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## State Water Resources Control Board

### **THIRD AMENDED NOTICE OF PUBLIC HEARING**

The State Water Resources Control Board Administrative Hearings Office will hold a Public Hearing on the pending petition for Assignment of State-filed Application 25517 and accompanying water right Application 25517X01 and the Petitions for Release from priority of State-filed Applications 25513, 25514, 25517 (unassigned portion), 22235, 23780, and 23781 in favor of water right Application 25517X01 of

#### **Sites Project Authority.**

The Public Hearing began on **August 19, 2024, at 9 a.m.**, and continued on **August 27-29, September 3, 6, 9-11, 16, and 18, and will continue on September 23, 24, and 30, and October 2, 8-10, and 21-23, 2024, and January 9, 10, 14-16, 21, 24, 28-30, 2025, (dates for surrebuttal to be added), beginning each day at 9 a.m.**

The hearing will be held by Zoom teleconference on all days and will be held in-person (with the option to participate by Zoom) on **October 2, 2024**, at Joe Serna Jr. CalEPA Building, Coastal Hearing Room, 1001 I Street, Second Floor, Sacramento, California.

Representatives of parties and other people who want to participate in this hearing may access these Zoom teleconferences by using the following link and call-in information:

**Zoom Teleconference (join link: <https://bit.ly/aho-sites-zoom>)**  
**Call-in number: 1-669-900-9128**  
**Meeting ID: 925 6751 4898 (Passcode: 830366)**

Interested members of the public who would like to watch this hearing without participating may do so through the Administrative Hearings Office YouTube channel at: <https://www.youtube.com/@swrcbadministrativehearing728/featured>.

**Although a quorum of the State Water Resources Control Board is expected to be present at the hearing on October 2, and some members in excess of a quorum may participate remotely as authorized by Government Code section 11123.2, the Board will not take any final action.**

For more information, contact the Administrative Hearings Office at [sites-wr-application@waterboards.ca.gov](mailto:sites-wr-application@waterboards.ca.gov) or at (916) 341-6940. This notice is available on the State Water Resources Control Board's webpage at: [https://waterboards.ca.gov/board\\_info/calendar/](https://waterboards.ca.gov/board_info/calendar/).

### **LANGUAGE SERVICES AND ACCESSIBILITY**

The hearing will be conducted in English. To request translation of a written document, interpretation services for the conference, or sign language services, please use one of the following options:

- Submit a [Language Services Request online](#)
- Call (916) 341-5254
- E-mail [languageservices@waterboards.ca.gov](mailto:languageservices@waterboards.ca.gov)

## **PURPOSE OF HEARING**

The purpose of this hearing is to receive evidence to be considered in determining whether the State Water Resources Control Board (State Water Board or Board) should approve the petition for partial assignment of state-filed Application 25517, accompanying water right Application 25517X01, and petitions for release from priority of state-filed Applications 25513, 25514, 25517 (unassigned portion), 22235, 23780, and 23781 in favor of water right Application 25517X01 filed by the Sites Project Authority, and, if so, what specific terms or conditions should be included in any approvals.

Additional background information about this proceeding and the procedures applicable to this hearing are in the June 5, 2024 Amended Notice of Public Hearing and Pre-Hearing Conference, which is incorporated herein. The procedures and deadlines in the June 5 Amended Notice of Hearing remain in effect unless explicitly revised in this Third Amended Notice of Hearing.

## **HEARING SCHEDULE AND DEADLINES**

<b>Deadlines / Schedule</b>	<b>Date and Time</b>
Additional case-in-chief hearing days (as necessary).	<b>September 23, 24, 30, 2024, and October 2, 8-10, and 21-23, 2024, starting at 9:00 a.m. (and additional days as necessary).</b>
Deadline for parties to file rebuttal exhibits and updated exhibit identification indices.	<b>December 6, 2024.</b>
Rebuttal portion of hearing.	<b>January 9, 10, 14-16, 21, 24, 28-30, 2025, starting at 9:00 a.m.</b>

The schedule for the rebuttal portion of the hearing remains contingent on the issuance of incidental take permits for construction and operation of the proposed Sites Reservoir Project by California Department of Fish and Wildlife, which is expected to occur in October 2024. The hearing officer directs the Authority to immediately notify the Administrative Hearings Office (AHO) if the Authority's expectation changes as to when it is likely to receive the incidental take permits.

## **AHO WEBPAGE AND NOTICES**

Subject to legal limitations, including the requirements for Internet website accessibility in Government Code section 11546.7, the AHO will post all notices and other documents regarding these proceedings on the AHO's Internet webpage at [www.waterboards.ca.gov/water\\_issues/programs/administrative\\_hearings\\_office/](http://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/)

## **HEARING LIVE-STREAM AND RECORDING**

The hearing will be live-streamed through the AHO's YouTube channel, accessible by clicking on the link provided below. The live-stream will consist of a morning session and an afternoon session. To view the morning session, click the link identified as "morning." The morning session will conclude at the lunch break. To view the afternoon session, click the link identified as "afternoon." The afternoon session will begin after the lunch break.

After the conclusion of the hearing, a recording of the morning and afternoon YouTube live-stream sessions will be available on the AHO's YouTube channel. These recordings will include automatic captions for accessibility.

The live-stream and recordings may be accessed at the following link by clicking on Live and Videos, respectively:

<https://www.youtube.com/@swrcbadministrativehearing728/featured>.

## **PARTIES**

Parties to this proceeding are the Sites Project Authority and the protestants listed in Attachment 3 of the June 5 Amended Hearing Notice, with the exception of Contra Costa Water District, Steve Owens, and Friends of the Swainson's Hawk (entities which did not file a Notice of Intent to Appear as parties). In accordance with the hearing officer's statements during the pre-hearing conference and the June 5 procedural ruling letter, the hearing officer also granted party status to the Department of Water Resources, Bureau of Reclamation, Patrick Porgans (identified as appearing on behalf of Planetary Solutionaries), and the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community.

On September 11 and September 18, the hearing officer granted, respectively, party status to the Paskenta Band of Nomlaki Indians for the purpose of cross-examining witnesses and to the Che ee Fokaa Band of Northeastern Pomo for the purposes of cross-examining witnesses and presenting rebuttal evidence.

Date: September 20, 2024



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Nicole L. Kuenzi,  
Presiding Hearing Officer  
Administrative Hearings Office

Attachments:  
Service List

## SERVICE LIST

Andrew M. Hitchings  
Aaron A. Ferguson  
Kelley M. Taber  
Michelle E. Chester  
Crystal Rivera  
Pennie MacPherson  
[ahitchings@somachlaw.com](mailto:ahitchings@somachlaw.com)  
[aferguson@somachlaw.com](mailto:aferguson@somachlaw.com)  
[ktaber@somachlaw.com](mailto:ktaber@somachlaw.com)  
[mchester@somachlaw.com](mailto:mchester@somachlaw.com)  
[crivera@somachlaw.com](mailto:crivera@somachlaw.com)  
[pmacpherson@somachlaw.com](mailto:pmacpherson@somachlaw.com)  
*Attorneys for Sites Project Authority*

Alycia Forsythe (Sites Project Authority)  
Angela Bezzone (MBK Engineers)  
[aforsythe@sitesproject.org](mailto:aforsythe@sitesproject.org)  
[bezzone@mbkengineers.com](mailto:bezzone@mbkengineers.com)  
*On behalf of Sites Project Authority*

Frances Tinney  
John Buse  
Center for Biological Diversity  
[ftinney@biologicaldiversity.org](mailto:ftinney@biologicaldiversity.org)  
[jbuse@biologicaldiversity.org](mailto:jbuse@biologicaldiversity.org)

Chris Shutes  
Sarah Vardaro  
California Sportfishing Protection  
Alliance  
[blancapaloma@msn.com](mailto:blancapaloma@msn.com)  
[sarah@calsport.org](mailto:sarah@calsport.org)

Keiko Mertz  
Jann Dorman  
Ronald Stork  
Katie Shulte Joung  
Doug Maner  
Friends of the River  
[keiko@friendsoftheriver.org](mailto:keiko@friendsoftheriver.org)  
[janndorman@friendsoftheriver.org](mailto:janndorman@friendsoftheriver.org)  
[RStork@friendsoftheriver.org](mailto:RStork@friendsoftheriver.org)  
[katiesj@friendsoftheriver.org](mailto:katiesj@friendsoftheriver.org)  
[earth1stdoug@gmail.com](mailto:earth1stdoug@gmail.com)

Steven L. Evans  
CalWild  
[sevans@calwild.org](mailto:sevans@calwild.org)

Richard Morat  
[rjmorat@gmail.com](mailto:rjmorat@gmail.com)

Clarke F. Ornbaun  
[clarkeornbaun@yahoo.com](mailto:clarkeornbaun@yahoo.com)

Osha R. Meserve  
Soluri Meserve, A Law Corporation  
[osha@semlawyers.com](mailto:osha@semlawyers.com)  
*Attorney for County of San Joaquin*

Barbara Vlamis  
Michael B. Jackson, Esq.  
James Brobeck  
AquAlliance  
[barbarav@aqualliance.net](mailto:barbarav@aqualliance.net)  
[mjatty@sbcglobal.net](mailto:mjatty@sbcglobal.net)

Ben King  
T&M King Farms LLC  
[bking@pacgoldag.com](mailto:bking@pacgoldag.com)

Jenna Rose Mandell-Rice  
State Water Contractors  
[jrm@vnf.com](mailto:jrm@vnf.com)

Miles Krieger  
Kira Johnson  
Best Best & Krieger  
[Miles.Krieger@bbklaw.com](mailto:Miles.Krieger@bbklaw.com)  
[Kira.Johnson@bbklaw.com](mailto:Kira.Johnson@bbklaw.com)  
*Attorneys for State Water Contractors*

Chief Caleen Sisk  
Gary Mulcahy  
Winnemem Wintu Tribe  
[caleenwintu@gmail.com](mailto:caleenwintu@gmail.com)  
[gary@ranchriver.com](mailto:gary@ranchriver.com)

S. Dean Ruiz  
John Herrick  
Dante J. Nomellini, Jr.  
Dante J. Nomellini, Sr.  
Brett G. Baker  
[dean@mohanlaw.net](mailto:dean@mohanlaw.net)  
[jherrlaw@aol.com](mailto:jherrlaw@aol.com)  
[dantejr@pacbell.net](mailto:dantejr@pacbell.net)  
[ngmplcs@pacbell.net](mailto:ngmplcs@pacbell.net)  
[brettgbaker@gmail.com](mailto:brettgbaker@gmail.com)  
*Attorneys for Central Delta Water Agency, et al.*

Adam Keats  
California Water Impact Network  
[adam@keatslaw.org](mailto:adam@keatslaw.org)

Barbara Barrigan-Parrilla  
Ivan Senock  
Cintia Cortez  
Spencer Fern  
Restore the Delta  
[barbara@restorethedelta.org](mailto:barbara@restorethedelta.org)  
[ivan@restorethedelta.org](mailto:ivan@restorethedelta.org)  
[cintia@restorethedelta.org](mailto:cintia@restorethedelta.org)  
[spencer@restorethedelta.org](mailto:spencer@restorethedelta.org)

Erin Woolley  
Jason John  
Caty Wagner  
Molly Culton  
Sierra Club  
[erin.woolley@sierraclub.org](mailto:erin.woolley@sierraclub.org)  
[jason.john@sierraclub.org](mailto:jason.john@sierraclub.org)  
[caty.wagner@sierraclub.org](mailto:caty.wagner@sierraclub.org)  
[molly.culton@sierraclub.org](mailto:molly.culton@sierraclub.org)

Konrad Fisher  
Daniel Estrin  
Monti Aguirre  
Water Climate Trust, Waterkeeper Alliance, and International Rivers  
[k@waterclimate.org](mailto:k@waterclimate.org)  
[destrin@waterkeeper.org](mailto:destrin@waterkeeper.org)  
[monti@internationalrivers.org](mailto:monti@internationalrivers.org)

Allison Mitchell  
United States Department of Interior  
Bureau of Reclamation  
[allison.mitchell@sol.doi.gov](mailto:allison.mitchell@sol.doi.gov)

Erick Soderlund, Esq.  
Janice Wu, P.E.  
Department of Water Resources  
[Janice.Wu@water.ca.gov](mailto:Janice.Wu@water.ca.gov)  
[Erick.Soderlund@water.ca.gov](mailto:Erick.Soderlund@water.ca.gov)

Eric Buescher  
Ashley Overhouse  
Gary Bobker  
Scott Artis  
Barry Nelson  
San Francisco Baykeeper, Defenders of Wildlife, Golden State Salmon Association, and The Bay Institute  
[eric@baykeeper.org](mailto:eric@baykeeper.org)  
[aoverhouse@defenders.org](mailto:aoverhouse@defenders.org)  
[bobker@bay.org](mailto:bobker@bay.org)  
[scott@goldenstatesalmon.org](mailto:scott@goldenstatesalmon.org)  
[barry@westernwaterstrategies.com](mailto:barry@westernwaterstrategies.com)

Lowell Ashbaugh  
Fly Fishers of Davis  
[ashbaugh.lowell@gmail.com](mailto:ashbaugh.lowell@gmail.com)

Regina Chichizola  
Kasil Willie  
Save California Salmon  
[regina@californiasalmon.org](mailto:regina@californiasalmon.org)  
[kasil@californiasalmon.org](mailto:kasil@californiasalmon.org)

Matthew Clifford  
Trout Unlimited Inc.  
[mclifford@tu.org](mailto:mclifford@tu.org)

Donald B. Mooney  
Friends of the River, California Sportfishing Protection Alliance, and Sierra Club  
[dbmooney@dcn.org](mailto:dbmooney@dcn.org)

Mark Rockwell  
Northern California Council of Fly  
Fishers International  
[mrockwell1945@gmail.com](mailto:mrockwell1945@gmail.com)

Glen Spain  
Pacific Coast Federation of Fishermen's  
Association et al.  
[fish1ifr@aol.com](mailto:fish1ifr@aol.com)

Patrick Porgans  
Planetary Solutionaries  
[pp@porganssolutions.com](mailto:pp@porganssolutions.com)

Maggie Foley  
Kristin Peer  
Bartkiewicz, Kronick & Shanahan  
[mef@bkslawfirm.com](mailto:mef@bkslawfirm.com)  
[kbp@bkslawfirm.com](mailto:kbp@bkslawfirm.com)  
*Attorneys for Contra Costa Water  
District*

Angela Smelser  
Colusa Indian Community Council  
[asmelser@colusa-nsn.gov](mailto:asmelser@colusa-nsn.gov)

Administrative Hearings Office  
[Sites-WR-Application@waterboards.ca.gov](mailto:Sites-WR-Application@waterboards.ca.gov)