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6 On behalf of Snug Harbor Resorts, LLC

7 **BEFORE THE**
8 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**
9

10 HEARING IN THE MATTER OF
11 CALIFORNIA DEPARTMENT OF
WATER RESOURCES AND UNITED
STATES BUREAU OF RECLAMATION
12 REQUEST FOR A CHANGE IN POINT
OF DIVERSION FOR CALIFORNIA
13 WATER FIX

MOTION IN SUPPORT OF STAY OF
HEARING, WITH SUGGESTED TIME
FRAME, RENEWED REQUEST FOR
EVIDENCE PROVIDED IN HUMAN
READABLE FORMAT OR REQUEST
TRANSLATOR PROVIDED BY
PETITIONERS; AND REQUEST
HEARING BOARD TO HALT AND
PROHIBIT CALIFORNIA DEPARTMENT
OF WATER RESOURCES AND/OR
UNITED STATES BUREAU OF
RECLAMATION AND ANY
CONTRACTORS, SUB-CONTRACTORS
OR CONSULTANTS FROM DOING ANY
MORE PHYSICAL WORK RELATED TO
PROPOSED WATERFIX PROJECT
UNTIL SUCH TIME AS A FINAL
PROJECT IS APPROVED.

1 MOTION IN SUPPORT OF STAY OF HEARING, WITH SUGGESTED TIME FRAME
FOR STAY:

2
3 Snug Harbor Resorts, LLC hereby joins in the Motions to Stay or Continue Hearing filed
4 by California Sportfishing Protection Alliance and LAND, et al. and San Joaquin County, et al.
5 on April 3, 2018 and the related Statement of Service. SHR suggest that stay of Part 2 of
6 WaterFix Hearing be granted for a minimum of thirty (30) business days from the date
7 upon which Petitioners provide all participants with adequate details and revised detail
8 maps of proposed changes, so that Protestants can review and revise Protestant
9 testimonies to reflect the changes to potential impacts to Protestants, the environment,
10 Delta wells, Delta Recreation, businesses, residents and humans. SHR further requests
11 that Waterboard issue a specific schedule providing timing for when Petitioners must
12 provide the above requested maps and information to Protestants, that Waterboard
13 specify the timing allowed for revision of Protestant testimony so that hearing may be
14 conducted in an efficient manner to focus on the actual proposed project and proposed
15 changes, and that Waterboard prohibit Petitioners from objecting to the changes of
16 testimony by Protestants so long as such changes are reflective of or are based upon
the new impacts assumed by revised intake footprints, tunnel path, revised barge traffic
landings, revised locations of electrical wires, revised locations of tunnel much, tunnel
road traffic, tunnel shaft locations and tunnel terminus and connection to Clifton Court
Forebay.

17 RENEWED REQUEST FOR EVIDENCE OF FRESH WATER FLOW DATA PROVIDED
18 IN HUMAN READABLE FORMAT OR REQUEST TRANSLATOR PROVIDED BY
19 PETITIONERS;

1 On January 24, 2018, Protestant Snug Harbor Resorts, LLC served on all parties to
2 this hearing, and on the California State Water Resources Control Board, a request that
3 the Petitioners provide fresh water flow data in a human readable format, such as an
4 excel spreadsheet, to assist SHR in being able to assess the impacts to SHR water
5 rights from revised operations proposals. Rather than repeating the entire 3-page
6 request, please review the January 24, 2018 document. As of the mailing of this
7 renewed request, there has been no written response by Petitioners or Waterboard on
8 this request. SHR further requests that due to the fact that CalSim I, II or III and DSM2
9 are basically a foreign language that SHR does not speak, and due to the fact Petitioner
10 Department of Water Resources is supposed to represent all legal water users in the
11 state of California, SHR requests that Department of Water Resources be directed to
12 provide an independent interpreter for SHR of any computer modeling utilized by
13 Petitioner DWR for any future hearings on the WaterFix Petition, at the expense of
14 Petitioner.

12 REQUEST HEARING BOARD TO HALT AND PROHIBIT CALIFORNIA DEPARTMENT
13 OF WATER RESOURCES AND/OR UNITED STATES BUREAU OF RECLAMATION
14 AND ANY CONTRACTORS, SUB-CONTRACTORS OR CONSULTANTS FROM
DOING ANY MORE PHYSICAL WORK RELATED TO PROPOSED WATERFIX
PROJECT UNTIL SUCH TIME AS A FINAL PROJECT IS APPROVED BY WATER
BOARD:

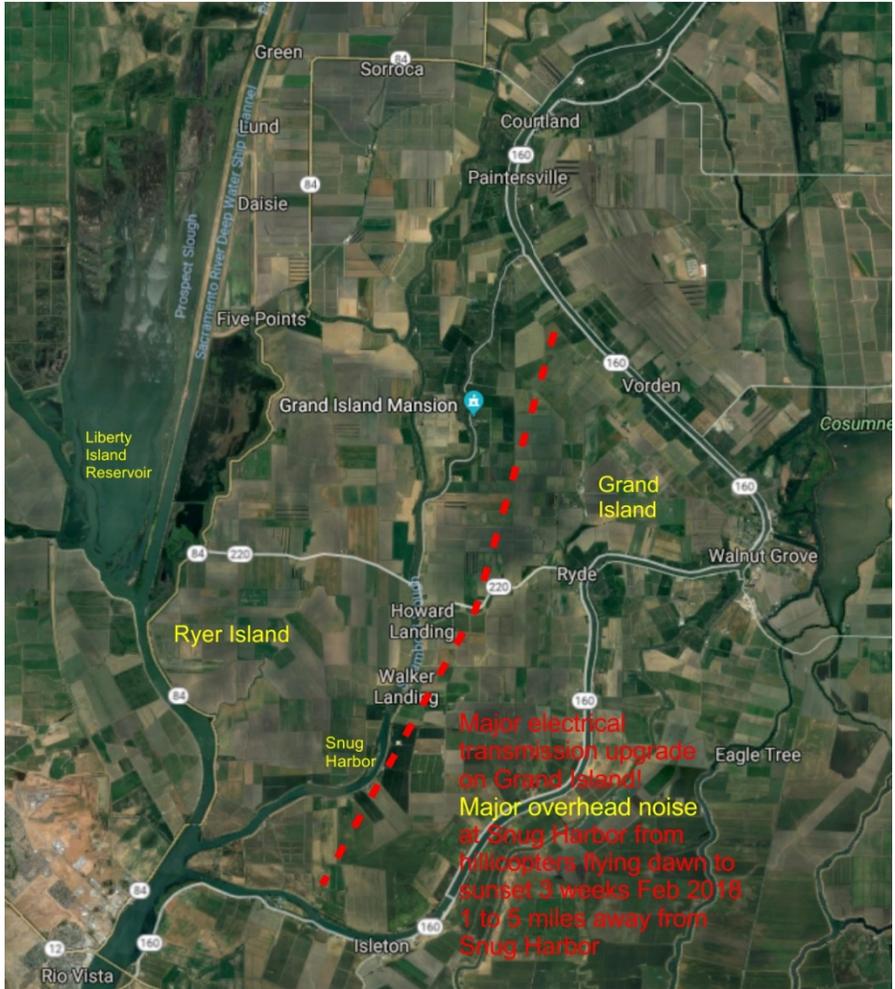
15 Protestant Snug Harbor Resorts, LLC, requests that Hearing Board specifically
16 prohibit California Department of Water Resources and United States Bureau of
17 Reclamation and any of their Contractors, Sub-contractors or consultants from doing or
18 conducting any physical work related to proposed WaterFix Project until such time as a
19 final project and proposed plan changes, if any, is approved by Water Board. It is not in
the public interest to allow the ongoing construction of WaterFix elements not yet

1 approved as it creates additional pressure to approve those elements since already
2 under construction, incurring rate payer or tax payer expense.

3 Statement of Facts: On December 7, 2017, after the DWR sponsored Industry
4 Day for tunnel contractors, DWR began the process of advertising for project
5 contractors. See <https://caleprocure.ca.gov/event/3860/10134819> The specific timeline
6 announced by DWR indicated that April 1, 2018 would be the deadline for announcing
7 the contractors for the first phase of contracts. (See Screen Print from WaterFix
8 website, attached below as Attachment A) The timeline is located at the following link,
9 noting that the process was initiated in December 2017 despite the WaterFix website
10 indication of start date of 2018: [https://californiawaterfix.com/wp-](https://californiawaterfix.com/wp-content/uploads/2017/12/CWF_IndustryDay_Brochure.pdf)
11 [content/uploads/2017/12/CWF_IndustryDay_Brochure.pdf](https://californiawaterfix.com/wp-content/uploads/2017/12/CWF_IndustryDay_Brochure.pdf) At the December 6, 2017
12 Industry Day meeting Mr. Bernarski speaking on behalf of Petitioner DWR indicated that
13 as much as One Billion dollars (\$1,000,000,000.00) in procurement contracts could be
14 confirmed by DWR as early as April 1, 2018, as reflected in the Industry Day Brochure
15 referenced above. A review of the Design and Construction page at clearly states the
16 RFZs are already closed for Engineering Design Manager Services, Survey, Mapping
17 Right of Way Engineering/Title Services, Geotechnical Engineering Services, Real
18 Estate Services and Executive Director Services, all indicating Petitioner DWR
19 continues to follow the timeline distributed on December 6, 2017. Yet another page
20 available at [https://www.californiawaterfix.com/wp-](https://www.californiawaterfix.com/wp-content/uploads/2018/03/CWF_2018_Schedule-RFQ_032118.pdf)
21 [content/uploads/2018/03/CWF_2018_Schedule-RFQ_032118.pdf](https://www.californiawaterfix.com/wp-content/uploads/2018/03/CWF_2018_Schedule-RFQ_032118.pdf) makes it appear the
22 RFQs are still open for the above services related to proposed WaterFix Project. It is
23 not in the public interest to allow a public agency to sign contracts and initiate physical

1 work on a project that is not yet approved by Waterboard, especially given the fact the
2 most recent announcement from Petitioners indicates yet another change to the
3 footprint of the proposed project. If Hearing Board does not have the power to prohibit
4 physical construction of WaterFix elements prior to approval of project and changes, I
5 request that Hearing Board seek written commitment from Petitioners that no elements
6 of proposed WaterFix Project, including but not limited to new electrical service lines
7 and access, tunnel shafts, test tunnel holes, shaft access roads will be constructed until
8 after final approval of proposed project and supplemental proposed changes, and any
9 such project elements already under construction cease to be constructed unless
10 Petitioners file notice with Hearing Board and all Protestants of WaterFix Project
11 acknowledging the ongoing construction and defining the reason current construction
12 activities are necessary to continue in the public interest. This request is made due to
13 the fact there is currently substantial changes to electrical service lines being installed in
14 the North Delta, causing substantial noise and disruption to the migrating birds and to
15 home owners and those recreating around Grand Island, Ryer Island, Steamboat
16 Slough and Sacramento River between Walnut Grove and Isleton. Since the latest
17 DWR changes to WaterFix Proposed Project does not clearly define what the changes
18 to electrical transmission lines are, it is logical to assume that the major electrical work
19 being conducted currently and in February 2018 on Grand Island is associated with
20 WaterFix Proposed project. See below for location map of major electrical work
21 referenced. If nothing else, the major electrical construction noises of February 2018 on
22 Grand Island and along Steamboat Slough serves as an example of what to expect

1 under proposed WaterFix Project, as noise carries for miles in the Delta, not 3500 feet
2 or so as claimed in the Waterfix Proposal.



14
15 Date: April 4, 2018

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nicole Suard'.

16
17
18 Nicole Suard, Esq.

Snug Harbor Resorts, LLC

ATTACHMENT A

