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Via-E-mail Only

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

The Honorable Tam Doduc
Co-Hearing Officer
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

*Re: Opposition to DWR's Objections to NRDC's Request to Admit as Evidence NRDC-100
and NRDC-102*

Dear Hearing Officers:

The SDWA Parties support NRDC's efforts to cross-examine DWR witnesses regarding the reliability and truthfulness of DWR's testimony. Although these quasi-judicial hearings are conducted with professionalism and respect, the credibility and veracity of the witnesses is still at issue.

NRDC is attempting to show that a number of documents in the public domain existed and were known to DWR at the time DWR witness Gwen Bucholz submitted her testimony. These publicly available documents, at a minimum, suggest that certain statements made by Ms. Bucholz in her testimony were not accurate. This potential inaccuracy suggests that DWR's continued assertions regarding the specifics of the project are misleading, if not false.

It is necessary for due process that parties be allowed to challenge the accuracy and truthfulness of witness statements especially in this case where millions of dollars are being expended by parties to these hearings while it appears that DWR is seeking permit changes for a project it has already decided not to pursue.

Re: Letter to Hearing Team re *Opposition to DWR's Objections to NRDC's Request to Admit as Evidence NRDC-100 and NRDC-102*

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Recent rulings by the Hearing Officers have prematurely concluded that DWR has not decided to fundamentally alter the project described in its petition. Such rulings unfairly prevent the parties from challenging DWR's positions. All parties, especially NRDC, should be able to cross-examine any and all DWR witnesses in order to test the veracity and truthfulness of DWR's assertions and positions.

Very Truly Yours,

MOHAN, HARRIS, RUIZ,
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S. DEAN RUIZ, ESQ

SDR/bs

cc: Service List