



FRIENDS OF THE RIVER

1418 20TH STREET, SUITE 100, SACRAMENTO, CA 95811
916/442-3155 • FAX: 916/442-3396 •
WWW.FRIENDSOFTHERIVER.ORG

September 11, 2017

Via Email

Tam Doduc, Hearing Officer
Felicia Marcus, Hearing Officer
State Water Resources Control Board
1001 I Street
Sacramento, CA 94596
CWFhearing@waterboards.ca.gov

Re: Request for a four week extension of time to file and serve Supplemental Notices of Intent to Appear in Part 2, Water Fix Water Rights Change Petition Hearing; and Joinder in Objection to and Petition for Reconsideration of August 31, 2017 Ruling regarding scheduling of Part 2, submitted by Natural Resources Defense Council, et al, on September 6, 2017

Dear Hearing Officers Doduc and Marcus:

Request for Four Week Extension to File Supplemental Notices of Intent to Appear Part 2

Protestants Friends of the River and Sierra Club California respectfully request a four-week extension of time for *all* protestants in the Hearing on the California Water Fix Change Petition to file and serve parties' Supplemental Notices of Intent to Appear in Part 2. This request, if granted, would change the present time and date for receipt of Supplemental Notices of Intent to Appear in Part 2 from 12:00 noon, September 22, 2017, to **12:00 noon, October 20, 2017**.

The problem protestants face is the requirement to name witnesses, provide a brief description of their proposed testimony, and expected length of direct testimony, as well as whether the witnesses are experts or not by September 22. That is only three weeks after the August 31, 2017 Ruling issued on the eve of the Labor Day holiday weekend, establishing dates for Part 2. For almost two years, in subsequent Rulings, the State Water Board has "confirmed that we would not begin Part 2 of the hearing until after all of the environmental review processes were complete based on our understanding that the ESA, CESA, and NEPA processes will conclude around the same time as the EIR was finalized." (August 31, 2017 Ruling, p. 2). We, and we understand other, protestants were surprised by this change. We, and we understand other, protestants need additional time to establish and confirm the availability of witnesses for Part 2. We could indicate whether we intend to present direct testimony in Part 2 by September 22, but protestants are prejudiced by the need to also identify such witnesses and provide the other witness information required by the Supplemental Notice of Intent to Appear so soon.

Under the present dates established by the August 31 Ruling, there is simply no need to require protestants to be able to identify their witnesses by September 22. Witnesses' proposed testimony is not due until November 30, and Part 2 is not scheduled to commence until January 18, 2018. On the other hand, we are experiencing difficulties identifying, communicating with,

and confirming witnesses made necessary by the sudden and to us, surprising, decision by the State Water Board to commence Part 2 of the hearing before the NEPA process is complete.

Joinder in Natural Resources Defense Council, et al, Objections and Petition

Protestants Friends of the River, and Sierra Club California hereby join in the Objections to and Petition for Reconsideration of August 31, 2017 Ruling regarding scheduling of Part 2 and other procedural matters, submitted by the Natural Resources Defense Council, Defenders of Wildlife, and The Bay Institute on September 6, 2017.

Conclusion

Because identification of witnesses is due in less than two weeks under the current schedule, protestants respectfully request approval of this request by tomorrow, September 12, 2017, or as soon thereafter as possible. Thank you for your consideration of this request. Protestants need the additional time requested to be able to select witnesses, confirm their availability, and give a brief description of their proposed testimony.

Sincerely,



E. Robert Wright
Senior Counsel
Friends of the River