



Deirdre Des Jardins
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February 20, 2018

VIA electronic mail

Nicole L. Kuenzi, Senior Staff Attorney
Nicole.Kuenzi@waterboards.ca.gov

Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Followup re: Public Records Act requests

Dear Nicole,

Thank you for your call regarding California Water Research's Public Records Act requests of January 28, 2018. I appreciate your efforts to review the emails and will look forward to their being produced. I also understand that there *are* some records relating to the contract executed under Water Code 85086(d) and will look forward to that production.

To make it clear that California Water Research has standing regarding the issues raised in the previous letter regarding disclosure of records relating to a WaterFix Subsequent or Supplemental EIR, I hereby make my own Public Records Act request for the following:

1. All communications between DWR and the SWRCB, during the period of September 1, 2017 to the present, referencing or relating to preparation of a WaterFix Subsequent or Supplemental EIR.

This would be a subset of the records requested under the PRA by Sacramento County et. al., which were referred to in California Water Research's letter earlier today. Sacramento County et. al. requested the following under request #6:

All communications between SWRCB and DWR, during the period of January 1, 2016, to the present, referencing or relating to (1) a single tunnel alternative for the WaterFix

Project, or (2) separation of the two tunnels (and related facilities, such as intakes) proposed in the WaterFix Project into two distinct phases of construction and/or operation.

To the extent there are disclosable records, I request that they be produced for the Waterfix ftp site.

Please consider this modified request to the Office of Chief Counsel (made in my letter earlier today):

1. Has the Office of Chief Counsel had any Ex Parte communications with the Department of Water Resources relating to preparation of a Subsequent or Supplemental EIR for the WaterFix?
2. If so, will the Office of Chief Counsel disclose the Ex Parte communications in response to California Water Research's PRA request #1, above, or in response to the January 23, 2018 request by Sacramento County et. al.?

California Water Research looks forward to the Office of Chief Counsel's response to this request.

If the Board denies request #1, above, or any portion thereof, please advise me in writing of the basis for the denial, and in conformance with Government Code section 6253, subdivision (d), the name and title of the person making the denial.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Des Jardins', with a stylized flourish at the end.

Deirdre Des Jardins
Principal, California Water Research

Cc: WaterFix hearing parties

**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):

Letter Followup Re: Public Records Act Requests

to be served by Electronic Mail (email) upon the parties listed in the Current Service List for the California Water Fix Petition Hearing, dated January 24, 2018, posted by the State Water Resources Control Board at http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml

Note: In the event that any emails to any parties on the Current Service List are undeliverable, you must attempt to effectuate service using another method of service, if necessary, and submit another statement of service that describes any changes to the date and method of service for those parties.

I certify that the foregoing is true and correct and that this document was executed on February 20, 2018.



Deirdre Des Jardins
California Water Research

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