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

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12 HEARING IN THE MATTER OF
13 CALIFORNIA DEPARTMENT OF WATER
14 RESOURCES AND UNITED STATES
15 BUREAU OF RECLAMATION REQUEST
FOR A CHANGE IN POINT OF DIVERSION
FOR CALIFORNIA WATERFIX

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**PROTESTANT RESTORE THE DELTA'S
JOINDER IN CSPA ET AL.'S AND LAND
ET AL.'S MOTIONS TO STAY OR
CONTINUE THE HEARING**

1 Protestant Restore the Delta (“Restore the Delta”) hereby joins in the motions to stay or
2 continued the hearing filed on April 3, 2018 by (1) Protestants California Sportfishing Protection
3 Alliance (“CSPA”) et al. and by (2) Protestants Local Agencies of the North Delta (“LAND”) and
4 Friends of Stone Lakes National Wildlife Refuge together with County of San Joaquin, San Joaquin
5 County Flood Control and Water Conservation District, and Mokelumne River Water and Power
6 Authority, and Protestants Central Delta Water Agency and South Delta Water Agency.

7 Restore the Delta incorporates by reference both motions and all documents and evidence
8 filed in support thereof. For the reasons set forth therein, the motions to stay or continue the hearing
9 should be granted. Furthermore, Restore the Delta submits the following additional arguments in
10 support of staying or continuing the hearing.

11 First, the project lacks financial stability. Both the Central Valley Project Water Contractors'
12 unwillingness to contribute to the cost of the two tunnels as proposed and the lack of confirmed
13 participation by the State Water Project Contractors elucidate the lack of stability in the project's
14 financial plan, which Ms. Barrigan-Parilla addressed on March 29, 2018 during the change petition
15 hearing while under cross-examination by South Delta Water Agency.

16 Second, the impacts of the proposed changes have not been adequately analyzed. While
17 DWR may claim that the circulated “Fact Sheet” presents changes to the project that are intended to
18 reduce impacts on fish and wildlife and injuries to users of water, “the Fact Sheet” and
19 accompanying hand-out do not provide sufficient detail to determine what these changes are and
20 what impacts they will actually have. Additional environmental analysis of the proposed changes is
21 required in order for protestants to provide testimony responsive to the hearing issues.

22 Third, DWR has used its own changes to the petitioned project throughout the hearing
23 process to attack protestants' testimony. For instance, after changing the initial operating criteria to
24 CWF H3+ in the fall of 2017, DWR repeatedly questioned protestant witnesses during cross-
25 examination about their lack of analysis of CWF H3+ in their testimony. The Board should not now
26 allow DWR to unilaterally change its proposed project without adequate notice and then use those
27 project changes to undermine protestants' testimony and evidence, which must rely on the
28 information DWR determines to release.

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Respectfully submitted,



Dated: April 4, 2018

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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 submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

Protestant Restore the Delta Joinder in CSPA et al.'s and LAND et al.'s Motions to Stay or Continue the Hearing

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 March 21, 2018, posted by the State Water Resources Control Board at

https://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 April 4, 2018.

Signature: 

Name: Nina Robertson

Title: Staff Attorney

Party/Affiliation: Protestant, Restore the Delta

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