
State Water Resources Control Board

April 21, 2017

VIA ELECTRONIC MAIL

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CALIFORNIA WATERFIX HEARING – RESPONSE TO PETITIONERS’ REQUEST FOR ADDITIONAL PRESENTATION TIME AND CONFIRMATION OF PANEL SCHEDULE

By letter dated April 13, 2017, the Department of Water Resources and the U.S. Department of Interior (collectively petitioners) requested additional time for the presentation of their witnesses’ rebuttal testimony in Part 1 of the water right change petition hearing for the California WaterFix Project. We have established a time limit of 15 minutes for each witness to summarize his or her rebuttal testimony. Petitioners have requested additional time for 12 of their witnesses. The amount of time requested ranges from 20 to 90 minutes. Petitioners also proposed a schedule for the appearance of their witnesses, and requested that their witnesses not be called any earlier than the specified dates.

In the interests of efficiency and fairness to the other parties, these requests are denied. As a general rule, all of the parties’ witnesses should be able to give a brief overview of their rebuttal testimony in 15 minutes or less. Since we have already read the written, rebuttal testimony that has been submitted in advance of the hearing, and presumably the other parties have as well, it would be unnecessary and a waste of time for rebuttal witnesses to provide lengthy and detailed oral presentations. We recognize that a few of petitioners’ witnesses may have difficulty summarizing their rebuttal in 15 minutes, given the length and complexity of their written testimony. On the other hand, other witnesses for petitioners should be able to summarize their testimony in much less than 15 minutes. In order to afford flexibility without undue delay, we will allow petitioners to decide how much time to allocate to each witness, provided that the total amount of time taken is the same. We will allow the other parties with more than one rebuttal witness the same flexibility. The total amount of time allowed for all 17 of petitioners’ witnesses to summarize their rebuttal testimony is four hours and 15 minutes.

We appreciate petitioners’ desire for more scheduling certainty in light of their witnesses’ other responsibilities and need to make travel arrangements. Petitioners’ proposed schedule, however, could delay the hearing schedule in the event that cross-examination of a witness panel or individual witness is completed more quickly than estimated, creating a time lag before the next panel or witness is scheduled to appear. If we were to afford the same scheduling certainty to the other parties, the cumulative delay to the hearing schedule could be significant. For this reason, petitioners’ request for confirmation of a set schedule for the appearance of their witnesses is denied, but we remain willing to accommodate some changes to the order of appearance of petitioners’ witnesses, or the other parties’ witnesses, provided that any changes do not delay the hearing schedule and the other parties are notified in advance. Any changes to the order of appearance of parties or their witnesses are subject to our approval.

If you have any non-controversial, procedural questions about this ruling or other matters related to the California WaterFix Hearing, please contact the hearing team at CWFhearing@waterboards.ca.gov or (916) 319-0960.

Sincerely,

ORIGINAL SIGNED BY:

Felicia Marcus, State Water Board Chair
WaterFix Project Co-Hearing Officer

ORIGINAL SIGNED BY:

Tam M. Doduc, State Water Board Member
WaterFix Project Co-Hearing Officer