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7 BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

8

HEARING IN THE MATTER OF CALIFORNIA DEPARTMENT OF WATER RESOURCES AND UNITED STATES BUREAU OF RECLAMATION REQUEST FOR A CHANGE IN POINT OF DIVERSION FOR CALIFORNIA WATER FIX	SNUG HARBOR RESORTS, LLC SUPPLEMENTAL RESPONSE TO CALIFORNIA DEPARTMENT OF WATER RESOURCES' OBJECTIONS TO EXHIBITS SUBMITTED IN SUPPORT OF PROTESTANT SNUG HARBOR RESORTS, LLC CASE-IN-CHIEF
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10 Protestant Sung Harbor Resorts, LLC respectfully requests that the Board consider this
11 brief supplement to Snug Harbor's Response filed earlier today. This supplement
12 focuses solely on Snug Harbor's exhibits and testimony concerning arsenic.
13 This supplement is filed after the noon deadline and Snug Harbor respectfully requests
14 that the Board consider it because it is brief, deals with an important issue, and perhaps
15 states more clearly our position regarding the claimed surprise testimony of drinking
16 water quality.

17

18 DWR requests exclusion of arsenic exhibits SHR-21 and SHR-27. However, these are not
19 surprise exhibits. They were filed on time, before the 9/1/2016 deadline. I did not use
20 legal citations to these documents in my written testimony because I am inexperienced
21 in litigation and am learning the proper format for WaterFix documents. I submitted
22 three arsenic exhibits. SHR-21, SHR-27, and SHR-77, as well as several slides regarding
23 well locations in the Delta, which was used with cross-examining DWR witnesses or
24 other party witnesses.. I referred to these exhibits in my written testimony but I did not
25 insert a citation for them at that time.

26

27 Please refer to my testimony, SHR-108, at the bottom of page two and top of page three
28 where I say that "Maps and historic data shall be provided to establish the fact there are
29 legal drinking water wells in and around the proposed project that were not considered
30 by or in Petitioner documentation for this hearing. In fact, actions already approved by
31 Waterboards, or ignored by Waterboards, has already caused substantial degradation of

1 Delta drinking water aquifers, resulting in substantial increase in operations and
2 maintenance costs for many of the affected public and private drinking water wells in
3 the Delta. CWF documentation recognizes impacts to a few drinking water wells in the
4 direct physical path of intake construction, then ignores the impacts to drinking water
5 wells along the physical pathway of the tunnels. CWF also ignores the impacts to
6 drinking water aquifer from soil disturbance which is known to increase incidence of
7 natural constituents such as arsenic, boron and manganese. Offered as proof are public
8 drinking water well records and official drinking water aquifer studies by USGS which
9 show that beginning during the CLFED period, but sometime after 2007, water flows and
10 hydrology changed so much within the North Delta region such that public drinking
11 water wells that were in compliance with MCL for Arsenic showed substantial increase
12 of this constituent.”
13

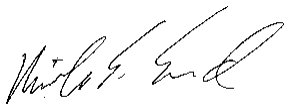
14 The USGS drinking water aquifer studies mentioned above are at my slideshow exhibit
15 SHR-21. Pages 3, 4, 5, 6, and 11 of SHR-21 show arsenic problems in drinking water
16 aquifers in the Delta. The public drinking water well records mentioned above are my
17 exhibits SHR-77, pages 1 and 3 and SHR-27, page 2, which shows 1034 of 7,804 public
18 drinking water wells tested were contaminated with arsenic. On SHR-77, pages 1 and 2
19 are my own graphs which show the increase in arsenic levels after 2007 as mentioned
20 above and which I explained in my oral testimony to the Hearing Officer on December 8.
21

22 I should have made my reference to these documents more clear in my written
23 testimony but my intent was always to show the serious arsenic problem which was not
24 addressed by WaterFix modelers nor addressed as an impact.
25

26 I also testified on December 8 that CWF dewatering activities and flow reductions could
27 make the arsenic problem worse so my testimony is not only about a current problem
28 but about how CWF has ignored the problem and by not considering it will make it
29 worse.
30

31 I respectfully request that my arsenic testimony and all exhibits be allowed in the
32 record.

33 Supplemental response Submitted by

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35 Nicole S. Suard, Esq. Managing Member, Snug Harbor Resorts, LLC
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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, January 6, 2017 submitted to the State Water Resources Control Board and caused a true and correct copy of the following document:

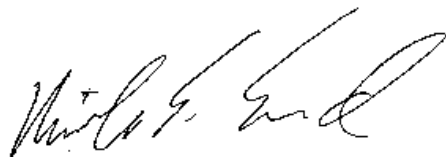
SNUG HARBOR RESORTS, LLC **SUPPLEMENTAL RESPONSE** TO CALIFORNIA DEPARTMENT OF WATER RESOURCES' OBJECTIONS TO EXHIBITS SUBMITTED IN SUPPORT OF PROTESTANT SNUG HARBOR RESORTS, LLC CASE-IN-CHIEF

To be served by Electronic mail (email) upon the parties listed in Table 1 of the current service list for California WaterFix Petition Hearing, dated November 15, 2016, posted by the SWRCB 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 January 6, 2017, at Napa, California. This statement of service shall be sent separately from the primary document.

Signature:



Nicole S. Suard, Esq.

Managing Member, Snug Harbor Resorts, LLC

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