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February 16, 2017

Via Email CWFhearing@waterboards.ca.gov  
Tam Doduc, WaterFix Project Co-Hearing Officer  
Member, State Water Resources Control Board  
1001 I Street  
Sacramento, California 95814

Felicia Marcus, WaterFix Project Co-Hearing Officer  
Chair, State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

**RE: San Joaquin County Protestants' Joinder in the Land, et. al. Protestants' February 16, 2017 Request with Respect to the New Information Pertaining to CWF Hearing Process in BDCP/CWF FEIR/FEIS**

Dear Hearing Officers and Board Hearing Staff:

I represent Protestants County of San Joaquin, San Joaquin County Flood Control and Water Conservation District, and Mokelumne River Water and Power Authority (collectively, the "San Joaquin County Protestants"). I am writing to express my clients' vigorous agreement with the views and requests articulated by attorney Osha Meserve on behalf of her clients, the LAND, et al. Protestants, in her letter to you of even date.

Like Ms. Meserve's clients, the San Joaquin County Protestants have endeavored, without success, to correlate changes made in the Final Environmental Impact Report/Environmental Impact State ("FEIR/S") released in December, 2016, to the arguments made to date by the WaterFix Petitioners and to protestants' development of their rebuttal cases. The lead agencies' failure to provide a redline version or any other mechanism by which the changes from the prior environmental review documentation can be tracked through the many thousands of pages of the FEIR/S has effectively stymied meaningful review. This failure, which created serious problems in connection with the short CEQA public review period, has also created similar problems for protestants in the WaterFix Hearing. This lack of fundamental fairness in a matter of such consequence to the people of the State of California for generations to come is difficult to fathom, especially since the failure is that of agencies that, at least in theory, exist to serve the public – not to frustrate public participation.

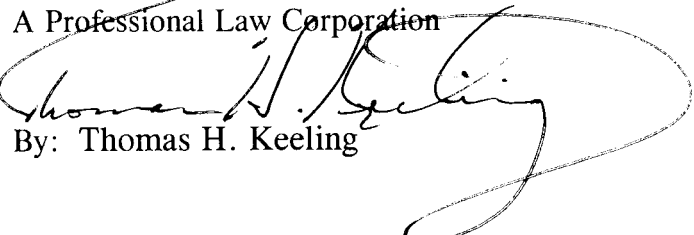
On January 30, I referenced some of the confusion and difficulty caused by the FEIR/S in the "Joint Proposal" regarding closing briefs, which we submitted on behalf of the San Joaquin County Protestants and the LAND, et al. Protestants. In fact, the effect of the anticipated FEIR/S had been raised by various protestants many months before its release in December. Still, as the LAND, et al. Protestants observe in their letter of February 16, 2017, there has been no discussion or briefing on the effect of the FEIR/S release on the WaterFix Hearing process.

Accordingly, the San Joaquin County Protestants hereby join in the LAND, et al. Protestants' request that the Hearing Officers: (1) direct Petitioners to provide a redline version of the FEIR/S and identify which changes to the FEIR/S modify their cases in chief; (2) direct Petitioners to disclose whether and when they plan to submit the FEIR/S into evidence; and (3) provide protestants additional time to formulate their rebuttal cases, beyond the 30 days from the Hearing Officers' ruling on evidentiary objections.

We appreciate your attention to the San Joaquin County Protestants' Joinder in those requests.

Very truly yours,

FREEMAN FIRM  
A Professional Law Corporation



By: Thomas H. Keeling

THK:tmr

**STATEMENT OF SERVICE**

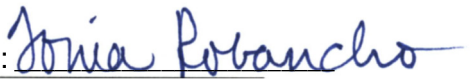
**CALIFORNIA WATERFIX PETITION HEARING  
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)**

I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

**SAN JOAQUIN COUNTY PROTESTANTS' JOINDER IN THE LAND, ET AL.  
PROTESTANTS' FEBRUARY 16, 2017 REQUEST WITH RESPECT TO THE  
NEW INFORMATION PERTAINING TO CWF HEARING PROCESS IN  
BDCP/CWF FEIR/FEIS**

to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated January 13, 2017, posted by the State Water Resources Control Board at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/california\\_waterfix/service\\_list.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml)

I certify that the foregoing is true and correct and that this document was executed on February 16, 2017.

Signature:   
Name: Tonia Robancho  
Title: Legal Assistant for Thomas H. Keeling  
Freeman Firm

Party/Affiliation:  
County of San Joaquin, San Joaquin County Flood Control  
and Water Conservation District, and Mokelumne River  
Water and Power Authority

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