



State Water Resources Control Board

SEVENTH AMENDED NOTICE OF PUBLIC HEARING AND PROCEDURAL RULING

The State Water Resources Control Board Administrative Hearings Office will hold a Public Hearing on the pending petition for Assignment of State-filed Application 25517 and accompanying water right Application 25517X01 and the Petitions for Release from priority of State-filed Applications 25513, 25514, 25517 (unassigned portion), 22235, 23780, and 23781 in favor of water right Application 25517X01 of

Sites Project Authority.

The Public Hearing will continue on February 3, 6, 7, 10-12, 21, and 24-26 (all starting at 9:00 a.m.), March 4 & 5 (starting at 1 p.m.) and March 10-12 (starting at 9:00 a.m.), 2025, (additional dates to be added as necessary).

The hearing will be held by Zoom teleconference on all days.

Representatives of parties and other people who want to participate in this hearing may access these Zoom teleconferences by using the following link and call-in information:

**Zoom Teleconference (join link: <https://bit.ly/aho-sites-zoom>)
Call-in number: 1-669-900-9128
Meeting ID: 925 6751 4898 (Passcode: 830366)**

Interested members of the public who would like to watch this hearing without participating may do so through the Administrative Hearings Office YouTube channel at: <https://www.youtube.com/@swrcbadministrativehearing728/featured>.

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

PURPOSE OF HEARING

The purpose of this hearing is to receive evidence to be considered in determining whether the State Water Resources Control Board should approve the petition for partial assignment of state-filed Application 25517, accompanying water right Application 25517X01, and petitions for release from priority of state-filed Applications 25513, 25514, 25517 (unassigned portion), 22235, 23780, and 23781 in favor of water right Application 25517X01 filed by the Sites Project Authority (Applicant or Authority), and, if so, what specific terms or conditions should be included in any approvals.

Additional background information about this proceeding and the procedures applicable to this hearing are in the June 5, 2024 Amended Notice of Public Hearing and Pre-Hearing Conference, which is incorporated herein. The procedures and deadlines in the June 5 Amended Notice of Hearing remain in effect, as amended by the Second through Sixth Amended Notices of Public Hearing, unless explicitly revised.

EVIDENCE RELATED TO INCIDENTAL TAKE PERMITS

On October 28, 2024, the Authority submitted to the AHO Incidental Take Permits (ITPs) and associated documents issued by the California Department of Fish and Wildlife for construction and operation of the proposed Sites Reservoir Project.

During the hearing on November 4 and November 7, I discussed with the parties the timing for submission of evidence related to the ITPs. The Protestants request that the Authority be required to submit evidence related to the ITPs first, so that Protestants would have the opportunity to review that evidence before submitting evidence relevant to the ITPs and in rebuttal. Protestants argue that this staggered approach will allow Protestants to review the information submitted by the Authority to understand how the ITPs may constrain operation of the proposed project and to submit more focused evidence in response. On November 5, the Authority submitted a proposed schedule to the AHO that incorporated the Protestants' request for staggered submissions. (2024-11-05 Sites e-mail to AHO.)

The schedule set below is generally consistent with the Authority's proposal, but I have extended the deadline for submission of evidence related to the ITP by the Protestants, and rebuttal evidence for all parties, until January 31, 2025. This schedule allows time for the Protestants to review and respond to the Authority's ITP-related evidence and accounts for the holidays. The Authority will present testimony related to the ITP starting on February 3 and the remaining portion of the hearing will begin on February 21.

I have not definitively characterized the submission of evidence related to the ITP as either case-in-chief or rebuttal evidence because I suspect that this distinction will not affect the scope of the evidentiary record in this proceeding. In other words, it seems likely to me that any evidence offered by the parties related to the ITP will be equally admissible whether characterized as case-in-chief or rebuttal evidence. If the parties seek to object to the admission of certain evidence as outside of the scope of proper

rebuttal evidence, they may do so, and I will consider the objection in context. I am setting this hearing schedule without prejudice to any evidentiary objection that the parties might raise at a later time.

HEARING SCHEDULE AND DEADLINES

Deadlines / Schedule	Date and Time
Deadline for applicant to submit written testimony and any other exhibits related to the ITPs, and updated exhibit identification index.	December 13, 2024.
Deadline for protestants to submit written testimony and any other exhibits related to the ITPs, and for all parties to submit rebuttal exhibits and updated exhibit identification indices.	January 31, 2025.
Hearing for presentation of applicant’s ITP-related testimony.	February 3, 6, 7, and 10-12, 2025, starting at 9:00 a.m.
Hearing for presentation of Protestants’ ITP-related testimony and all parties’ rebuttal testimony.	February 21, 24-26, (starting at 9 a.m.) March 4 & 5 (starting at 1 p.m.), & 10-12 (starting at 9:00 a.m.), 2025.

Date: November 22, 2024



Nicole L. Kuenzi,
 Presiding Hearing Officer
 Administrative Hearings Office

Attachments:

- Service List

ATTACHMENT 1

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