The California Department of Water Resources ("DWR") objects to exhibits SHR-717, SHR-718, and SHR-719 being admitted into evidence. On August 28, 2018, Snug Harbor Resorts, LLC requested to move into these three exhibits, among others, into evidence. Per the Board's oral ruling DWR was given until 5pm on August 29, 2018, to lodge any objections to exhibits Snug Harbor Resorts, LLC requested to be moved into evidence. (Draft Transcript August 27, 2018, 240:25-241:1.)

DWR objects to exhibits SHR-717, SHR-718, and SHR-719 as these exhibits are related to projects other than California WaterFix and are not within the scope of Part 2 rebuttal. As determined by the Board, proposed permit conditions can be submitted at any time, however supporting evidence for these proposed terms has to be evidence that is properly admitted during the course of the hearing proceedings. (Draft Transcript August 27, 2018, pages 197:25-198:19.) "Meaning that if it's introduced during rebuttal it's within the rebuttal scope. . . ." (Draft Transcript August 27, 2018, page 198:11-12.) SHR-717 discusses CalSim 3, which is a draft model and has not been presented at any point in this hearing nor has it been used for California WaterFix. SHR-718 is a report on the advancement in flow monitoring within the San
Francisco estuary, for which there has been no testimony. SHR-719 is a framework report for the Bay-Delta Plan, for which there has also been no testimony. No linkage has been provided connecting these exhibits to Part 2 case-in-chief testimony nor to changes between the approved and proposed project as described in the Draft Supplemental Environmental Impact Report/Environmental Impact Statement. Additionally, all three exhibits are unrelated to the monitoring proposed in Snug Harbor, LLCs first proposed condition of approval.

As these exhibits are outside the scope of proper rebuttal DWR respectfully requests the Board deny the admission into evidence of exhibits SHR-717, SHR-718, and SHR-719.

Executed on this 29th day of August 2018, in Sacramento, California.

Emily M. Thor
Attorney
California Department of Water Resources