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18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF SACRAMENTO**

20 UNITED STATES OF AMERICA,

21 Petitioner,

22 v.

23 STATE WATER RESOURCES CONTROL
BOARD,

24 Respondent.

Case No.

**VERIFIED PETITION FOR WRIT OF
MANDATE UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT
(C.C.P. §§ 1094.5, 1085 and Pub. Res. C. §
21000 *et seq.*)**

*** FILING FEE EXEMPT PURSUANT TO
GOVERNMENT CODE § 6103**

1 The United States of America, through its undersigned attorneys, by the authority of the
2 Attorney General, and at the request of the United States Department of the Interior, through its
3 Bureau of Reclamation (“Reclamation”), petitions this Court for a writ of mandate under sections
4 1094.5 and 1085 of the California Code of Civil Procedure and sections 21168, 21168.5, and
5 21080.5 of the California Environmental Quality Act, Public Resources Code § 21000 *et seq.*,
6 directing Respondent California State Water Resources Control Board to vacate and set aside its
7 December 12, 2018 decision to adopt Resolution No. 2018-0059, approving and adopting
8 amendments to the 2006 *Water Quality Control Plan for the San Francisco Bay/Sacramento-San*
9 *Joaquin Delta Estuary* and the related Substitute Environmental Document.

10 INTRODUCTION

11 1. On December 12, 2018, the California State Water Resources Control Board
12 (“Board”) approved and adopted amendments to the *Water Quality Control Plan for the San*
13 *Francisco Bay/Sacramento–San Joaquin Delta Estuary* (“Amended Plan”¹) and the related
14 Substitute Environmental Document (“Final SED”).

15 2. The Amended Plan adopts new flow objectives for the Lower San Joaquin River and
16 its tributaries.

17 3. In approving the Amended Plan and Final SED, the Board failed to comply with the
18 requirements of the California Environmental Quality Act (“CEQA”), CAL. PUB. RES. CODE §§
19 21000-21189.57 (West 2019), in the following ways:

- 20 • The Board failed to provide an accurate, stable, and finite project description,
21 because the Board analyzed a project materially different from the project
22 described in the project description;
- 23 • The Board improperly masked potential environmental impacts of the Amended
24

25 ¹ The Amended Plan is found at Appendix K to the Final SED. The Board’s website for the
26 Amended Plan is located at: [https://www.waterboards.ca.gov/waterrights/water_issues/
27 programs/bay_delta](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta) (last visited March 28, 2019). The revisions to the Amended Plan are found at:
28 [https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/
bay_delta_plan/water_quality_control_planning/2018_sed/docs/appx_k.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/water_quality_control_planning/2018_sed/docs/appx_k.pdf) (last visited March 28,
2019) and also include Change Sheets #1, 2, and 3.

1 Plan by including mitigation measures in the form of carryover storage targets
2 and other reservoir controls in its impacts analysis and by not analyzing the
3 impacts of the Amended Plan on the environment without such mitigation
4 measures and

- 5 • The Board failed to adequately analyze the impacts of the Amended Plan,
6 including with respect to water temperature and related water quality conditions,
7 and water supply.

8 4. The United States holds water rights that are managed by Reclamation for the federal
9 New Melones Dam and Reservoir project (“New Melones Project”), located on the Stanislaus River,
10 that is subject to the Amended Plan. The New Melones Project is owned by the United States and
11 operated by Reclamation under federal Reclamation laws² and is a component of the federal Central
12 Valley Project (“CVP”).

13 5. The United States will be directly, substantially, and adversely impacted by the
14 Board’s actions, which include, but are not limited to, substantial operational constraints on the New
15 Melones Project, loss of available surface water supplies for New Melones Project purposes,
16 including CVP water service contracts, and involuntary dedication of federal reservoir space for
17 Board purposes.

18 6. The New Melones Project is located on the Stanislaus River, approximately sixty
19 miles upstream from the river’s confluence with the San Joaquin River. The dam was authorized
20 by Congress under the Flood Control Act of 1944, ch. 665, 58 Stat. 887, and re-authorized by the
21 Flood Control Act of 1962, Pub. L. No. 87-874, 76 Stat. 1173. While originally authorized as a
22 flood control project, in reauthorizing the dam, Congress mandated that it become an integral part
23 of the CVP, operated and maintained by the Department of the Interior under the federal
24 Reclamation laws. The Flood Control Act of 1962 also included preservation and propagation of
25 fish and wildlife in the New Melones Project, and regulation of streamflow for the purpose of
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27 _____
28 ² Act of June 17, 1902, ch. 1093, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto.

1 downstream water quality control as authorized purposes. *Id.* at 1191. The dam was completed in
2 1979.

3 7. The CVP, operated by Reclamation, is “the nation’s largest federal water
4 management project.” *San Luis & Delta-Mendota Water Auth. v. United States*, 672 F.3d 676, 681-
5 82 (9th Cir. 2012). The CVP was re-authorized by section 2 of the Act of August 26, 1937, 50 Stat.
6 850.

7 8. The New Melones Project has a storage capacity of approximately 2.4 million acre
8 feet (“af”). Reclamation has entered into contracts, pursuant to the federal Reclamation laws, with
9 water districts for the delivery of water from the New Melones Project for irrigation and municipal
10 and industrial purposes.

11 9. The new flow objectives in the Amended Plan would significantly reduce the amount
12 of water available in New Melones reservoir for meeting congressionally authorized purposes of the
13 New Melones Project, including irrigation, municipal and industrial purposes, power generation,
14 and recreational opportunities at New Melones. The reduced water available for New Melones
15 Project purposes would also impair Reclamation’s delivery of water under contracts it presently
16 holds with irrigation and water districts.

17 10. The Court should therefore grant this Petition for a writ of mandate directing the
18 Board to set aside its approval of the Amended Plan and the Final SED.

19 **PARTIES**

20 11. Petitioner is the United States of America. The U.S. Department of the Interior is a
21 Cabinet-level agency and the U.S. Bureau of Reclamation is a federal agency within the Department
22 of the Interior. Reclamation operates the New Melones Project as part of the CVP.

23 12. Respondent is the State Water Resources Control Board.

24 **JURISDICTION AND VENUE**

25 13. This Court has jurisdiction over this Petition for a Writ of Mandate pursuant to
26 California Public Resources Code sections 21168 and 21168.5 and Code of Civil Procedure sections
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1 1094.5 and 1085.³

2 14. Venue is proper in the County of Sacramento, California, under Code of Civil
3 Procedure sections 393, 395 and 401, because the Board is an agency of the State of California with
4 offices located in Sacramento.

5 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

6 15. The United States has fully exhausted all administrative remedies. The United States
7 submitted comments to the Board on the Amended Plan. Each of the legal deficiencies asserted in
8 this Petition were raised before the Board by the United States, or by others, prior to the Board's
9 adoption of the Final SED and approval of Amended Plan.

10 **STATUTE OF LIMITATIONS**

11 16. On December 12, 2018, the Board approved and adopted the Amended Plan and
12 Final SED. Pursuant to the California Administrative Procedure Act, Government Code section
13 11353, the Board then submitted the Amended Plan, together with the administrative record of the
14 action, to the Office of Administrative Law ("OAL") for approval. On February 25, 2019, OAL
15 approved the Amended Plan and the Board's action to approve the Amended Plan became final
16 upon transmission to the Secretary of State for filing.

17 17. On February 26, 2019, the Board filed a Notice of Decision with the Secretary of the
18 California Natural Resources Agency, which filing commenced the applicable thirty-day statute of
19 limitations under section 21080.5(g) of the Public Resources Code.

20 18. This Petition is timely filed in accordance with California Public Resources Code
21 section 21080.5(g).

22 **NOTICE OF CEQA SUIT**

23 19. Petitioner has complied with California Public Resources Code section 21167.5 by
24 providing written notice of commencement of this action to the Board prior to filing this Petition.
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26 _____
27 ³ Although the United States believes that only section 1085 of the California Code of Civil
28 Procedure and section 21168.5 of the California Public Resources Code would apply to its petition
for writ of mandate under California law, the government also includes citations to sections 1094.5
and 21168 out of an abundance of caution.

1 A true and correct copy of the notice with proof of service is attached hereto as Exhibit A.

2 **ELECTION TO PREPARE ADMINISTRATIVE RECORD**

3 20. Petitioner elects to prepare the CEQA administrative record in this proceeding
4 pursuant to California Public Resources Code section 21167.6(b)(2). A true and correct copy of
5 such notice is attached hereto as Exhibit B.

6 **CONCURRENT FEDERAL COURT ACTION**

7 21. Petitioner has concurrently filed a substantially similar action in the United States
8 District Court for the Eastern District of California.

9 22. That action in federal district court preserves Petitioner’s preferred choice of a
10 federal forum to resolve its claims—a choice of forum that Congress established by specifying that
11 “civil actions, suits, and proceedings” can be brought in federal court when the United States acts
12 as a plaintiff. 28 U.S.C. § 1345.

13 23. This Petition is brought in this Court only out of an abundance of caution in the event
14 that, for any reason, Petitioner’s federal suit is not adjudicated on the merits in federal court and to
15 ensure that the state statute of limitations was scrupulously complied with.

16 **GENERAL ALLEGATIONS**

17 24. In 1978 the Board adopted the *Water Quality Control Plan for the San Francisco*
18 *Bay/Sacramento–San Joaquin Delta Estuary* (“Bay-Delta Plan”) pursuant to its water quality
19 authority under California’s Porter-Cologne Water Quality Act (“Porter-Cologne Act”), CAL.
20 WATER CODE §§ 13000-16104 (West 2019). The Board subsequently amended the Bay-Delta Plan
21 three times: in 1991, 1995, and 2006.

22 25. In 2009, the Board again initiated proceedings to amend the Bay-Delta Plan. On
23 December 31, 2012, the Board released a Draft SED for public review and comment. On September
24 15, 2016, the Board recirculated a revised draft SED. On July 6, 2018, the Board released its
25 proposed Final SED.

26 26. On December 12, 2018, the Board adopted Resolution No. 2018-0059, approving the
27 Amended Plan. The Amended Plan, among other things, modified the Bay-Delta Plan flow
28 objectives for the Lower San Joaquin River and its tributaries (“LSJR flow objectives”).

1 27. The Amended Plan’s LSJR flow objectives include both narrative objectives and
2 numeric flow criteria. The LSJR numeric flow objectives require maintenance of 40% of
3 unimpaired flow (“UIF”), measured on a seven-day running average, for each of the Stanislaus,
4 Tuolumne, and Merced Rivers from February through June. Final SED, App. K, at 25. The
5 narrative objectives require that the Board “[m]aintain inflow conditions [in the relevant reaches]
6 sufficient to support and maintain the natural production of viable native San Joaquin River water
7 shed fish populations migrating through the Delta.” *Id.* at 15.

8 28. The Amended Plan includes “adaptive implementation” measures such as flow
9 shaping and flow shifting. Specifically, the Amended Plan provides that:

- 10 • The percent of unimpaired flow may be adjusted to any value within an adaptive
11 range of 30 to 50% UIF on either a short or long-term basis;
- 12 • The percent of unimpaired flow for February–June may be managed as a total
13 volume of water and released on an adaptive schedule during that period;
- 14 • As long as at least 30% UIF is provided during the February–June time frame,
15 flows may be shifted from the February– June time frame to other times of year
16 to prevent adverse temperature effects; and
- 17 • The February–June Vernalis base flow requirement may be adjusted on an annual
18 or long-term basis to any value between 800 and 1,200 cfs.

19 *Id.* at 26-27.

20 29. In Chapter 3 of the Final SED, the Board describes “LSJR Alternative 3” as follows:

21 LSJR Alternative 3 implements the 30–50 percent numeric flow water
22 quality objective range by initially requiring maintenance of 40
23 percent of unimpaired flows at the confluences of each of the
24 Stanislaus, Tuolumne, and Merced Rivers with the LSJR from
25 February–June based on a 7-day minimum running average. As
26 described above in Section 3.3.3, *Adaptive Implementation*, the flow
27 requirements could be adaptively adjusted in the same manner for
28 LSJR Alternatives 2, 3, and 4. The following discussion describes
 aspects of adaptive implementation as specifically applied to LSJR
 Alternative 3.

1. Adjust the minimum unimpaired flow objective within a range of
30 percent to 50 percent.

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2. Implementing this method would allow an increase or decrease of up to 10 percent in the February–June 40 percent minimum unimpaired flow requirement (with a minimum of 30 percent and maximum of 50 percent).
3. Manage the February–June percent of unimpaired flow as a total volume of water and release the water on an adaptive schedule during that period where scientific information indicates a flow pattern different from that which would occur by tracking the unimpaired flow percentage, would better protect fish and wildlife beneficial uses. Applying this method, the total volume of water released would be the same as LSJR Alternative 3 without adaptive implementation; however the rate could vary from the actual (7-day running average) unimpaired flow rate and the volume for each month could vary.
4. Allow a portion of the total February–June unimpaired flow volume to be held and released after June in order to prevent adverse effects to fisheries, including temperature, that would otherwise result from implementation of the February–June flow requirements. If the requirement is greater than 30 percent but less than 40 percent, the amount of flow that may be released after June is limited to the portion of the unimpaired flow requirement over 30 percent. If the requirement is 40 percent or greater, then 25 percent of the total volume of the flow requirement may be released after June.
5. The minimum required LSJR base flow objective for February–June of 1,000 cfs, based on a minimum 7-day running average, at Vernalis may be adjusted to a value between 800 and 1,200 cfs.

Final SED at 3-15 to 3-16.

30. LSJR Alternative 3 is the alternative that the Board adopted as the Amended Plan.

31. The Board’s description of LSJR Alternative 3 in Chapter 3 does not mention, describe, or otherwise discuss carryover storage targets, or other reservoir controls, that would directly impact the New Melones Project. Nor does its discussion of the potential impacts on Agricultural Resources (Chapter 11) or Service Providers (Chapter 13) mention such targets or controls.

32. In contrast, the Board’s hydrologic modeling used for its impacts analysis assumes the imposition of a precise 700,000 af end-of-September carryover storage target, maximum storage withdrawals, and that certain drought-refill criteria are met by the New Melones Project.

1 33. Elsewhere in the Final SED, the Board explains that “adaptive implementation” of
2 the LSJR flow objectives and carryover storage targets are necessary to prevent adverse
3 environmental impacts of the daily unimpaired flow percentage based on a running average of no
4 more than seven days:

5 Through adaptive implementation, however, a portion of the
6 February–June flows could be shifted to other months to avoid
7 adverse temperature impacts on fish and wildlife. Without this flow
8 shifting there could otherwise be insufficient water available to
9 achieve temperature criteria in the summer and fall. In addition, when
10 implementing the LSJR flow objectives, the State Water Board will
11 include minimum reservoir carryover storage targets or other
12 requirements to help ensure that implementation of the flow
13 objectives will not have adverse temperature or other impacts on fish
14 and wildlife or, if feasible, other beneficial uses, and does not impact
15 supplies of water for minimum health and safety needs, particularly
16 during drought periods.

17 Final SED, Executive Summary, at ES-14.

18 34. In Appendix K to the Final SED, the Board states that

19 When implementing the LSJR flow objectives, the State Water Board
20 will include **minimum reservoir carryover storage targets or other**
21 **requirements** to help ensure that providing flows to meet the flow
22 objectives will not have significant adverse temperature or other
23 impacts on fish and wildlife or, if feasible, on other beneficial uses.

24 Final SED, App. K, at 28 (emphasis added).

25 35. The Board prejudicially abused its discretion and failed to proceed in the manner
26 required by law in its review and approval of the Amended Plan and Final SED. The Board’s
27 adoption of the Amended Plan and Final SED was arbitrary, lacking in evidentiary support, and
28 contrary to law, for the reasons alleged herein.

 36. The United States has no plain, speedy, or adequate remedy in the ordinary course
of law. Unless this Court grants the requested writ of mandate to require the Board to set aside its
adoption of the Amended Plan and Final SED, the Board’s decisions will remain in effect in
violation of state law.

 37. The Board’s water quality control planning program is a certified regulatory program
under section 21080.5 of CEQA. The Board is the lead agency responsible under CEQA for

1 evaluating the environmental impacts of the project under the SED.

2 **FIRST CAUSE OF ACTION**

3 **(Writ of Mandate – Code of Civil Procedure §§ 1094.5, 1085)**
4 **(Violation of CEQA–Failure to Provide Accurate, Stable and Finite Project Description)**

5 38. The United States realleges and incorporates, as though fully set forth herein, each
6 and every allegation in paragraphs 1 through 37 of this Petition.

7 39. In adopting the Final SED and the Amended Plan, the Board prejudicially abused its
8 discretion and failed to proceed in a manner required by law.

9 40. The Board failed to proceed in a manner required by law, because the Final SED fails
10 to provide “[a]n accurate, stable and finite project description.” *Rio Vista Farm Bureau Ctr. v. Cty.*
11 *of Solano*, 7 Cal. Rptr. 2d 307, 314 (Cal. Dist. Ct. App. 1992) (internal citation omitted).

12 41. The “project description” for purposes of CEQA constitutes the Board’s description
13 of LSJR Alternative 3 in the Final SED.

14 42. The Board violated CEQA because its project description is inconsistent with its
15 analysis of the project. In brief, the Board modeled and analyzed the environmental effects of a
16 project that is materially different from that described in the project description.

17 43. The project description lacks any discussion of reservoir controls, *yet*, when the
18 Board analyzed the impacts of the Amended Plan the Board imposed reservoir controls on the New
19 Melones Project, specifically: (i) a minimum end-of-September carryover storage target of 700,000
20 af; (ii) maximum allowable draw from storage over the irrigation season in order to achieve the
21 700,000 af end-of-September carryover storage target; and (iii) end-of-drought storage refill criteria.
22 Final SED, App. F.1, at F.1-31 to 1-32; F.1-36; Final SED, Master Response 3.2: Surface Water
23 Analyses and Modeling, at 49-50.

24 44. The Board does not, except in the modeling done for its impacts analysis, identify a
25 precise 700,000 af carryover storage target that would apply to the New Melones Project. Final
26 SED, App. F.1, at F.1-36.

27 45. In other places in the Final SED, the Board states it will “include minimum reservoir
28 carryover storage targets or other requirements” Final SED, App. K, at 28. The Board also

1 states that a different target, or other measures, may be adopted following a site-specific analysis.
2 Final SED, Master Response 2.1, at 35; Final SED, Master Response 3.2, at 49, 55.

3 46. The Board also violated CEQA, because it failed to disclose in the project description
4 that the carryover storage targets and reservoir controls it modeled as part of its impacts analysis
5 were mitigation measures and not part of the project itself.

6 47. The Board's decision to approve the Final SED and adopt the Amended Plan thereby
7 constitutes a prejudicial abuse of discretion under sections 21168 and 21168.5 of the Public
8 Resources Code, and sections 1094.5 and 1085 of the Code of Civil Procedure. Abuse of discretion
9 is established where, as here, the agency has not proceeded in the manner required by law and/or
10 the determination or decision is not supported by substantial evidence. The Court therefore should
11 issue a writ of mandate directing the Board to set aside its approval of the Final SED and adoption
12 of the Amended Plan and enjoin the Board from implementing them unless and until the Board
13 complies with CEQA.

14 SECOND CAUSE OF ACTION

15 (Writ of Mandate – Code of Civil Procedure §§ 1094.5, 1085) 16 (Violation of CEQA—Improper Compression of Impacts and Mitigation)

17 48. The United States realleges and incorporates, as though fully set forth herein, each
18 and every allegation in paragraphs 1 through 47 of this Petition.

19 49. In adopting the Final SED and the Amended Plan, the Board prejudicially abused its
20 discretion and failed to proceed in a matter required by law.

21 50. The Final SED violates CEQA by unlawfully compressing the analysis of impacts
22 and mitigation measures, specifically with regard to carryover storage targets, in violation of the
23 principle set forth in *Lotus v. Department of Transportation*, 167 Cal. Rptr. 3d 382, 388, 391 (Cal.
24 Dist. Ct. App. 2014). In other words, CEQA requires impacts of a project to be disclosed without
25 mitigation and the Board failed to do so here.

26 51. The carryover storage targets are mitigation measures, and the Board consistently
27 describes the carryover storage targets as mitigation or otherwise indicates that the targets constitute
28 mitigation measures.

1 52. The Board included carryover storage targets and other reservoir controls in its
2 impacts analysis in order to mask the true potential environmental impacts of the flow objectives.

3 53. The Board's conclusions that the project would not adversely impact water
4 temperature and related water quality conditions were based on an analysis that improperly included
5 mitigation measures, specifically the carryover storage targets, maximum allowable draw from
6 storage, and drought-refill criteria.

7 54. Because mitigation measures are improperly included in the impacts analysis it is
8 impossible for Reclamation or the public to determine the true impact of the Amended Plan,
9 including on river temperatures and related water quality conditions, water supply reliability, flood
10 control and power operations, as well as on recreation at New Melones.

11 55. The Board's decision to approve the Final SED and adopt the Amended Plan thereby
12 constitutes a prejudicial abuse of discretion under sections 21168 and 21168.5 of the Public
13 Resources Code, and sections 1094.5 and 1085 of the Code of Civil Procedure. Abuse of discretion
14 is established where, as here, the agency has not proceeded in the manner required by law and/or
15 the determination or decision is not supported by substantial evidence. The Court therefore should
16 issue a writ of mandate directing the Board to set aside its approval of the Final SED and adoption
17 of the Amended Plan and enjoin the Board from implementing them unless and until the Board
18 complies with CEQA.

19 **THIRD CAUSE OF ACTION**

20 **(Writ of Mandate – Code of Civil Procedure §§ 1094.5, 1085)**
21 **(Violation of CEQA–Failure to Adequately Evaluate Impacts)**

22 56. The United States realleges and incorporates, as though fully set forth herein, each
23 and every allegation in paragraphs 1 through 55 of this Petition.

24 57. The Final SED fails to sufficiently evaluate the Amended Plan's significant or
25 potentially significant impacts on the New Melones Project, in particular, the Amended Plan's
26 impacts on temperature and related water quality conditions.

27 58. According to the Board's technical analysis, the Amended Plan does not result in
28 detrimental impacts on water temperatures in the tributaries and on the mainstem of the San Joaquin

1 River. But that analysis is fundamentally flawed, because the Board incorporated carryover storage
2 and other reservoir controls, *i.e.*, mitigation measures, into its modeling. Doing so reserved
3 hundreds of thousands of acre feet of water in reservoir storage at New Melones that may otherwise
4 have been used for New Melones Project purposes, and serves to mask the true impacts of the
5 Amended Plan on stream temperatures and related water quality conditions.

6 59. In violation of CEQA, the Board fails to disclose and analyze the impacts the
7 Amended Plan would have on water temperatures and related water quality conditions absent the
8 imposition of an end-of-September carryover storage target of 700,000 af. In violation of CEQA,
9 the Board fails to disclose and analyze the impacts the Amended Plan would have on water
10 temperatures and related water quality conditions without the imposition of maximum allowable
11 draw and drought-refill requirements on the New Melones Project.

12 60. The Board also fails to adequately analyze the impacts of the Amended Plan without
13 carryover storage or other reservoir controls on Reclamation's CVP water service contractors. The
14 impacts of the Amended Plan on Reclamation's CVP contractors will exceed the Board's estimated
15 impacts.

16 61. Imposing reservoir controls on top of the water supply impacts of the 40%
17 unimpaired flow objective will mean that even less water is available from the New Melones Project
18 for congressionally authorized purposes. The Board's impacts analysis assumes that water will be
19 distributed out-of-priority such that junior water rights holders do not absorb the entire shortfall.

20 62. The Board fails to adequately analyze the impacts of the reservoir controls it imposes
21 on the New Melones Project by including them as modeling assumptions in its impacts analysis.

22 63. The Board's decision to approve the Final SED and adopt the Amended Plan thereby
23 constitutes a prejudicial abuse of discretion under sections 21168 and 21168.5 of the Public
24 Resources Code, and sections 1094.5 and 1085 of the Code of Civil Procedure. Abuse of discretion
25 is established where, as here, the agency has not proceeded in the manner required by law and/or
26 the determination or decision is not supported by substantial evidence. The Court therefore should
27 issue a writ of mandate directing the Board to set aside its approval of the Final SED and adoption
28 of the Amended Plan and enjoin the Board from implementing them unless and until the Board

1 complies with CEQA.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, the United States prays for relief as follows:

4 1. For a stay, temporary restraining order, preliminary injunction, and permanent
5 injunction prohibiting the Board from taking any action to implement and/or enforce the Amended
6 Plan unless and until the Board fully complies with the requirements of CEQA;

7 2. For a writ of mandate directing the Board to:

8 (a) Vacate and set aside its Final SED and any adoption and approvals thereof;

9 (b) Suspend all activity under its approval of the Amended Plan and Final SED,
10 including action to commence an implementation phase of the Amended Plan until
11 the Board has taken action to bring the Final SED into compliance with CEQA;

12 (c) Prepare, circulate, and consider a revised and legally adequate SED and otherwise
13 comply with CEQA in any subsequent action taken to approve the Amended Plan;

14 3. For such other equitable or legal relief that the Court considers just and proper.
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DATED: March 28, 2019


Respectfully submitted,

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Environment & Natural Resources Division

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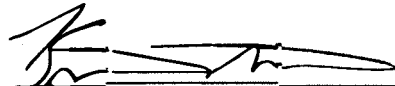
By: 
Erika Norman
Attorneys for Petitioner

VERIFICATION

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2 I, Kristin White, am the Deputy Operations Manager, Central Valley Operations, for the
3 United States Bureau of Reclamation, Mid-Pacific Region, a party to this action, and am
4 authorized to make this verification for that reason. I am informed and believe, and on that ground
5 allege, that the matters stated in the foregoing Petition for Writ of Mandate are true and correct.
6

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct.

9 Executed on March 27th, 2019 at Sacramento, California.

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13 KRISTIN WHITE
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