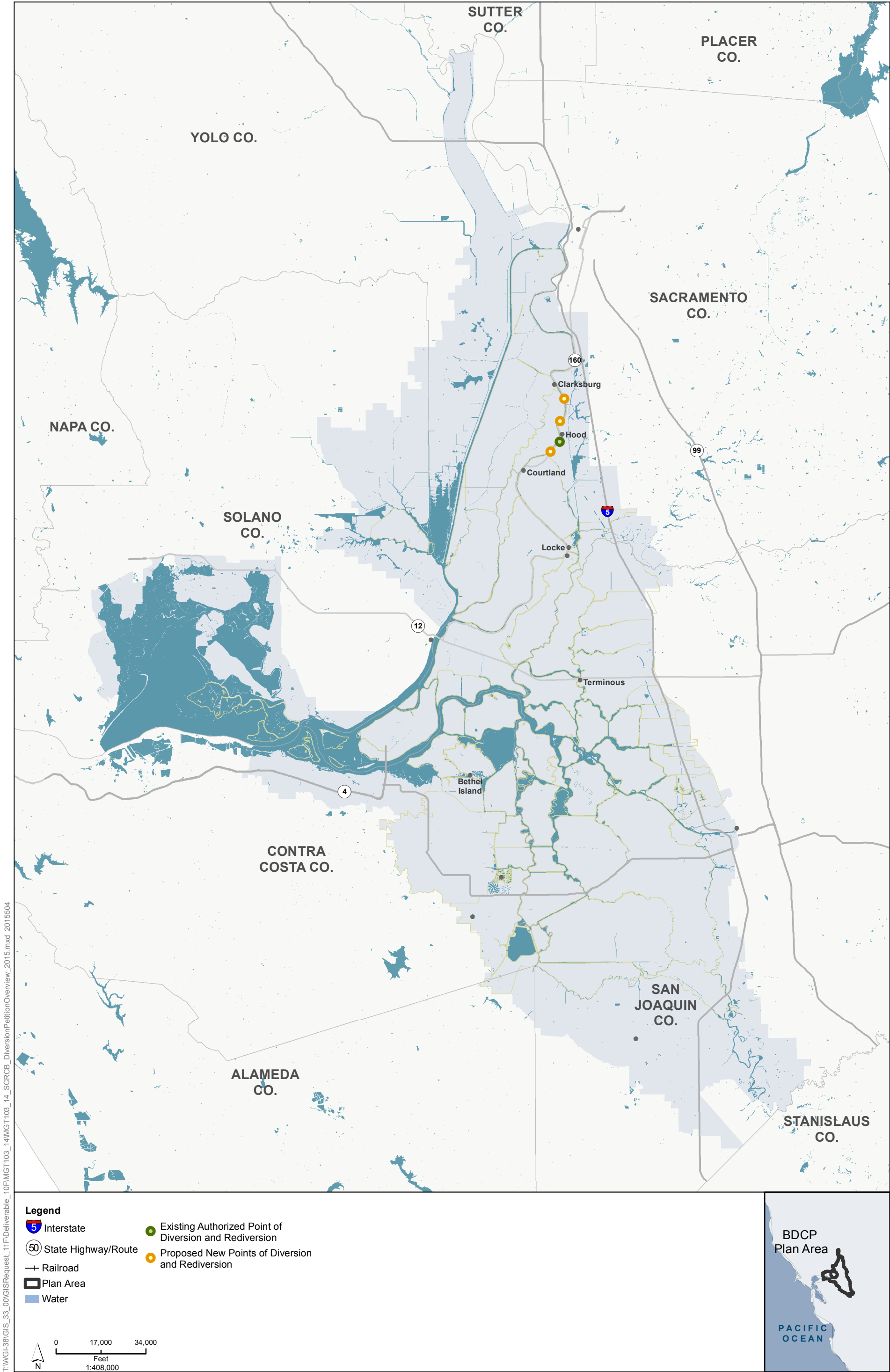
- Permanent Access Road
- Tunnel
- Intake
- Permanent Subsurface Impact
- Permanent Surface Impact
- Temporary Surface Impact



\*Surface impacts are not expected to result from subsurface features.  
\*\*In-river features are not a permanent impact to navigation.  
\*\*\*Coordinate System: 1983 California State Plane II (Feet)







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Sources: Proposed and Existing Points of Diversions (BDCP); USGS 24k Quad; NAD 1983 State Plane California II FIPS 0402 (Feet)

**Location of Point of Diversion**

By California Coordinate System of 1983 in CA SP 2	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
<i>Existing Authorized Point of Diversion and Rediversion:</i> Delta Water Facilities North 6,699,086 feet and East 1,893,577 feet	SW1/4 of NE1/4	22	6N	4E	M
<i>Proposed New Points of Diversion and Rediversion:</i> Delta Water Facilities At BDCP Intake 2 Northern Extent North 6,700,485 feet and East 1,910,617 feet	NW1/4 of NW1/4	2	6N	4E	M
<i>Proposed New Points of Diversion and Rediversion:</i> Delta Water Facilities At BDCP Intake 2 Southern Extent North 6,701,075 feet and East 1,909,050 feet	SE1/4 of NW1/4	2	6N	4E	M
<i>Proposed New Points of Diversion and Rediversion:</i> Delta Water Facilities At BDCP Intake 3 Northern Extent North 6,699,859 feet and East 1,901,732 feet	NW1/4 of SW1/4	11	6N	4E	M
<i>Proposed New Points of Diversion and Rediversion:</i> Delta Water Facilities At BDCP Intake 3 Southern Extent North 6,698,711 feet and East 1,900,926 feet	SE1/4 of SE1/4	10	6N	4E	M
<i>Proposed New Points of Diversion and Rediversion:</i> Delta Water Facilities At BDCP Intake 5 Northern Extent North 6,696,131 feet and East 1,890,497 feet	SE1/4 of SW1/4	22	6N	4E	M
<i>Proposed New Points of Diversion and Rediversion:</i> Delta Water Facilities At BDCP Intake 5 Southern Extent North 6,695,050 feet and East 1,889,219 feet	NW1/4 OF NW1/4	27	6N	4E	M