The City of Antioch hereby joins in and incorporates as if set forth in full Deirdre Des Jardins' February 13, 2018 motion to formally consider additional information submitted in support of petition, and provides the following additional points in support of the motion.

The issues with the Petition date back to filing. The City of Antioch commented on September 2, 2015 that the petition submitted by the Department of Water Resources and the U.S. Bureau of Reclamation was defective and incomplete and requested that the petition be rejected. That letter stated in part:

The City believes the Petition is defective and incomplete as follows:

1 Antioch’s September 2, 2015 letter to the State Water Resources Control Board, RE: DWR and BOR Defective “Water Fix” Petition for Change Application, is incorporated as if set forth in full herein.
1. The Petition fails to provide sufficient information necessary to identify potentially impacted water users and the specific impacts to those users in the detail required by law. Water Code section 1701 et seq; 23 CCR 794 (a)(7),(9). This information is also almost completely absent from the Draft Recirculated Environmental Impact Report ("DREIR") referenced in the Petition. In place of specific analysis of impacts to the literally hundreds of potentially impacted water rights, the Petition (and the DREIR) rely on broad statements promising to operate and divert in such a way as to meet applicable law. This is simply insufficient under the law for a change petition and especially for such a project that will so fundamentally modify the present methods and location of diversion. [...] 

4. The Petition references additional studies regarding the operation and design of the project that are as yet uncompleted (see pg. 14 of the Supplemental Information attachment). Because these studies will “inform design and operation of the diversion structures,” we conclude that the proposed Project and the DREIR are currently incomplete. The fact that the details of design and operation are currently unknown also indicates that the Petition may be incomplete, as all the potential impacts of the project to water users and to fish and wildlife are unknown at this time.

5. The Applicants have not modeled the preferred alternative. The modeling performed by the Applicants is for a different alternative (Alternative 4, rather than Alternative 4a). The Applicants have not updated to model the current project, and there are significant differences (e.g., amount of tidal restoration, salinity compliance points, etc.) between the model runs and the preferred alternative. Neither the Petition nor the RDEIR provide adequate detail as to how the applicants will operate the project. Project operations are proposed to be determined during an “adaptive management” process, but they have not described how this will work, or within what bounds. The Applicants underestimate the impacts of the preferred alternative because they continue to use the incorrect baseline condition, which the City and others have previously pointed out to the Applicants. Therefore, relying on the present modeling to demonstrate a “no harm/no injury” project impact is insufficient to meet the standards required to proceed with the Change Petition. (p. 2-3.)

Antioch’s letter concluded by requesting that the State Water Resources Control Board delay consideration of any petition until the Record of Decision was approved.

There were requests by other protestants to reject the petition as incomplete. The
petition was accepted for filing after Ex Parte discussion with the Department of Water Resources and the WaterFix hearing was scheduled on October 30, 2015. The Board met in closed session with the Office of Chief Counsel on December 2, 2015 to “deliberate on procedural decisions” for the petition, but made no provision for a process to formally require the Petitioners to supply the missing information.

The defects in the petition were not adequately corrected in Part 1 of the hearing, and must be addressed before Part 2 to ensure a fair hearing.

Dated: February 19, 2018

/s/ MATTHEW EMRICK
Matthew Emrick
Attorney for Protestant
City of Antioch
STATEMENT OF SERVICE
CALIFORNIA WATERFIX PETITION HEARING
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)

I hereby certify that I have this day submitted to the State Water Resources Control Board (FTP) and caused a true and correct copy of the following document(s):

**City of Antioch's**: - *Deirdre Des Jardins' February 13, 2018 motion to formally consider additional information submitted in support of petition*

...to be served by Electronic Mail (email) upon the parties listed in the **Current Service List** for the California WaterFix Petition Hearing, dated Jan. 24, 2018, posted by the State Water Resources Control Board at http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml:

I certify that the foregoing is true and correct and that this document was executed on Feb, 19, 2018

Signature:  /s/ **Jessica Decker**

Name: Jessica Decker
Title: Assistant to Matthew Emrick
Party/Affiliation: City of Antioch
Address: 6520 Lonetree Blvd., #1009, Rocklin, CA 95762