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DWR-1417

DEPARTMENT OF WATER RESOURCES

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BEFORE THE

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

**HEARING IN THE MATTER OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES
AND UNITED STATES BUREAU OF
RECLAMATION REQUEST FOR A CHANGE
IN POINT OF DIVERSION FOR CALIFORNIA
WATER FIX**

**SUR-REBUTTAL TESTIMONY OF
JOHN BEDNARSKI**

I, John Bednarski, do hereby declare:

This testimony responds to the September 18, 2018 Ruling by the Hearing
Officers requiring that DWR

“provide written testimony – affirmed by a witness (or witnesses) – that identifies potential impacts to CCLP’s water rights from the WaterFix Project and possible mitigation measures, including but not limited to any potential impacts that may result from coordinated operation of the proposed Byron Tract Forebay and Clifton Court Forebay. The testimony should identify and describe any analysis that has been conducted, or is planned to be conducted, about potential impacts to CCLP’s water rights.” (September 18, 2018 Ruling, p.4.)

I. POTENTIAL IMPACTS TO CCLP’S WATER RIGHT

CCLP’s water diversion structure and access to water will not be changed by virtue of the proposed project considered in the Administrative Draft Supplemental EIR/EIS or Public Draft Supplemental EIR/EIS (“SEIR”) with the implementation of proposed mitigation measures. (The Public Draft Supplemental EIR/EIS is submitted as exhibit DWR-1416.)

1 **a. Construction based potential impacts**

2 I previously testified about the construction-based impacts to CCLP property in
3 DWR-1212-Rev2, p.5:22 though p.6:13. In addition to that testimony, I have reviewed
4 more detailed maps of the Jones Pumping Plant Intake Channel and it is my opinion
5 that CCLP's diversion structure is not impacted by the construction of the control
6 structure identified on DWR-1305, Volume 2, sheet 55 of 96 and sheet 89 of 96, and
7 DWR-1306, Volume 3, Sheet 12 of 13.



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22 Review of an aerial photograph clearly shows CCLP's intake structure (circled
23 in red), which is located adjacent to, but not within, both the temporary construction
24 footprint (blue box), and the permanent control structure footprint (red box), with the
25 control structure itself shown in yellow outlines. Based on the conceptual engineering
26 completed, the clearance between the CCLP's diversion and the temporary
27 construction footprint is more than 100 feet.

28 To reiterate my previous testimony, to the best of my knowledge, the revised

1 project will not require acquisition of any CCLP property, either in fee title, or for
2 temporary or permanent easements. (DWR-1212-Rev2 p.6:5-7.)
3

4 **b. Operation based potential impacts**

5 Operation of the control structure should not impact CCLP's ability to divert
6 from its diversion point within the Jones Pumping Plant Intake Channel. Currently, the
7 Jones Pumping Plant Intake Channel is subject to existing water level variations and
8 existing southern Delta water quality. When the control structure gates are open, the
9 control structure will not be an impediment to CCLP's diversion point or inhibit its
10 access to water. When the control structure gates are closed, water within the channel
11 will be augmented by water delivered to the Jones Pumping Plant Intake Channel from
12 the CA WaterFix South Tunnels and Canal. A description of the South Tunnels and
13 Canal can be found in my previous testimony, DWR-1212-Rev2 p.6:14 through p.7:4.
14 If unexpected changes to water availability at CCLP's diversion point do occur DWR
15 has committed to mitigation measures.
16

17 **II. ANALYSIS OF POTENTIAL IMPACTS OR PLANNED ANALYSIS OF**
18 **POTENTIAL IMPACTS**

19 Because there are no undisclosed new physical impacts to CCLP's water
20 diversion structure under the proposed modifications to the CA WaterFix project within
21 the Draft SEIR, the analysis of potential impacts is contained entirely within previous
22 testimony. The potential impacts have been previously disclosed and analyzed
23 because the control structure within the Jones Pumping Plant Intake Channel is a part
24 of the adopted project (See DWR-616 and SWRCB-102 Ch. 3 – Mapbook Figures,
25 Sheet 12 of 13, p.12.), and proposed modifications to that structure within the SEIR
26 are minor footprint adjustments to avoid impacts to CCLP property. (SWRCB-113,
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Ch.3, p.3-2:7-13.) ¹

As I previously testified, and consistent with the information developed and presented in the CER (DWR-1304), in the next phases of CA WaterFix design process, detailed and extensive hydraulic modeling and assessments of the entire CA WaterFix, including the Jones Pumping Plant Intake Channel will be conducted. This data, including detailed modeling of the Bryon Tract Forebay operations in conjunction with flows through the Jones Pumping Plant Intake Channel will be assessed. From this work, specific operational requirements will be developed and adopted into the final design criteria for the Jones Pumping Plant Intake Channel control structure.

Additional geotechnical work will be conducted through preliminary and final design as disclosed in the FEIR. (SWRCB-102, Section 3.6.1.10, p.3-164 through 3-167.) Final design and construction of the facilities are subject to state and federal design standards and guidelines (e.g., California Building Code, American Society of Civil Engineers Minimum Design Loads for Buildings and Other Structures, ASCE/SEI 7-10, 2010). (DWR-1304, p. 10-6, lines 38-40.)

III. MITIGATION MEASURES PROPOSED FOR POTENTIAL IMPACTS

At this time, and based upon the information developed by DWR in the CER, I do not believe an impact will occur to CCLP's intake structure or its ability to divert water at this intake. However, DWR will conduct additional hydraulic analyses as part of future engineering design to make definitive conclusions about potential impacts to CCLP's diversion when the control structure gates are closed. If impacts are identified in future engineering design, DWR will implement mitigation measures described in this testimony.

Should an unexpected impact be identified to occur to CCLP's intake structure

¹ SWRCB-113, Ch.3, p.3-2 discusses the temporary construction footprint, in addition to the permanent footprint, which remains unchanged at 2.2 acres. The reason the construction footprint in the SEIR (14.8 acres) is larger than the approved project (4.6 acres) is to accommodate a temporary canal during the construction period.

1 or CCLP's ability to divert from that structure, DWR has committed to mitigation.
2 Referring to my Part 1 testimony, DWR-57 p.13:5 through p.15:5, I stated that DWR is
3 committed to implementing measures to ensure that the water supply for water right
4 holders is maintained during CFW construction. The mitigation measures proposed
5 for temporary and permanent impacts to water diversions identified in this testimony
6 would apply to CCLP's diversion point within the Jones Pumping Plant Intake
7 Channel.

8 If CCLP's diversion point is temporarily affected by construction activities, DWR
9 would:

- 10 • Provide new groundwater wells or temporary river diversion and
- 11 pumping capabilities
- 12 • Provide alternate water supply from a permitted source
- 13 • Once construction is completed, reactivate original diversion and
- 14 discontinue temporary measures

15 If CCLP's diversion point is permanently affected, DWR would:

- 16 • Provide mitigation measures listed above until the mitigation measures
- 17 listed below are completed
- 18 • Relocate existing diversions outside of the control structure footprint and
- 19 to a location that ensures the relocated diversion point would function in
- 20 a manner that is equivalent to its current operations, or
- 21 • Relocate the existing diversions to a location that ensures the relocated
- 22 diversion point would function in a manner that is equivalent to its current
- 23 operations.

24 All alternative sources would meet current and appropriate requirements for
25 permitting, water quality, and, as necessary, fish screening. DWR will implement this
26 mitigation through the following steps:

- 27 • Prior to commencement of construction activities, DWR will perform field
- 28 studies to document characteristics of existing diversions and verify that

all existing water right diversions that will be impacted during construction have been identified.

- DWR will contact affected water users and notify them of the nature and impacts expected during construction.
- Working with the affected water right holders and through the use of available records, DWR will determine the current use of the existing diversions, amount and quality of water diverted, and the properties that the diversions are used for. Where records are not available, DWR will perform field tests as necessary to establish baseline water diversion quantities, qualities, and delivery patterns consistent with applicable water rights.
- Based on the above information, and in consultation with the affected water rights holders, DWR will develop and implement substitute water supplies that ensure that the baseline water deliveries are maintained.
- DWR may assist with securing permits and will design and construct the facilities to meet all applicable legal, regulatory and engineering standards for the substitute water supply, and pay for the implementation of selected mitigation measures.

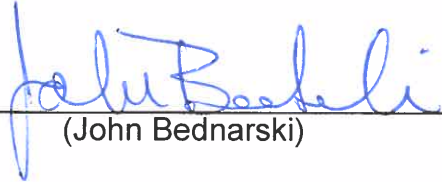
IV. CONCLUSION

CCLP's water diversion structure and access to water will not be changed by virtue of the proposed project considered in the Administrative Draft SEIR or Public Draft SEIR, and will not be impacted based upon the analysis within the FEIR based in part upon DWR commitments for the implementation of proposed mitigation measures.

The Jones Pumping Plant Intake Channel control structure, when the gates are open, will not impede access to water available at the CCLP diversion point. The CA WaterFix, when the Jones Intake Channel control structure gates are closed, will

1 augment the water available at the CCLP diversion point. Additionally, if unexpected
2 impacts are identified in the design phase of CA WaterFix, or in subsequent
3 operations, they will be mitigated with the measures discussed above.

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5 Submitted September 24, 2018.

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