

Resort location:	Web site:	
Snug Harbor Resorts, LLC 3356 Snug Harbor Drive (On Ryer Island) Walnut Grove, CA 95690	http://www.snugharbor.net	
Phone: (916)775-1455	Email: sunshine@snugharbor.net	

January 5, 2016

California Department of Water Resources and
 c/o James Mizell
 1416 Ninth St. Room 1104
 Sacramento, CA 95818
jamesmizell@water.ca.gov

U.S. Bureau of Reclamation
 c/o Amy Aufdemberge
 U.S. Department of Interior
 Office of Regional Solicitor, Pacific Southwest Region
 2800 Cottage Way, Sacramento, CA 95825-1898
amy.aufdemberge@sol.doi.gov

[Copy to: CWFhearing@waterboards.ca.gov](mailto:CWFhearing@waterboards.ca.gov)

Subject: Petition for change to the water rights of the State Water Project (SWP) and the Central Valley Project (CVP) for the California Water Fix, submitted to the State Water Resources Control Board August 25, 2015, by the California Department of Water Resources and the US Bureau of Reclamation; and addendum and errata to aforesaid petition submitted September 11, 2015, to the State Water Board by petitioners.

To whom it may concern:

This petition *in protest* of granting of request by DWR and USBR for the change in point(s) of diversion from the Sacramento River is submitted by a land and business owner with vested water rights, downstream of proposed revised points of diversion. Snug Harbor Resorts, LLC owns land waterside on Steamboat Slough, on a peninsula currently referred to as "Snug Harbor" off Ryer Island in Solano County. Permits associated with the park business include riparian water rights, Drinking Water Well permits **Water System Number:** 4800561; (WELL DW-1R and the WELL 02 in use) water diversion from Steamboat Slough for landscape, agriculture irrigation #S017338_o1, S017341_o1, S017332_o1, S017334_o1; as well as permits for operation of Mobile Home & RV Park (HCD) operation of a gas dock; operation of store permit; use of waterway surrounding resort property (SLC), and docks as built from USACE permits from 1980-1984 and earlier dredging permits. Proposed new diversion points and/or re-diversion points would cause reduction of flows on Steamboat Slough even more than we've experienced over the last ten years of over-diversion of Sacramento River flows to other areas of the state. Snug Harbor Resorts, LLC as well as many neighboring residential homes along Steamboat Slough are legal users of the fresh water of Steamboat Slough for drinking, irrigation and navigation. Proposed diversion(s) of Sacramento River flows by any method (either via intakes and tunnels or via surface conveyance through the DCC and Georgiana Slough) could severely and permanently degrade water quality for us on Steamboat Slough and for most of the North Delta landowners as well.

Snug Harbor Resorts, LLC petitions the State Water Resources Control Board to participate in Parts 1 and 2 of the evidentiary hearing on the Petition. With reference to Part 1, petition would have the effect of creating new water Sacramento River water right, would cause injury to municipal, agricultural water users with legal preexisting water rights;

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proposed changes in points of diversions would alter water flows on natural and original navigable waterways of the North Delta which would negatively impact drinking water quality, and potentially agriculture irrigation water quality. To avoid negative impacts described above, State Water Board should include minimum freshwater outflow requirements specifically for Steamboat and Sutter Sloughs year round; require minimum water quality to assure continued use of water rights for drinking, irrigation and municipal uses; require minimum water depth and surface width.

With reference to Part II, grant of petition would have permanent negative effects on area native fish and wildlife species, and would potentially also negatively impact recreational uses like boating, fishing, swimming, camping uses on Steamboat and Sutter Sloughs. Water quantity, water quality, water flow and water levels could all be negatively impacted by operation of the proposed intakes located upstream of Steamboat and Sutter Sloughs. In order to avoid unreasonable effects to fish, wildlife, navigation and recreational uses, State Water Board should reduce the amount of allowed exports or diversion from the Sacramento River watershed to pre-2000 levels until such time as the native fish species at risk of extinction has recovered; taking into consideration the 2010 Delta flow criteria, State Water Board should require a complete review of the baseline flow data and export data utilized by DWR for the BDCP/WaterFix computer modeling, to verify correct baseline data was used rather than the incorrect flow and export data published by DWR in the last few years. At a minimum, State Water Board should require that a minimum of fresh water outflow year round on Steamboat Slough is maintained so that the waterway and its finned, 2-legged and 4-legged inhabitants are protected and provided with fresh drinking water, and water depth levels sufficient for navigation and recreation as has occurred since the 1850's. State Water Board should require that the subsurface flow barriers which materialized on Steamboat and Sutter Sloughs, and on the Sacramento River, be removed by dredging, and a long term maintenance dredging plans and funding be proposed as a mitigation requirement, with cost paid for by the beneficiaries of the proposed intakes. Further, due to the lack of transparency and integrity of reporting of actual flows on subject North Delta waterways, flow data should be gathered and reported online by an independent agency or contractors as designated by NDWA and other affected parties, with costs of monitoring and reporting to be paid for by beneficiaries of proposed new intake facilities. If at any time water quality agreements are not met, export facilities and pumps are turned off, completely, until such time as water quality, water quantity, water flows and water depths meet established criteria. Note that despite repeated requests by myself and many other affected parties along Steamboat Slough, DWR/BDCP/WaterFix proponents have failed to fully disclose their assessment of the long term impacts to the original waterways of the North Delta, in particular Steamboat and Sutter Sloughs. Ignoring potential impacts does not mean they do not exist.

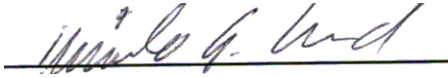
Based upon flow research of data provided by DWR, Waterboards and other governmental agencies have already been allowing excess diversions of Sacramento River water, or else have failed to properly monitor the diversions and reporting for the last ten years, which have resulted in the impacts and financial losses and environmental damage already seen and experienced by landowners on Steamboat Slough. In addition, it has come to my attention, through extensive background research of the baseline data used for the computer modeling for BDCP/WaterFix, that baseline data utilizes false, inaccurate and/or misleading data. The false, inaccurate and/or misleading baseline data has resulted in influencing the outcome(s) of various studies and reports developed in support of WaterFix/BDCP flow modifications. I have brought some of the data to the attention of DWR officials in the past. In some instances, the officials did take the time to make corrections and in other instances the proof of use of false baseline data has been ignored. I have simply been asking that the consultants and planners for DWR use accurate baseline data because if you start a project predicated upon false baseline assumptions, your outcome will logically be different than expected or planned. In addition, if approval of a project is based upon false baseline data knowingly inserted into reports to influence decisions and outcomes, the state Waterboard and its staff will be subject to litigation, which costs the taxpayers in the long run and could invalidate the entire EIR/EIS vetting process if the inaccurate data is determined to be material with substantial impacts to outcomes or decisions.

In addition, the WaterFix documentation completely ignores the impacts from new Sacramento River intakes built during the planning process, and from the risk of crude oil spill in the North Delta from the new oil and natural gas pipelines in the Yolo Bypass area, and on Andrus Island, and the general risk of water contamination from the new

Horizontal-fracking wastewater wells installed in the last several years in the same location as the proposed WaterFix surface and subsurface pathways. Again, ignoring potential impacts does not mean they do not exist.

For all the above reasons, and those to be documented in my protest hearing presentation(s), I oppose the request to change diversion points or increase diversions from the Sacramento River at any of the proposed points of diversion, and I oppose the continued excess diversion of Sacramento River water via Georgiana Slough and the Delta Cross Channel without adequate oversight by DWR Waterboards.

Yours truly,



Nicole S. Suard, Esq. Managing Member, Snug Harbor Resorts, LLC

Cc: Waterboards; residential parcels along Snug Harbor Drive; NDWA

Cover letter: 3 pages

Protest petition: 2 pages attached

Notice of Intent to Appear: 3 pages, attached

Petitioner location map: attached, labeled SHR Protest Map 1

Supporting documentation *to be provided*: Slideshows, excel spreadsheet, historic and current maps; summary of 1000+ pages to be presented during testimony

Served party addresses:

California Department of Water Resources and
c/o James Mizell
1416 Ninth St. Room 1104
Sacramento, CA 95818
jamesmizell@water.ca.gov

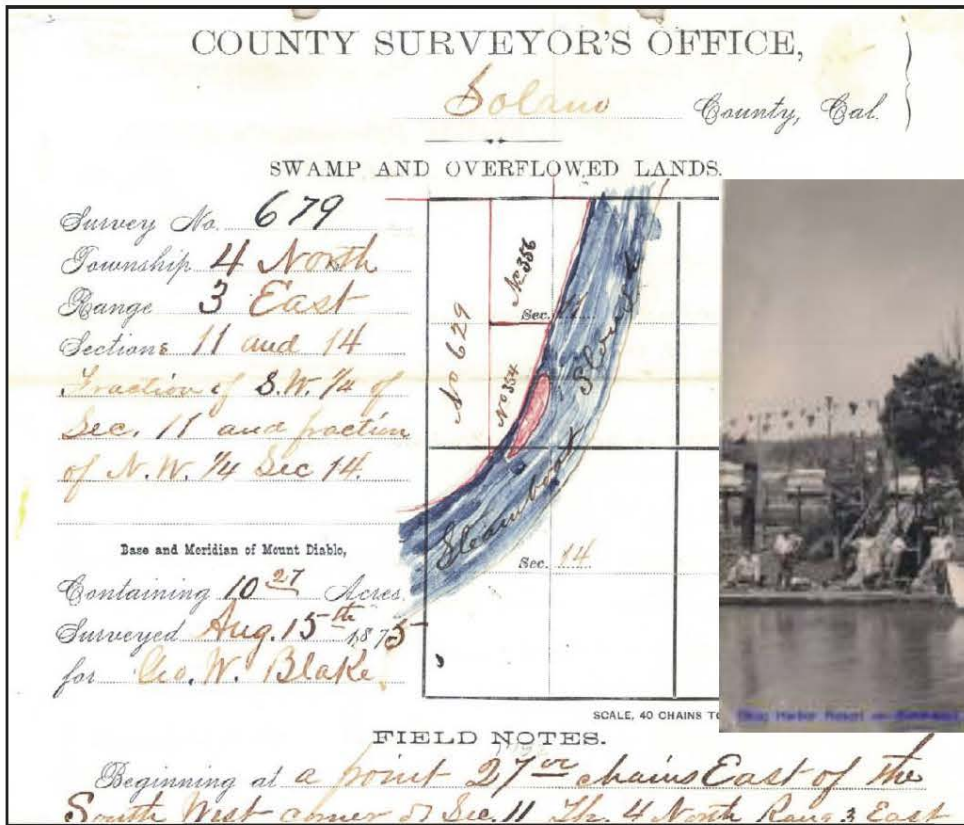
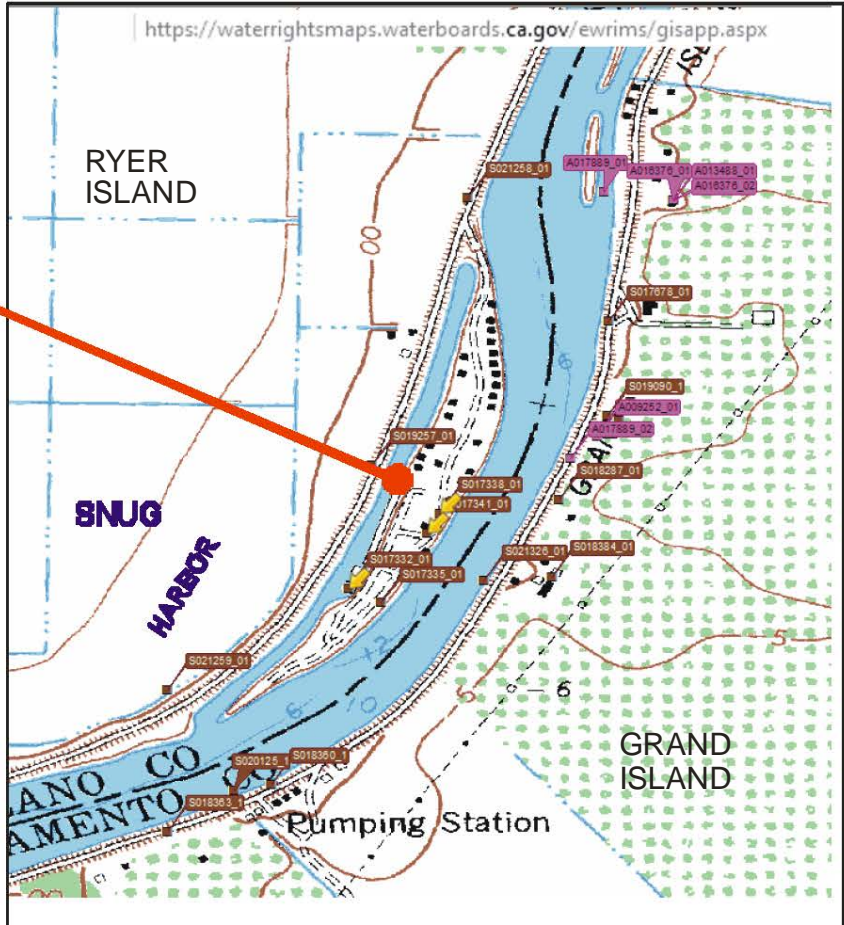
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SHR Protest: Map 1
 Snug Harbor Resorts, LLC Location Map: Steamboat Slough



AP # 177-06-06 and 177-07-01
 Unincorporated area of Solano County, off Ryer Island, peninsula referred to as Snug Harbor since the 1950's. Former mapped names: Martin's Island, Charleston (Island), Hogs back Shoals, Blake's Island: land grant 1875
 Riparian water rights on Steamboat Slough. S017338_01, S017341_01, S017332_01, S017334_01.
 Meridian: Mount Diablo
 Latitude 38.1982
 Longitude -121.6149
 Associated roads: Snug Harbor Drive and Marina View Circle



NOTICE OF INTENT TO APPEAR

Nicole S. Suard, Esq., Managing Member, Snug Harbor Resorts, LLC plans to participate in the water right hearing regarding

CALIFORNIA WATERFIX HEARING

LINK:

HTTP://WWW.WATERBOARDS.CA.GOV/WATERRIGHTS/WATER_ISSUES/PROGRAMS/BAY_DELTA/CALIFORNIA_WATERFIX/DOCS/CA_WATERFIX_PETITION.PDF

California Department of Water Resources and U.S. Bureau of Reclamation

The Public Hearing scheduled to commence on **Thursday, April 7, 2016**

1) Check all that apply:

- xx** I/we intend to participate in Part I of the hearing
- xx** I/we intend to participate in Part II of the hearing

2) Check the applicable boxes below. Be sure to accurately describe your participation in the hearing. (Please refer to Enclosure D of the October 30, 2015 [Notice of Petition, Public Hearing, and Pre-Hearing Conference](#) (Hearing Notice) for descriptions of “parties” and “interested persons”):

- I/we intend to participate in the hearing as an interested person and present a policy statement **only**. Part I Part II
- I/we intend to participate in the hearing as a party by cross-examination and/or rebuttal **only** and may present an opening statement.
 - Part I Part II

xx Part I: I/we plan to participate in Part I as a party and call the following witnesses to testify at the hearing. (

NAME	SUBJECT OF PROPOSED TESTIMONY (Please indicate Application Number if Appropriate)	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Nicole S. Suard, Esq	Potential Negative Impacts to navigation on Steamboat and Sutter Slough, original navigable waterways of Northern California: downstream location of impacted commercial business on Steamboat Slough and history establishing riparian water rights	60 minutes total	no
	Negative impacts to drinking water quality on Steamboat and Sutter Sloughs between 2005-2015 as example of current and future impacts to North Delta land owners from Sacramento River diversion as proposed by WaterFix		no
	Review of impacts to persons, navigation and aquatic environment on Steamboat Slough from BDCP/Waterfix pulse flows and restoration experiments 2005-2015 as an example of the impacts expected if Waterfix granted: restoration bench causes flow backup; large woody debris creates hazards to navigation; , low flow studies create hazards to navigation due to increase of invasive aquatic weeds; tules and bank modifications create hinderances to navigation, flood flow impacts; economic impacts and damages; salinity and		no

	electroconductivity on Steamboat Slough; changes in Yolo Bypass flows increase high water incidents, reduce access to roads		
	BDCP/WaterFix use of false or intentionally misleading baseline data for computer modeling: Salmon and native fish migration studies & the existing subsurface flow barriers installed 2008 or thereafter on Steamboat Slough, Sutter Slough, Sacramento River; impacts of MWD proponent proposed "Emergency Freshwater Pathway".		No
	BDCP/WaterFix use of false or intentionally misleading baseline data: data gaps in water exports reporting by DWR 2005 to 2010 and the unaccounted for flows of Georgiana Slough		No
	BDCP/WaterFix use of false or intentionally misleading baseline data: data gaps in flow reported by CDEC for Steamboat Slough, Sutter Slough, Sacramento River, Georgiana Slough		No
	BDCP/WaterFix use of false or intentionally misleading baseline data: Delta population impacted by BDCP/WaterFix actions 2000 to 2016		No
	BDCP/WaterFix use of false or intentionally misleading baseline data: DRMS Phase 1 data regarding island flood history and island values to validate current funding decision process.		No
	BDCP/WaterFix fails to account for or disclose important aquifer and water quality risk factors in subject area: Compare new natural gas and oil well drilling to proposed restoration site locations		No
	BDCP/WaterFix use of incorrect delta maps and waterway names during planning process: 2005-2015 review of incorrect Delta maps which reflect on the veracity of the study and outcomes		No
	BDCP/WaterFix fails to account for the new intakes constructed north of Clarksburg from 2005-2015 which reduce Sacramento River natural flows		No

xx **Part II:** I/we plan to participate in Part II as a party and will call witnesses to testify at the hearing. I acknowledge that I will be required to submit a Supplemental Notice of Intent to Appear at a date to be determined for Part II of the hearing along with lists witnesses, subject of proposed testimony, etc.

3) Check if applicable:

xx I/we have also protested the Petition in accordance with Water Code section 1703.2.

4) Participant, Attorney:

Name: Nicole S. Suard, Attorney CA State Bar # 122042

Mailing address: 3356 Snug Harbor Drive, Walnut Grove, CA 95690

(physical location off Ryer Island, Solano County, CA, Snug Harbor peninsula)
representing riparian water rights and Water System # 4800561; S017338_01; S017341_1;
S017332_1; S017334_1.

Phone number: 916-775-1455 or 707-253-8232 FAX: 707-253-8232

Email: sunshine@snugharbor.net

Signature:  January 5, 2016