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 protesters’ 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 though
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 protesters 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 protesters 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 protesters 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

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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