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11.203.02

June 7, 2016

CWFhearing@waterboards.ca.gov (all via email)

Hearing Chair Tam Doduc
Hearing Officer Felicia Marcus
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: DWR and Reclamation's Opposition to Protestants' Request for Additional Time to File Evidentiary Objections

Dear Hearing Chair Doduc and Hearing Officer Marcus,

Notwithstanding their repeated requests for additional time (totaling 90 days) to submit their case in chief – all of which were granted – petitioners Department of Water Resources and Bureau of Reclamation oppose the single request of protestants PCFFA and IFR for additional time to file their evidentiary objections thereto. None of petitioners' grounds for opposing protestants' requested extension withstand scrutiny, however.

First, petitioners state that protestants' request is untimely. Not so. Protestants made their request within 3 days of receiving petitioners' massive submissions, and 12 days before protestants' response deadline.

Second, petitioners state that “[v]ery little” of what they submitted “represents ‘new’ information.” Incorrect. Their WaterFix Project has undergone profound transformation since petitioners released the RDEIR/SDEIS on which their petition was originally based. By letter dated March 11, 2016, petitioners pulled the evidentiary rug out from underneath this Board, the public and protestants by disavowing petitioners' reliance on their RDEIR/SDEIS and revealing, in a table on page 3, that only the Biological Assessment (“BA”) model, “the most recent version of CalSim II (2015) and a longer patterning period for DSM2 (82-year record)” would be used, prompting several protestants to request vital information about the model versions, histories and output differences needed to evaluate the petition – information that petitioners have *still* not provided.

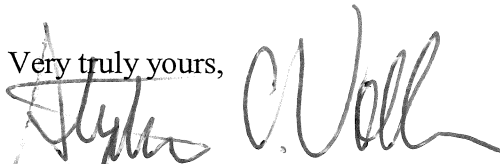
Third, petitioners state that “Cal Water Research, and other protestants, requested and received this additional modeling information.” Untrue. Petitioners have never provided the following information that California Water Research (“CWR”) requested by letters to this Board dated February 4, March 10 and April 2, 2016:

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- (1) A version history relating the numerous BDCP / WaterFix CALSIM II model versions, including models that petitioners used to produce the CEQA and NEPA documents submitted in support of the petition, the BA model, and a description of changes made between these versions;
- (2) For each model, information about the availability of model runs using different outflow scenarios and different climate change scenarios, including existing biological conditions with or without future development;
- (3) For each model, information about the availability of quality assurance / quality control spreadsheets or analyses comparing output differences between model versions, or with existing conditions or historic conditions;
- (4) A list of sensitivity analyses that were run during the development of the models, including Water Supply Index / Demand Index comparisons;
- (5) information about the availability of model runs for the CS5 scenario, levee failure scenario, and isolated conveyance operations.

Petitioners' massive data dump and obfuscation of the models, assumptions and output differences they have employed sabotages protestants' preparation of their evidentiary objections by the June 15 deadline. Accordingly, protestants' requested 60-day extension should be granted.

Very truly yours,


Stephan C. Volker, Counsel for
Pacific Coast Federation of Fishermen's
Associations and Institute for Fisheries Resources

SCV:taf

Attachment: Service Certificate

cc: All by electronic service
All party representatives on May 27, 2016, State Water Resources
Control Board ("SWRCB") service list
Tom Howard, Executive Director, SWRCB
Michael Lauffer, Chief Counsel, SWRCB
Dana Heinrich, Staff Attorney IV, SWRCB
Diane Riddle, Environmental Program Manager, SWRCB

STATEMENT OF SERVICE

CALIFORNIA WATERFIX PETITION HEARING
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)

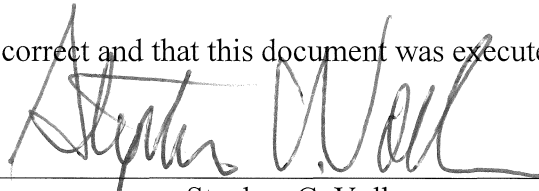
I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

Pacific Coast Federation of Fishermen's Associations and Institute for Fisheries Resources' correspondence to Hearing Chair Tam Doduc, Hearing Officer Felicia Marcus, State Water Resources Control Board re DWR and Reclamation's Opposition to Protestants' Request for Additional Time to File Evidentiary Objections

to be served by Electronic Mail (email) upon the parties listed in Table 1 of the Current Service List for the California WaterFix Petition Hearing, dated May 27, 2016, 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

I certify that the foregoing is true and correct and that this document was executed on June 7, 2016.



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