



**SOMACH SIMMONS & DUNN**

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October 17, 2018

Via Electronic Mail

Hearing Chair Tam Doduc  
Co-Hearing Chair Felicia Marcus  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814  
[CWFhearing@waterboards.ca.gov](mailto:CWFhearing@waterboards.ca.gov)

Re: Renewed Request to Defer Setting of Briefing Schedule

Dear Hearing Officers Doduc and Marcus:

Last week's headline news from the *Los Angeles Times* that leading gubernatorial candidate Gavin Newsom does not intend to support the California WaterFix as proposed by petitioners further supports requests made by numerous protestants that the Hearing Officers defer setting any briefing schedule on the Petition for Change (Change Petition) until after the Final Environmental Impact Report/Environmental Impact Study is certified. (See <http://www.latimes.com/politics/la-pol-sac-skelton-john-cox-gavin-newsom-california-governor-debate-20181011-story.html> in which Mr. Newsom stated his preference for a "single tunnel." " 'Mark my word,' Newsom said, 'If I'm [elected], this is going to be on my front burner from Day 1. I'm going to come in with a fresh set of ideas on both projects.' ")

With Mr. Newsom's statement, both the Democratic and Republican gubernatorial candidates have now stated their opposition to a twin tunnels project. As such, it appears inevitable that there will need to be a Part 3 to this hearing, or an entirely new hearing based on a revised petition, to address what now appear certain to be significant changes to the project as compared to the pending Change Petition. To order briefing on the record currently before the State Water Resources Control Board (State Water Board) is likely to result in an enormous waste of public resources, including those of protestants and the State Water Board.

Hearing Chair Tam Doduc/Co-Hearing Chair Felicia Marcus  
Re: Request Regarding Setting of Briefing Schedule  
October 17, 2018  
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Based upon the foregoing, Sacramento County and Sacramento County Water Agency respectfully reiterate their October 2, 2018 request that no briefing schedule be set at this time.

Sincerely,  
SOMACH SIMMONS & DUNN



Kelley M. Taber  
Counsel to Protestants County of Sacramento and  
Sacramento County Water Agency

cc: CWF Service List (*Via Electronic Mail*)

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**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):

**County of Sacramento and Sacramento County Water Agency's  
Renewed Request to Defer Setting of Briefing Schedule, dated October 17, 2018**

to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the Current Service List for the California WaterFix Petition hearing, dated September 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](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml):

I certify that the foregoing is true and correct and that this document was executed on October 17, 2018.

Signature:   
Name: Michelle Bracha  
Title: Legal Secretary  
Party/Affiliation: County of Sacramento/Sacramento County Water Agency  
Address: 500 Capitol Mall, Suite 1000  
Sacramento, CA 95814