



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Water Rights
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Gray Davis
Governor

JAN 25 2000

To: Bay-Delta Service List

SCHEDULING FOR PHASE 8 OF THE BAY-DELTA WATER RIGHT HEARING

The purpose of this letter is to provide parties with information regarding Phase 8 of the Bay-Delta Water Rights Hearing. Phase 8 will address the responsibilities of water right holders in the Sacramento Basin for meeting the flow-dependent objectives in the 1995 Bay-Delta Water Quality Control Plan. The State Water Resources Control Board (SWRCB) held a scoping workshop on the Bay-Delta hearing process, including Phase 8 issues, on April 21, 1998. The May 6, 1998 Revised Notice of Public Hearing describes the Phase 8 issues (www.waterrights.ca.gov/baydelta/html/6may98ntc.htm). The SWRCB has stated that it will file a new Notice of Determination after it reaches a decision on Phase 8 issues. The SWRCB will prepare a supplemental environmental document if the existing document does not adequately analyze the impacts of any order or decision being considered by the SWRCB after Phase 8.

The SWRCB has received requests that it schedule a hearing prior to the commencement of Phase 8 to consider agreements among the parties. The SWRCB continues to urge parties to negotiate with each other on Bay-Delta Plan implementation. The SWRCB will consider holding a special phase of the hearing to receive evidence on agreements on the first hearing dates listed below, provided that the agreements are fully executed and received by the SWRCB by 5 PM on **February 14, 2000**. Any agreements made after February 14 will be considered in Phase 8. Specific arrangements for their early consideration will be made as soon as is practical.

The SWRCB also has received a request to broaden the scope of Phase 8 to include other water rights (e.g. riparian and pre-1914). That option would require renoticing the entire proceeding and preparing a new EIR, and would be contrary to the incremental approach to which the SWRCB has committed. Therefore, such an expansion will not be pursued at this time.

The SWRCB has set aside the following dates for Phase 8 of the Bay-Delta Water Rights Hearing:

- March 27 and 28, 2000 (Monday/Tuesday)
- April 11, 12, 13, 2000 (Tuesday/Wednesday/Thursday)
- April 24 and 25, 2000 (Monday/Tuesday)
- May 8 and 9, 2000 (Monday/Tuesday)
- May 15 and 16, 2000 (Monday/Tuesday)
- May 23, 24, 25, 2000 (Tuesday/Wednesday/Thursday)
- June 6, 7, 8, 2000 (Tuesday/Wednesday/Thursday)

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June 12 and 13, 2000 (Monday/Tuesday)

June 19 and 20, 2000 (Monday/Tuesday)

June 27 and 28, 2000 (Tuesday/Wednesday)

It is possible that some of these dates may not be used, and it is likely that further dates will be needed after July 1. However, the SWRCB wishes, by this letter, to give all the parties as much notice as possible as to its intended procedure and schedule.

The SWRCB will issue a hearing notice in mid to late February after determining whether to hold a special phase to consider settlement agreements. If you have questions, please contact Barbara Leidigh, Senior Staff Counsel, at (916) 657-2102 or Nick Wilcox, Chief of the Bay-Delta Unit, at (916) 657-0446.

Sincerely,

A handwritten signature in cursive script that reads "Walt Pettit". The signature is written in black ink and is positioned above the printed name and title.

Walt Pettit
Executive Director