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9 Attorney for Protestants Save the California Delta Alliance, et al.

10 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

11 **IN RE CALIFORNIA WATERFIX**  
12 **CALIFORNIA DEPARTMENT OF**  
13 **WATER RESOURCES AND U.S.**  
14 **BUREAU OF RECLAMATION**  
15 **PETITION FOR CHANGES IN**  
16 **WATER RIGHTS, POINTS OF**  
17 **DIVERSION/RE-DIVERSION**

18 **SAVE THE CALIFORNIA DELTA**  
19 **ALLIANCE'S MOTION TO COMPEL DWR**  
20 **TO MEET WITH NORTHGATE RESORTS**  
21 **TO DISCUSS IMPACTS OF THE BOULDIN**  
22 **ISLAND MUCK DUMP ON THE TOWER**  
23 **PARK RESORT**

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1 On Friday August 3, 2018, during cross-examination of witness Bednarski, Save the  
2 California Delta Alliance pointed out several errors in the Administrative Draft Supplemental  
3 Environmental Impact Report's ("ADSEIR") analysis of impacts on the Tower Park Resort due to  
4 moving the Bouldin Island muck dump closer to the resort.

5 For example, the ADSEIR states that the relocated dump "would not be within direct view  
6 of the Resort," and "the views from the resort are not expected to change because the Bouldin Island  
7 Levees would block the views of RTM [tunnel muck] storage." (ADSEIR, p.15-3: 32–33; 37–38.)  
8 Delta Alliance demonstrated during cross-examination that the statements in the ADSEIR are  
9 mistaken; the levee does not block the views of the proposed tunnel muck area. (*See* SCDA-327  
10 [juxtaposition of tunnel muck dump to Tower Park Resort]; SCDA-317 [photograph showing  
11 elevated resort on right sitting higher than Bouldin Island levee on left]; SCDA-318 [elevated  
12 resort]; SCDA-320 [view from elevated resort looking across the slough and over the top of Bouldin  
13 Island levee down onto proposed tunnel muck dump floor].)

14 Further, in cross examination this morning (August 6, 2018) Delta Alliance demonstrated  
15 that a number of other statements in the ADSEIR are incorrect, including the statement that there  
16 are only four barge round trips per day in the study area when in fact there are actually sixteen  
17 round trips per day. The mistake with regard to the number of barge round trips is not directly  
18 relevant to the concerns of the Tower Park Resort, however it presents cumulative evidence that  
19 decisions made by DWR about details of the CWF project have been made based on mistaken  
20 assumptions and an incomplete understanding of the facts on the ground by DWR. This is  
21 particularly true with respect to impacts on recreation.

22 The Final Environmental Impact Report, Appendix 3B, p. 3B-102: 6–8 provides that:

23 Landowner concerns and preferences will be considered in designating sites for  
24 temporary storage [of tunnel muck]. DWR will consult directly with landowners to  
25 refine the storage area footprint to further minimize impacts to surrounding land  
uses, including agricultural operations.

26 This is one of the "environmental commitments" that DWR has repeatedly pointed to throughout  
27 these hearings as protections that Delta residents and recreation interests can rely on. However,  
28 when asked, DWR refused to commit to a timeframe for a meeting with the Tower Park Resort to

1 discuss the footprint of the storage area and other measures to minimize the impacts on Tower Park  
2 Resort.

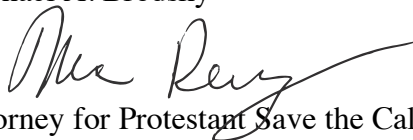
3         The comment period on the ADSEIR, which contains the changes moving the muck dump to  
4 the doorstep of the Tower Park Resort, closes on September 17, 2018. One of Governor Brown's top  
5 priorities is to secure all approvals for the CWF as fast as possible. There is no doubt that the Final  
6 Supplemental Environmental Impact Report ("FSEIR") and Record of Decision ("ROD") will be  
7 issued shortly after September 17, 2018. Any meaningful changes to the footprint of the storage  
8 area must be made prior to issuance of the FEIR and ROD. Any meaningful consultation with the  
9 Tower Park Resort must occur prior to September 17, 2018.

10         The point of consultation is for DWR to hear Tower Park's concerns, and, perhaps more  
11 importantly, to educate DWR to the facts on the ground so that DWR can make an informed  
12 decision based on an accurate understanding of the facts. Delta Alliance believes that it is more  
13 than reasonable to request that DWR meet with the owners of the Tower Park Resort at the Resort  
14 facility no later than September 17, 2018, at a mutually arranged convenient time. The Tower Park  
15 Resort has recently spent several million dollars upgrading its facilities and continues to upgrade  
16 with a planned waterpark. The Tower Park Resort is the premiere resort facility in the Delta. It has a  
17 lot at stake. DWR's attendance would place it under no obligations except to listen and learn.

18         Delta Alliance hereby moves the Board to direct DWR to attend the above-described  
19 meeting no later than September 17, 2018, and to provide representatives with suitable authority  
20 and knowledge to make the meeting meaningful.

21         This motion is made under the caption of Save the California Delta Alliance, as Delta  
22 Alliance is party to these hearings. The undersigned has also been authorized to make this request  
23 on behalf of Northgate Resorts, the owner of the Tower Park Resort, and to convey to the Board  
24 that Northgate Resorts is desirous of the meeting herein described.

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26         Michael A. Brodsky

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28         Attorney for Protestant Save the California Delta Alliance

**STATEMENT OF SERVICE**


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

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

**SAVE THE CALIFORNIA DELTA ALLIANCE'S MOTION TO COMPEL DWR TO MEET WITH NORTHGATE RESORTS TO DISCUSS IMPACTS OF THE BOULDIN ISLAND MUCK DUMP ON THE TOWER PARK RESORT**

to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated July 30, 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](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 August 6, 2018, at Discovery Bay, California.

Signature:   
Name: Michael A. Brodsky  
Title: Attorney

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

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