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Principal, California Water Research

BEFORE THE
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

HEARING REGARDING PETITION
FILED BY THE DEPARTMENT OF
WATER RESOURCES AND U.S. BUREAU
OF RECLAMATION REQUESTING
CHANGES IN WATER RIGHTS FOR THE
CALIFORNIA WATERFIX PROJECT

JOINDER IN THE REQUEST FOR
RECONSIDERATION OF RULING ON
PART 2 SUR-REBUTTAL BY LAND ET. AL.


There are significant conflicts between the accelerated hearing schedule, and the Board’s requirement under CEQA to consider the information in the revisions of the Admin Draft Supplemental EIR/EIS. It has been settled law for over 100 years that parties to an administrative hearing have the right to examine and rebut evidence. As stated by the U.S. Supreme Court:

All parties must be fully apprised of the evidence submitted or to be considered, and must be given opportunity to cross-examine witnesses, to inspect documents and to offer

evidence in explanation or rebuttal. In no other way can a party maintain its rights or make its defense.


Since CEQA requires that the Board consider additional information in the Public Draft Supplemental EIR/EIS for the Board’s decision on the project, parties must also be given a chance to rebut information in the document.

California Water Research therefore makes the following additional requests:

1. In the interests of hearing efficiency, California Water Research requests that the Board also allow surrebuttal testimony on the information in the Public Draft Supplemental EIR/EIS, which was released on July 18, 2018. Ms. Meserve requested that the Public Draft Supplemental EIR/EIS be provided as a SWRCB exhibit.

2. While the Hearing ruling properly allows surrebuttal on the 2018 Conceptual Engineering Report, which is new information submitted by petitioners, it does not allow surrebuttal on DWR-1143 rev2, which was also new information submitted during rebuttal. California Water Research requests that the hearing officers allow surrebuttal on DWR-1143 rev2.

3. LAND et. al. quotes the August 31, 2018 statement by the attorney for the Department of Water Resources about the “complexities of the interaction of the state and federal processes” for the WaterFix environmental documents. This statement raised significant questions about Reclamation’s NEPA process for the WaterFix Supplemental EIS. California Water Research requests that the Hearing Officers require that Reclamation clarify Reclamation’s process for the Supplemental EIS.

Thank you for your consideration of these requests.

Dated September 12, 2018
Sincerely,

[Signature]

Deirdre Des Jardins
Principal, California Water Research
CALIFORNIA WATERFIX PETITION HEARING
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)

I hereby certify that on September 12, 2018 I submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

Joinder in the Request for Reconsideration of Ruling on Part 2 Sur-Rebuttal by LAND et. al.

to be served by Electronic Mail (email) upon the parties listed in the Current Service List for the California Water Fix Petition Hearing, dated September 12, 2018, 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

Note: In the event that any emails to any parties on the Current Service List are undeliverable, you must attempt to effectuate service using another method of service, if necessary, and submit another statement of service that describes any changes to the date and method of service for those parties.

I certify that the foregoing is true and correct and that this document was executed on September 12, 2018.

Signature:

Name: Deirdre Des Jardins
Title: Principal, California Water Research

Party/Affiliation:
Deirdre Des Jardins

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