

January 22, 2016

SENT VIA EMAIL (CWFhearing@waterboards.ca.gov and CWF Service List)

Tam Doduc
Felicia Marcus
SWRCB
P.O. Box 2000
Sacramento, CA 95812-2000

RE: CWF Petition - Pre-Hearing Conference Items for Discussion

Dear SWRCB Member Hearing Officers, Counsel and Staff:

SolAgra Corporation ("SolAgra") hereby provides comments and recommendations regarding procedural matters to be addressed at the Pre-Hearing conference beginning on January 28, 2016; as requested in the Pre-Hearing conference Agenda dated January 15, 2016.

SolAgra has reviewed the January 22, 2016 letter submitted to the Pre-Hearing Officers by Osha Meserve of Soluri Meserve. We fully support the comments in that letter and incorporate them by reference into our comments and recommendations contained in this letter.

These Hearings must NOT proceed until the requirements to consider viable alternatives under CEQA, NEPA and the Clean Water Act have been satisfied. The Petitioner has failed to fully analyze viable alternative methods to accomplish these requirements.

SolAgra's proposed alternative was previously submitted to the Petitioner as a superior alternative to the many potential project configurations considered in the BDCP's Draft EIR/EIS and the CWF's DEIR/S and RDEIR/S.

For clarity, *SolAgra renamed its West Delta Intake Plan (WDIP) the "SolAgra Water Solution" ("SWS") to differentiate it from other similarly named alternatives*). The SWS was provided to the Petitioner by a Comment Letter of June 28, 2014. Additional information was provided by SolAgra's letter dated May 25, 2015, and again by our Comment Letter dated October 30, 2015. Text of these letters can be reviewed on the SolAgra website www.solagra.com.

CWF Pre-Hearing

January 25, 2016

Page 2 of 2

As explained in our prior letters, our proposal is designed to better accomplish the tasks for which the BDCP, and the rebranded “California Water Fix”, was designed.

SolAgra Water Solution (“SWS”) – the Least Environmentally Damaging Practicable Alternative (“LEDPA”) to the California Water Fix (“CWF”).

The SolAgra Water Solution (“SWS”) is a viable alternative that is superior to the CWF. It must therefore be considered under not only the NEPA and CEQA, but also the Clean Water Act – which all require that practicable alternatives be investigated and fairly evaluated.

The SWS is a practicable alternative that would have a less adverse effect on the aquatic ecosystem than the currently preferred Alternative 4A. (40 C.F.R. § 230.10(a).)

The SolAgra Water Solution must be considered for purposes of determining the Least Environmentally Damaging Practicable Alternative (“LEDPA”). (See 33 U.S.C. § 1344(b)(1).)

The CWF permit request to divert additional Sacramento River water at Clarksburg, must be rejected because it is NOT the Least Environmentally Damaging Practicable Alternative (LEDPA).

The CWF Hearings must not proceed until the SWS is fully and fairly evaluated.

At the April Hearings, SolAgra will raise the above issues and provide more detailed information on the SWS – similar to the information provided to the Petitioner. We will also provide critical evaluation of the efficacy and especially the construction safety issues associated with the Petitioner’s previously published Conceptual Engineering Report.

We respectfully request that the above issues and the issues raised in the Soluri-Meserve letter be fully addressed prior to proceeding with this process.

Very truly yours,



Barry Sgarrella

Chief Executive Officer

O: 415-892-6149

C: 415-720-5060

www.SolAgra.com