

SOUTH DELTA WATER AGENCY

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March 29, 2016

Via Email and U. S. Mail

The Honorable Felicia Marcus, Chair
Co-Hearing Officer
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95812-0100

The Honorable Tam Doduc
Co-Hearing Officer
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95812-0100

Re: Request for Delay of All Deadlines in WaterFix Petition Hearings

Dear Hearing Officers Doduc and Marcus:

A number of issues and requests have arisen especially the request by DWR and USBR for an extension of all Hearing deadlines for 60 days; received two days before the projects were to submit their testimony and other materials.

Other recent issues include: (i) certain parties requesting or joining in requests to recuse or disqualify the Hearing Officers from further participation in the proceeding; (ii) Contra Costa Water District's settlement agreement whereby it shall dismiss its protest to the Petition; (iii) certain parties request to dismiss the Petition; (iv) the inadequacy of the recent DWR/USBR disclosure of modeling used for DEIR/S and Biological Assessment purposes; and (v) DWR/USBR's use of different modeling assumptions for the DEIR/S and Biological Assessments.

The Honorable Felicia Marcus
The Honorable Tam Doduc
March 29, 2016
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In light of these and other issues, the Hearing Officers should suspend the proceedings on the Petition for at least 60 days in order that a second pre-Hearing workshop can be held to outline how to proceed in this matter if at all. All parties should be able to comment or brief these issues rather than have last minute letters being circulated or controlling issues delayed for unknown time frames.

It is important that the request for recusal/disqualification be handed with input from all parties before any further actions occur or obligations become effective. In addition, the settlement by Contra Costa Water District has now apparently proposed changes to the WaterFix operations such that delivery of supplies to CCWD are a foreseeable part of the WaterFix project. No analysis of any such deliveries to CCWD have been made which means that the DEIR/S must again be amended or redone, and the Petition itself now appears to be inadequate for this additional reason.

The parties and the Hearing Officers are now faced with multiple issues which must be decided in advance of the proceeding moving forward. It is necessary for basic due process that we sort these issues out and allow all parties to deliberate and comment. SDWA encourages the Hearing Officers to suspend the proceedings on the Petition until these preliminary and controlling issues are resolved.

Please contact me if you have any questions or comments.

Very truly yours,


JOHN HERRICK

cc: Service List