

1 DOWNEY BRAND LLP
2 KEVIN M. O'BRIEN (Bar No. 122713)
3 MEREDITH E. NIKKEL (Bar No. 254818)
4 621 Capitol Mall, 18th Floor
5 Sacramento, CA 95814-4731
6 Telephone: 916.444.1000
7 Facsimile: 916.444.2100
8 kobrien@downeybrand.com
9 mnikkel@downeybrand.com

10 Attorneys for North Delta Water Agency

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12 BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

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14 In the matter of 2016 SWRCB Hearing re
15 CalWaterFix Petition for Change

**POLICY STATEMENT, NORTH DELTA
WATER AGENCY**

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1 During Part 1 of this hearing, Petitioners claimed that the history of the Department of
2 Water Resources' (DWR) compliance with its 1981 contract with the North Delta Water Agency
3 is to be construed as evidence that DWR will continue to comply with the contract under the
4 proposed WaterFix project. However, testimony by North Delta Water Agency experts pointed
5 out that Petitioners' own modeling presented during Part 1 shows that operation of the project
6 would result in an additional 20 exceedances of the contract's water quality criteria. Now, during
7 Part 2, Petitioners offer new modeling that removes south Delta export restrictions in October and
8 November, resulting in significant increases in salinity at Emmaton during those months.

9 Unfortunately, Petitioners refuse to fully disclose the new modeling results and instead
10 hide the results behind shaded out bar charts that focus only on the April through August time
11 period. What Petitioners do not reveal is that the new modeling results show salinity increases by
12 7% in October and 9% in November at the North Delta contract compliance point at Three Mile
13 Slough. These significant increases are compared to 17% and 19% *reductions* in salinity during
14 these months under the old modeling. The Agency's experts estimate that these significant
15 increases in salinity will result in over 200 *additional* violations of the Contract water quality
16 criteria.

17 To present such new and crucial evidence during a phase of the hearing concerning
18 environmental effects and public interest issues defies logic, fairness and due process.
19 Petitioners' bait and switch is compounded by the fact that protestants are precluded from asking
20 most of Petitioners' Part 1 witnesses whether the new modeling changes any of their opinions
21 because they are not offered as witnesses in Part 2. For example, DWR's lead water quality and
22 water level modeling witness Dr. Parviz Nader-Tehrani has only submitted a sworn written
23 declaration for Part 2 and is not on any of DWR's witness panels for direct or cross-examination.
24 DWR's lead water right witness Maureen Sergent, who during Part 1 offered unsubstantiated
25 conclusions in her testimony on the effects of the project on the North Delta contract, has no
26 apparent role to play in Part 2. How will water users in North Delta or the State Water Resources
27 Control Board members know whether the changes to the project and the new modeling alter any
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of Ms. Sergent’s prior testimony?

Petitioners’ lack of transparency and the ever-evolving project description for the California WaterFix has resulted in stakeholders spending millions of hours navigating their way through thousands of pages and multiple modeling versions. And for what? After more than ten years since inception of this project, there is no defined enforceable operations plan and Petitioners refuse to acknowledge or disclose the full extent and nature of the impacts of WaterFix. In the remaining phases of the hearing, the Board must demand specificity from Petitioners and carefully scrutinize the vague, generalized and unquantified testimony that Petitioners have submitted so far.