

The BDCP failed to qualify as an HCP/NCCP. The project before the Council, although rebranded "California WaterFix" is in fact, and as a matter of law, BDCP Alternative 4A. DWR's CEQA findings of fact and relevant CEQA documents continue to refer to the twin tunnels as "Conservation Measure 1." CM1 was developed by local government Metropolitan Water District and is located within the Delta. It was permitted by CDFW with incidental take permits, but after May 16, 2013.