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Via email to cwfhearing@waterboards.ca.gov

October 2, 2018

Hearing Chair Tam Doduc
Co-Hearing Chair Felicia Marcus
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Subject: Joinder in Request Regarding Setting of Briefing Schedule

Dear Hearing Officers Doduc and Marcus:

Protestant Restore the Delta joins in the request made at the conclusion of Monday's hearing that the Hearing Officers not set any deadlines for briefing on the merits of the California WaterFix (CWF) Change Petition until after petitioner California Department of Water Resources (DWR) certifies the California WaterFix Supplemental Environmental Impact Report (SEIR), co-petitioner U.S. Bureau of Reclamation (Reclamation) issues a Record of Decision for the Project, and the Final Supplemental EIR/EIS is entered into the evidentiary record.

As noted by Osha Meserve, representing LAND and other protestants to this proceeding, DWR and Reclamation are required by law to actually consider public comments on the Draft Supplemental EIR/EIS (DSEIR/EIS) and determine whether those comments require changes to the propose project, through adoption or modification of mitigation measures or alternatives to the project, including the alternative of not proceeding with the project.

We ask that you hold Part 2 of the hearing open for this purpose.

As you are aware, last week DWR released a new economic analysis of California WaterFix that, as Mr. Ferguson notes, relies on 100 percent of the tunnels' capacity being committed to State Water Project deliveries. Restore the Delta agrees that it is disingenuous for DWR to tout alleged benefits of the Petition Facilities that are predicated on no federal participation when two and a half years' worth of testimony and evidence presumes federal participation, among other altered facets of the project.

Hearing Chair Tam Doduc
Co-Hearing Chair Felicia Marcus
Joinder in Request Regarding Setting of Briefing Schedule
October 2, 2018
Page 2 of 2

We further request that Part 2 of the hearing be held open for the purpose of taking testimony on the new economic analysis precisely because it bears on the public interest at stake in the Water Board acting on and conditioning petitioners' water rights permits.

Sincerely,



Barbara Barrigan-Parrilla
Executive Director



Tim Strohane
Policy Analyst

cc: CWF Service List (via email in two batches)

BBP/TS