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13
14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF SACRAMENTO

16 AQUALLIANCE; CALIFORNIA
SPORTFISHING PROTECTION ALLIANCE;
17 CENTRAL DELTA WATER AGENCY;

18 Petitioners,
19 v.

20 SAN LUIS DELTA MENDOTA WATER
AUTHORITY; and DOES 1-20,

21 Respondents.
22
23

Case No.
PETITION FOR WRIT OF MANDATE
(Cal. Code Civ. Proc. §§ 1060, 1085)
**Action Based on
California Environmental Quality Act**

1 Petitioners AquAlliance, California Sportfishing Protection Alliance, Central Delta Water
2 Agency (collectively, “Petitioners”) hereby allege as follows:

3 **INTRODUCTION**

4 1. Petitioners bring this action to compel Respondent San Luis Delta Mendota Water
5 Authority (“SLDMWA” or “Respondent” or “Lead Agency”) to comply with the California
6 Environmental Quality Act (CEQA), Public Resources Code §§ 21000 *et seq.*, and its
7 implementing regulations, before approving the 2026-2027 North to South Water Transfers
8 project (the “Project”).

9 2. Respondents have unlawfully relied upon a CEQA Addendum (“Addendum”) to
10 the Long Term Water Transfers Environmental Impact Report (“LTWT EIR”) as environmental
11 review for the new, distinct Project, for which no prior EIR or negative declaration has ever been
12 prepared.

13 3. The Addendum fails CEQA in numerous, independent, and overlapping respects:
14 the Project’s reliance on it is unlawful; it employs an improper review tier; its mitigation
15 measures are deferred, unenforceable, and weaker than those of the prior environmental impact
16 report (EIR) without justification; the environmental analysis of biological resources, land
17 subsidence, and water quality is inadequate and unsupported; required analyses of alternatives,
18 cumulative impacts, Indian Trust Assets and environmental justice are wholly absent; and
19 changed circumstances and new information regarding threatened and endangered species require
20 supplemental environmental review.

21 4. Respondents must prepare and certify a full EIR before approving the Project.

22 **JURISDICTION AND VENUE**

23 5. The Court has jurisdiction over this matter in accordance with Code of Civil
24 Procedure sections 1060 and 1085.

25 6. Venue for this action properly lies in the Superior Court for the County of
26 Sacramento pursuant to Code of Civil Procedure section 393. (*California State Parks Foundation*
27 *v. Superior Court* (2007) 150 Cal.App.4th 826.)
28

1 “Sacramento-San Joaquin Delta” as defined in California Water Code section 12220. While the
2 lands within the agency are primarily devoted to agriculture, said lands are also devoted to
3 numerous other uses including recreational, wildlife habitat, open space, residential, commercial,
4 and institutional uses. CDWA is empowered to “sue and be sued” and to take all reasonable lawful
5 actions, including to pursue legislative and legal action, that have for their general purpose either:
6 (1) to protect the water supply of the lands within the agency against intrusion of ocean salinity;
7 and (2) to assure the lands within the agency a dependable supply of water of suitable quality
8 sufficient to meet present and future needs. The agency may also undertake activities to assist
9 landowners and local districts within the agency in reclamation and flood control matters. (*See*
10 *Wat. Code, Appendix 117-4.3, subd. (b) & 117-4.1, subds. (a) and (b), respectively. CDWA may*
11 *assist landowners, districts, and water right holders within its boundaries in the protection of*
12 *vested water rights and may represent the interests of those parties in water right proceedings and*
13 *related proceedings before courts of both the state of California and the United States to carry out*
14 *the purposes of the agency. (See Wat. Code, Appendix, 117-4.2, subd. (b).) Operation of the CVP*
15 *and the State Water Project (“SWP”) adversely affect flows, circulation, levels, and quality of*
16 *water in the channels within the boundaries of the CDWA to the detriment of agricultural and*
17 *other beneficial water users. By statute, regulation, and permit, the U.S. Bureau of Reclamation*
18 *(“USBR”) and the California Department of Water Resources (“DWR”) are supposed to fully*
19 *mitigate their impacts on such other uses as well as maintain various water quality standards*
20 *intended to protect the Delta estuary and in-Delta users. The CVP and SWP fail to meet these*
21 *obligations on a regular basis, and the proposed Project may exacerbate the USBR and DWR’s*
22 *continued failure to meet their obligations, resulting in further impaired water flow, circulation,*
23 *levels, and quality of water.*

24 11. Respondent SAN LUIS & DELTA-MENDOTA WATER AUTHORITY
25 (“SLDMWA”) is a joint powers agency established under California law and consists of water
26 agencies representing federal and exchange water service contractors within the western San
27 Joaquin Valley, San Benito, and Santa Clara counties in the State of California. SLDMWA is the
28 Project’s lead agency under CEQA.

1 **LEGAL FRAMEWORK**

2 **California Environmental Quality Act**

3 18. CEQA has two purposes: environmental protection and informed self-government.
4 (*Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 690-
5 691.) CEQA is “to be interpreted to afford the fullest possible protection to the environment
6 within the reasonable scope of the statutory language.” (*Mountain Lion Foundation v. Fish &*
7 *Game Com.* (1997) 16 Cal.4th 105, 135.) CEQA requires agencies to “take all action necessary to
8 protect, rehabilitate, and enhance the environmental quality of the state.” (Pub. Resources Code §
9 21001(a).)

10 19. Pursuant to CEQA, a “project” is an activity which may cause either direct physical
11 change in the environment, or reasonably foreseeable indirect physical change in the
12 environment. (Pub. Resources Code § 21065(a).) A “discretionary” project is one that is subject
13 to judgment controls, where the agency can use its judgment to decide whether and how to carry
14 out a project. (Cal. Code Regs. Tit. 14, Ch. 3 (“CEQA Guidelines”) § 15002(i).) Prior to
15 approving any discretionary project, an agency must fully disclose and analyze all of the project’s
16 potentially significant direct, indirect, and cumulative environmental effects. (See, *e.g.*, CEQA
17 Guidelines § 15002(f)). Public agencies avoid or minimize such environmental damage where
18 feasible. (CEQA Guidelines § 15021(a).) Pursuant to this duty, no public agency may approve or
19 carry out a project where one or more significant effects on the environment may occur if the
20 project is approved, unless certain narrow findings are made. (CEQA Guidelines §§ 15091,
21 15093.)

22 **STANDING**

23 20. Members of AquAlliance and CSPA reside in the Bay-Delta, the Sacramento River
24 valley, and the San Joaquin River valley. AquAlliance’s members rely on groundwater, rivers, and
25 streams for their homes, businesses, recreation, to irrigate crops, and to participate in the economy
26 of the region. AquAlliance’s members play an active role in water education, planning, policy, and
27 protection. CSPA and its members actively participate in water rights and water quality processes,
28 engage in education and organization of the fishing community, conduct restoration efforts, and

1 vigorously enforce environmental laws enacted to protect fisheries, wildlife, habitat and water
2 quality. AquAlliance's and CSPA's members reside and own property throughout California as
3 well as in those areas served by the Central Valley and State Water Projects, and use the waters,
4 including groundwater, affected by the SLMDWA Project, for gardening, landscaping, and
5 growing crops. As water contractors begin pumping additional groundwater to replace the CVP,
6 SWP, and Yuba River water they transfer, the Project risks degrading or lowering the groundwater
7 in areas where Petitioners' members operate wells or otherwise rely on groundwater to maintain
8 their properties.

9 21. Members of AquAlliance and CSPA use the Bay-Delta, the Sacramento River and
10 its tributaries, and the San Joaquin River and its tributaries to fish, sail, boat, kayak, swim,
11 birdwatch, hike, view wildlife and engage in scientific study, including monitoring activities.
12 Additionally, members of AquAlliance and CSPA have enjoyed fishing for salmon and other fish
13 in the Delta, San Francisco Bay, and the Sacramento River watershed, whose numbers and vitality
14 depend on an intact and healthy ecosystem in each these respective waters. Where elements of
15 that ecosystem are reduced or eliminated, AquAlliance's and CSPA's members' recreational uses
16 and aesthetic enjoyment of those areas are reduced by their awareness of the waterway and habitat
17 degradation. As the degradation of the rivers, their tributaries, and the Delta's ecosystem is further
18 exacerbated, members of AquAlliance and CSPA catch fewer fish, and observe fewer wildlife.
19 The catching and killing of Delta smelt and the drastic reductions in their population members
20 substantially alter the ecological balance in the Delta and San Francisco Bay and reduce
21 AquAlliance's and CSPA's members' aesthetic enjoyment of these areas as they are boating and
22 fishing.

23 22. CDWA's constituent landowners, water rights holders and beneficial water users
24 are located in the Delta and rely on surface water and groundwater for their homes, businesses,
25 recreation, to irrigate crops, and to participate in the economy of the region. These landowners,
26 water rights holders and beneficial water users use the waters, including groundwater, affected by
27 Respondents' Project, for agriculture, recreation, wildlife habitat, open space as well as residential,
28 commercial, municipal and institutional uses. The Project impairs these beneficial uses of water by

1 negatively impacting water quantities, levels, quality, and circulation, among other impacts. The
2 Project's impacts on biological resources, including impacts to protected species, also impairs
3 these Petitioners' use and enjoyment of the Delta region for recreational and other uses.

4 23. Thus, the interests of Petitioners' members, landowners, and water rights holders
5 have been, are being, and will continue to be adversely affected by Respondents' failure to comply
6 with CEQA and the likely dramatic impacts to groundwaters, surface waters, and associated
7 species, ecosystems, and human uses. The relief sought herein will redress the harms to Petitioners
8 and their members, landowners, water rights holders caused by Respondents' failures to comply
9 with CEQA.

10 24. Petitioners, their members, officers, landowners, and water rights holders are
11 deeply concerned about the adverse consequences of Respondents' continuation of water transfers,
12 year after year, with inadequate environmental review of the adverse direct, indirect, and
13 cumulative impacts of the continuing transfers approved and facilitated by the state and federal
14 governments. These proposed transfer will require the use of additional groundwater, increase
15 depletion of Sacramento Valley groundwater basins and streams, residential and agricultural wells,
16 and have potentially catastrophic impacts on the endangered species, including but not limited to
17 Delta smelt, winter-run and spring-run salmon, giant garter snake, and the yellow-billed cuckoo.
18 Petitioners' members, landowners, and water rights holders will be injured by the additional water
19 diverted from groundwater basins and resulting stream impacts without adequate environmental
20 analysis. Consequently, Petitioners and their members, landowners, and water rights holders
21 would be directly, adversely, and irreparably harmed by the Project and its components, as
22 described herein, until and unless this Court provides the relief prayed for in this Petition.

23 25. Failure by Respondents to ensure that the Project complies with CEQA and does
24 not impact listed species and their habitats harms Petitioners' members', officers', landowners',
25 and water rights holders' interests in the species. Unless the requested relief is granted, Petitioners'
26 interests will continue to be injured. The injuries described above are actual, concrete injuries that
27 will occur unless relief is granted by this court. The relief sought herein, Respondents' compliance
28 with CEQA, would redress Petitioners' injuries. Petitioners have no other adequate remedy at law,

1 and they bring this action on behalf of their adversely affected members.

2 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

3 26. Petitioners have performed all conditions precedent to this filing and participated in
4 the administrative process. Petitioners actively participated in the administrative process by
5 submitting timely, detailed written comments on the EA/IS raising each of the legal deficiencies
6 alleged herein.

7 27. As such, Petitioners have fully exhausted their administrative remedies, to the
8 extent such remedies exist and to the extent that exhaustion of administrative remedies is legally
9 necessary.

10 **NOTICE OF CEQA SUIT**

11 28. Petitioners have complied with California Public Resources Code section 21167.5
12 by providing written notice of commencement of this action to Respondent SLDMWA prior to
13 filing this Petition. A true and correct copy of the notice provided pursuant thereto, with proof of
14 service thereof, is attached hereto as **Exhibit A**.

15 **ELECTION TO PREPARE RECORD**

16 29. Pursuant to Public Resources Code section 21167.6, subdivision (b)(2), and any
17 other applicable authority, Petitioner elects to prepare the record of proceedings in this action.

18 30. Pursuant to this election, Petitioner requests that Respondent, upon service of this
19 election, gather and transmit its administrative files to Petitioner for preparation of the
20 administrative record. Respondent is required to provide its administrative files free of charge.

21 **INJUNCTIVE RELIEF**

22 31. Injunctive relief is necessary to prevent Respondents from continuing to engage in
23 the unlawful practices alleged herein. Respondents and persons acting in concert therewith have
24 done, are now doing, and will continue to do or cause to be done, the above-described illegal acts
25 unless restrained or enjoined by this Court. Petitioners have no plain, speedy, or adequate remedy
26 at law, in that pecuniary compensation alone would not afford adequate and complete relief.

27 Unless Respondents are restrained from committing further illegal acts, their above-described acts
28 will cause great and irreparable damage to Petitioners.

1 provide the supplemental CEQA analysis required by law.

2 39. The Addendum does not identify the significance thresholds and determinations
3 made in the LTWT EIR for each resources area; does not disclose whether Project impacts are the
4 same, greater, or lesser than LTWT impacts; does not identify prior mitigation measures or assess
5 their continued adequacy; does not address whether new circumstances or new information trigger
6 a supplemental EIR; and relegates the environmental analysis to Appendix C in violation of the
7 rule against scattering CEQA analysis in appendices. (*Vineyard Area Citizens for Responsible*
8 *Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442; Kostka & Zichke, Practice
9 Under CEQA, § 19.44.)

10 40. The Addendum therefore fails to provide substantial evidence supporting a
11 conclusion that project revisions do not result in new significant or exacerbated environmental
12 impacts, as required. (14 C.C.R. §§ 15162, 15164.)

13 The Mitigation Measures Violate CEQA

14 41. The mitigation measures proposed in the EA/IS unlawfully differ from those from
15 the previous CEQA document. (Pub. Resources Code § 21166; 14 C.C.R. § 15162.) Agencies
16 cannot rely on the addendum process where the amended project at issues involves “new
17 significant environmental effects, substantially more severe significant environmental effects, or
18 *newly feasible or different mitigation measures which would substantially reduce or more*
19 *significant effects.”* (*Save Our Heritage Organization v. City of San Diego* (2018) 28 Cal.App.5th
20 656, 658.)

21 42. The Project’s EA/IS improperly modifies all of the mitigation measures from the
22 previous CEQA document, demonstrated by the EA/IS’s use of a streamflow depletion factor of
23 twenty percent, which differs significantly from what was provided in the relied-upon previous
24 LTWT EIR, which provided for a streamflow depletion factor of thirteen percent.

25 43. CEQA prohibits agencies from deferring the formulation of mitigation measures to
26 a post-approval date absent a commitment to specific performance standards and identification of
27 feasible mitigation types. (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260,
28 272.) “Formulation of mitigation measures [can] not be deferred until some future time. The

1 specific details of a mitigation measure, however, may be developed after project approval when it
2 is impractical or infeasible to include those details during the project’s environmental review
3 provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance
4 standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can
5 feasibly achieve that performance standard and that will considered, analyzed, and potentially
6 incorporated in the mitigation measure.” (14 C.C.R. § 15126.4(a)(1)(B).)

7 44. The mitigation measures provided here to offset the Project’s impacts do not meet
8 these standards.

9 45. Mitigation measures GW-1 and the above-mentioned unnamed groundwater-
10 dependent ecosystem mitigation measure are unlawfully deferred because they: fail to specify
11 groundwater monitoring triggers; require sellers to prepare mitigation plans after Project approval
12 without specifying performance standards; rely on unidentified biologists and arborists to conduct
13 visual surveys of hundreds or thousands of ecosystems without defined standards or public
14 oversight mechanisms; and fail to identify where groundwater-dependent ecosystems are located.
15 The Lead Agency has not explained why it is impractical or infeasible to develop these standards
16 prior to Project approval.

17 46. Further, the mitigations are unlawfully unenforceable. (14 C.C.R. § 15126.4
18 [“Mitigation measures must be fully enforceable[.]”]; *Wood Park Homeowners Assn., Inc. v. City*
19 *of Fresno* (2007) 2007 Cal.App. LEXIS 714, at *12 [“The Guidelines state that mitigation
20 measures must be enforceable.”].)

21 47. The Addendum and EA/IS do not provide for mechanisms by which the public can
22 monitor the plans to be prepared pursuant to GW-1 or explain how the Lead Agency will do so
23 with sufficient scrutiny. Additionally, the EA/IS does not provide a mechanism whereby
24 compliance with these plans will be monitored by anyone other than the Sellers themselves.

25 48. Mitigation measure GW-1 unlawfully relies on Groundwater Sustainability Plans,
26 prepared and issued prepared pursuant to the Sustainable Groundwater Management Act, as a
27 substitute for independent agency analysis of Project-specific impacts, contrary to CEQA. Many
28 of the referenced Groundwater Sustainability Plans contain known deficiencies and DWR-

1 mandated corrective actions that render reliance upon them inadequate to ensure the Project will
2 not cause significant environmental harm.

3 49. The mitigation measures provided in the EA/IS are unlawfully weak. (Pub.
4 Resources Code § 21002; *Grossmont-Cuyamaca Community College Dist.*, 141 Cal.App.4th at
5 98.) The groundwater-dependent ecosystem monitoring program’s 0.5-mile radius limitation for
6 monitoring from pumping wells is arbitrary and inconsistent with the EA/IS’s own 5-mile radius
7 used in the absence of nearby monitoring wells; the program excludes wetlands, streams, lakes,
8 swamps, springs, and other groundwater-dependent ecosystems not associated with shallow- or
9 deep-rooted vegetation; and the measure improperly allows a plant ecologist or arborist to override
10 monitoring requirements without comprehensive site-specific hydrological analysis. (Pub.
11 Resources Code § 21002.)

12 Changed Circumstances and New Information Mandate Supplemental EIR

13 50. Even if the Project were treated as a modification of the LTWT, which Petitioners
14 allege to the contrary, supplemental CEQA review via complete and comprehensive EIR or at a
15 minimum a supplemental EIR would still be required due to changed circumstances. (Pub.
16 Resources Code § 21166; *Mira Monte Homeowners Assn. v. County of Ventura* (1985) 165
17 Cal.App.3d 357 [discovery of previously unknown project encroachment on wetlands four days
18 before certification required supplemental EIR].)

19 51. Populations of Sacramento River Winter-Run Chinook Salmon, Delta Smelt, and
20 other listed species in the Project area have declined significantly since the LTWT EIR was
21 certified, constituting new information that could not have been known at the time of certification.
22 (See National Oceanic and Atmospheric Administration, *2024 5-Year Review: Summary &*
23 *Evaluation of Sacramento River Winter-Run Chinook Salmon* (Jan. 12, 2024), at 17; 87 Fed. Reg.
24 85, 26171-26172 (2022).)

25 52. Additionally, a new Programmatic Biological Opinion for the Reinitiation of
26 Consultation on Long-Term Operations of the Central Valley Project and State Water Project was
27 issued in November 2024, substantially amending the management regime for Project
28 infrastructure and constituting a substantial change in circumstances.

The Alternatives Analysis is Flawed

1
2 53. CEQA requires that “governmental agencies... consider alternatives to proposed
3 actions affecting the environment.” (Pub. Resources Code § 21001(g).) Additionally, CEQA
4 mandates that “agencies [] not approve projects as proposed if there are feasible alternatives or
5 feasible mitigation measures available which would substantially lessen the significant
6 environmental effects of such projects[.]” (*Id.*; *Grossmont-Cuyamaca Community College*
7 *Dist.*, 141 Cal.App.4th at 98.)

8 54. CEQA defines “feasible” as “capable of being accomplished in a successful manner
9 within a reasonable period of time, taking into account economic, environmental, social, and
10 technological factors.” (Pub. Resources Code § 21061.1; *Citizens of Goleta Valley v. Board of*
11 *Supervisors* (1988) 197 Cal.App.3d 1167, 1181 [holding that an environmentally superior
12 alternative cannot be deemed infeasible absent evidence the additional costs or lost profits are so
13 severe the project would become impractical].)

14 55. The EA/IS only considers “transfer of water made available from groundwater
15 substitution and reservoir release actions” and does not analyze “other methods of making water
16 available for transfer[.]” (EA/IS at 2-6.) The EA/IS did not consider cropland idling, conservation
17 programs, or other means of reducing water demand upstream to allow for additional downstream
18 transfers, in clear violation of CEQA. (Pub. Resources Code § 21002; *Grossmont-Cuyamaca*
19 *Community College Dist.*, 141 Cal.App.4th at 98; see also *Banning Ranch Conservancy v. City of*
20 *Newport Beach* (2017) 2 Cal.5th 918, 936-937 [requiring consideration of alternative sites that
21 may lessen impacts on endangered species, wherever possible].) Where similar programs are being
22 and were considered in other, similar circumstances, including as part of the LTWT project, this
23 Project does not, relying on increased groundwater extraction instead of considering cropland
24 idling and conservation programs to reduce upstream demand to make water available for
25 downstream transfers.

26 56. The Lead Agency cannot approve the Project before meaningfully evaluating other
27 potential alternatives to make water available for transfers without relying on increased
28 groundwater extraction and it cannot approve the Project as described until determining that such

1 alternatives are infeasible. (*Citizens of Goleta Valley*, 197 Cal.App.3d at 1181; Pub. Resources
2 Code § 21002.)

3 Buyers' Water Demands Have Changed

4 57. The EA/IS states the Project is needed to meet existing demand for downstream
5 water users (buyers) in describing its “purpose and need.” (EA/IS at 1-3 [stating that “the
6 objectives sought by the proposed project” include the goal to “[d]evelop supplemental water
7 supply for willing Buyers from willing Sellers during times of [] shortages to meet *existing*
8 demands”] [emphasis added].) This contention is unsupported in the EA/IS by any analysis or data
9 in clear contravention of CEQA. (Pub. Resources Code § 21080(2); *City of Long Beach v. Los*
10 *Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 903 [conclusory statements
11 unsupported by factual information are not substantial evidence; *Pfeiffer v. City of Sunnyvale City*
12 *Council* (2011) 200 Cal.App.4th 1552, 1567 [same]; *Rio Vista Farm Bureau Center v. County of*
13 *Solano* (1992) 5 Cal.App.4th 351, 375 [“Speculative possibilities are not substantial
14 evidence[.]”].)

15 58. Without accurate data accounting for the buyers' annual, total water usage, the
16 Lead Agency and the public cannot assess whether the water being transferred as part of the
17 Project is needed, or if the buyers are gaming the system by relying on transferred water to meet
18 increasing water demands in their regions.

19 59. At least some of the buyers' water supply requirements are increasing. (See, e.g.,
20 San Benito County Water District, North San Benito Annual Groundwater Report 2024 (March
21 2025), at 52.) The average unimpaired flow of the Sacramento River Watershed in the Sacramento
22 River basin is 21.6 million-acre-feet but the consumptive use claims are an extraordinary 120.6
23 million-acre-feet. (C-WIN, AquAlliance, and CSPA 2012 Testimony on Water Availability
24 Analysis for Trinity, Sacramento, and San Joaquin River Basins Tributary to the Bay-Delta
25 Estuary.)

26 60. The EA/IS asserts an unsubstantiated claim that this Project is needed to meet
27 *existing* demand obscures a significant implication of this Project. Further, the Project places no
28 safeguards requiring downstream buyers to limit the water they receive from Project-related

1 transfers to emergency uses.

2 The EA/IS Fails to Sufficiently Analyze the Project's Environmental Effects

3 61. The EA/IS acknowledges that the Project area supports several threatened and
4 endangered species, including winter-run and spring-run Chinook salmon, Central Valley
5 steelhead, green sturgeon, longfin smelt, yellow-legged frog, northwestern pond turtle, and giant
6 garter snake. (EA/IS at 3-37.) The EA/IS further acknowledges that Project-related impacts on
7 groundwater extraction could lead to adverse impacts on threatened and endangered species by
8 reducing surface water supply in interconnected surface waters and by reducing groundwater
9 supply in groundwater-dependent ecosystems. (*Id.*)

10 62. The Lead Agency in the EA/IS states, arbitrarily and summarily and without
11 explanation or citation to supportive data, that such impacts will be insignificant, especially given
12 mitigation measure GW-1. This violates CEQA as this conclusion is unsupported and unlawfully
13 relies on averaging environmental impacts across a large project area to dilute site-specific effects.
14 (Pub. Resources Code § 21080(e)(2); *Kings County Farm Bureau v. City of Hanford* (1990) 221
15 Cal.App.3d 692, 660-661.)

16 63. Further, it appears that only desk surveys were or will be conducted for the Project
17 using online resources. (EA/IS at 3-46). Reliance only on online resources is insufficient
18 especially where, as here, federally threatened species are known to be present in and around the
19 project area. (*Sundstrom v. County of Mendocino* (1988), 202 Cal.App.3d 296, 311 [holding that
20 CEQA places the burden of environmental investigation on government rather than the public, so
21 a public agency cannot rely on its own lack of investigation].)

22 64. The EA/IS acknowledges the Project acknowledges the Project area's significant
23 history of land subsidence and that groundwater extraction associated with the Project could cause
24 additional subsidence. Despite this acknowledgement, the EA/IS summarily concludes impacts
25 will be less than significant, without supporting data, and relies on average groundwater elevation
26 data that understates local impacts at and near individual pumping wells.

27 65. During the LTWT program (2014-2024), widespread subsidence and sinkholes
28 were documented in the Project area, including damage to private wells and infrastructure. The

1 EA/IS fails to disclose this documented harm and fails to require extensometers in subbasins with
2 severe subsidence. The EA/IS also fails to account for the fossil water character of the Lower
3 Tuscan aquifer, from which most sellers withdraw groundwater, including the absence of active
4 modern recharge mechanisms.

5 66. The EA/IS acknowledges that groundwater in portions of the Project area contains
6 elevated levels of arsenic, boron, manganese, total dissolved solids, and other contaminants of
7 concern. Despite these known conditions, the EA/IS concludes without quantitative analysis that
8 groundwater quality is “generally sufficient” and that dilution will prevent significant impacts to
9 surface water quality from irrigation return flows. This conclusory assertion is unsupported by
10 substantial evidence, thereby violating CEQA. (Pub. Resources code § 21080(e)(2).)

11 67. CEQA requires analysis of the cumulative effects of the Project in combination
12 with past, present, and probable future projects. (14 C.C.R. § 15130(b)(1)(B); *Friends of the Eel*
13 *River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 870-872 [holding that EIRs
14 must be inclusive in conducting cumulative impacts analyses and requiring the instant EIR to
15 consider other, proposed water curtailments being considered by other agencies when evaluating
16 the project’s cumulative water supply impacts].)

17 68. The EA/IS fails to analyze the cumulative effects of repeated groundwater
18 extraction by past transfers and probable future water transfer projects, which have cumulatively
19 contributed to basin-wide overdraft and subsidence throughout the Sacramento Valley. This
20 constitutes a violation of CEQA.

21 Indian Trust Assets and Environmental Justice Impacts

22 69. The EA/IS makes no attempt to identify or analyze disproportionate environmental
23 impacts on low-income communities or communities of color potentially affected by Project-
24 related groundwater extraction and water quality impacts. This is despite the WRP Agreement’s
25 acknowledgment that the Project may have a cumulative effect on environmental justice impacts.
26 The Lead Agency has not provided reasoning as to why this issue was unable to be addressed.

27 70. Similarly, the EA/IS acknowledges that groundwater substitution is the only
28 method under the Project that could affect Indian Trust Assets but summarily concludes, without

1 supporting data, that any such impacts will be negligible. (EA/IS at 5-1.) The EA/IS states the
2 Project may have impacts on the Colusa and Redding Rancherias, but that such impacts will be
3 negligible because of the aforementioned monitoring programs.

4 71. These conclusory determinations and absent analyses constitute a further CEQA
5 violation. (Pub. Resources Code § 21080(e)(2).)

6 WHEREFORE, Petitioners pray for relief as hereinafter stated.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Petitioners pray for relief as follows:

- 9 1. Issue a peremptory writ of mandate directing Respondents to set aside and vacate
10 Project approvals, the EA/IS, and the Addendum;
- 11 2. Issue a peremptory writ of mandate directing Respondents to refrain from taking
12 any further action to implement, fund, or otherwise authorize the Project unless and until a full
13 EIR complying with CEQA has been prepared, circulated for public comment, and certified;
- 14 3. Award Petitioners their reasonable attorneys' fees and the costs of this action; and,
15 4. Grant other such relief as the Court deems just and proper.

16 DATED: June 12, 2026

AQUA TERRA AERIS LAW GROUP

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18 _____
19 Jason R. Flanders
20 Attorney for Petitioners
21 AquAlliance, and
22 California Sportfishing Protection Alliance

21 DATED: June 12, 2026

SOLURI MESERVE, A LAW CORPORATION

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23 _____
24 Patrick M. Soluri
25 Attorney for Petitioner
26 Central Delta Water Agency

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Verification

I, Barbara Vlamis, am the Executive Director and an authorized representative and member of Petitioner, AquAlliance.

I have read the foregoing Petition and know the contents thereof. The same is true of my own knowledge, except as to those matters that are alleged on information and belief, and as to those matters, I believe them to be true.

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

Executed this 12th day of June, 2026, in Chico, California.



Barbara Vlamis
AquAlliance

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Verification

I, Patrick, M. Soluri, am counsel of record Petitioner Central Delta Water Agency. I sign for Petitioner absent from the county of counsel and/or because facts contained in the Petition are within the knowledge of counsel

I have read the foregoing Petition and know the contents thereof. The same is true of my own knowledge, except as to those matters that are alleged on information and belief, and as to those matters, I believe them to be true.

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

Executed this 12th day of June, 2026, in Sacramento, California.


Patrick M. Soluri
Central Delta Water Agency