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January 7, 2020

Via email: [eleal@usbr.gov](mailto:eleal@usbr.gov)

Emma Leal  
Bureau of Reclamation, South Central California Area Office  
1243 N Street  
Fresno, CA 93721

**Subject: WIIN Act Draft Prepayment Contract Between the United States and Westlands Water District, Irrigation and M&I Contract No. 14-06-200-495A-XXX: Public Process and Inclusion Letter**

Dear Ms. Leal:

Restore the Delta submitted comments regarding the above-referenced draft Prepayment Contract (draft contract) recently negotiated between the United States and Westlands Water District (WWD) on January 6, 2020. Our letter further incorporates by reference a letter that will be submitted to you by the Planning and Conservation League, dated January 8, 2020, under the signatures of seventeen California environmental water organizations, and to which we are also signatory, as well as a letter that will be submitted to you by Sierra Club California on January 7, 2020, of which we will also be a signatory.

The fourth letter we are submitting today, January 7, 2020, is in regard to the manner in which the public process for the Westlands' contract negotiation was handled with the public.

Enclosed, please find a table that lists the constituencies that were excluded from the negotiations for the Westland's draft Prepayment Contract. Bureau policy calls for encouraging public participation in planning, contract, and project processes. Repeatedly, Westlands Water District has operated in a manner that appears to be hiding the subject of the negotiations for the above-referenced draft Prepayment Contract. Limited amounts of time and inadequate meeting notices create conditions that preclude the public's attendance and involvement in contract negotiations.

For instance, Westlands only provided 32 business hours of notice for their second contract negotiation right after Thanksgiving. Water contractors were given call-in phone numbers to participate, but these numbers were not provided to the public. Travel from throughout the state to the meeting was not possible because a large number of the major routes were closed. Members of the public from Los Angeles could not attend because the Grapevine was closed. Interstate 80 was closed. And significant portions of Interstate from the Shasta and Trinity area were also closed, making Northern California Tribal participation impossible.

Even more disturbing, the notice provided for the meeting does not mention Westlands' draft Prepayment Contract. It appears that the subject of the meeting was hidden from the public, whether by intention or oversight.

Thank you for the opportunity to comment on this additional important matter. If you have questions, please feel free to email us, as indicated below.

Sincerely,



Barbara Barrigan-Parrilla  
Executive Director  
[barbara@restorethedelta.org](mailto:barbara@restorethedelta.org)



Tim Stroshane  
Policy Analyst  
[tim@restorethedelta.org](mailto:tim@restorethedelta.org)

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Legal Notice: Fresno Bee.pdf

Cc: Senator Dianne Feinstein  
Senator Kamala Harris  
Hon. Representative Jared Huffman  
Hon. Representative T.J. Cox  
Hon. Representative Josh Harder  
Hon. Representative Jim Costa  
Michelle Ghafar, EarthJustice  
Nina Robertson, EarthJustice  
Thomas H. Keeling, The Freeman Firm  
Kelley Taber, Somach & Simmons  
S. Dean Ruiz, South Delta Water Agency  
John Herrick, South Delta Water Agency  
Dante Nomellini, Central Delta Water Agency  
Osha Meserve, Soluri Meserve LLC  
Roger Moore, Law Office of Roger B. Moore  
Jonas Minton, Planning & Conservation League

*Letter regarding Westlands Prepay Contract to Bureau of Rec, 1.7.20*

Bob Wright, Sierra Club  
California Bill Jennings, California Sportfishing Protection Alliance  
Carolee Krieger, California Water Impact Network  
Michael B. Jackson, California Water Impact Network  
Barbara Vlamis, AquAlliance  
Regina Chichizola, Save California Salmon  
Tom Stokely, Save California Salmon  
Patricia Schifferle, Pacific Advocates  
Kathryn Phillips, Sierra Club California  
Adam Keats, Center for Food Safety  
Doug Obegi, NRDC  
Kate Poole, NRDC  
Jon Rosenfield, San Francisco Baykeeper  
Gary Bobker, The Bay Institute  
Noah Oppenheim, PCFFA  
John McManus, Golden State Salmon

## Comments

### Bureau of Reclamation and Westlands Water District Water Service Repayment Contract Participation Status Negotiation Process Structured to Encourage Exclusivity for Those Who Receive Project Water and Exclusion for Those Who Provide it January 2020

Water Interests, State of California, from Area of Origin, through Local Watersheds to the San Francisco Bay Delta, to the San Joaquin Valley and then to Southern California	Status of Participation in Preparation of Pending Westlands Water District Permanent Water Service Contract
Area of Origin, Native American Interests (Yurok, Hoopa and	<b>Excluded</b>
Area of Origin, Local Government, Humboldt and Trinity Counties	<b>Excluded</b>
Area of Origin, Business and Commercial Interests (motel owners, recreation users, commercial fishing, sport fishing, restaurants, guides, gas stations, tackle shops, etc.	<b>Excluded</b>
American River Watershed Interests	<b>Excluded</b>
Sacramento River Watershed Interests	<b>Excluded</b>
Delta Farming Interests	<b>Excluded</b>
Delta Recreational Interests	<b>Excluded</b>
Delta Water Utilities Dependent on State Water Quality Being Met, Sustained	<b>Excluded</b>
Delta Municipal Water Agencies	<b>Excluded</b>
San Francisco Bay Water Quality Interests	<b>Excluded</b>
San Francisco Bay Fishing Interests	<b>Excluded</b>
San Francisco Bay Recreational Interests	<b>Excluded</b>
Power Interests	<b>Excluded</b>
Non-San Luis Unit (Westlands) Federal Water Service Contractors	<b>Excluded</b>

Delta and South of the Delta (San Joaquin Valley) Irrigation Districts, Agencies and Contractors	<b>Excluded</b>
San Joaquin Valley Municipal waer interests in the San Joaquin Valley (incorporated and non-incorporated)	<b>Excluded</b>
San Joaquin Valley, Economically Disadvantaged	<b>Excluded</b>
Southern California Municipal Water Contractors (State Water Contractors, including MWD and its Member Agencies)	<b>Excluded</b>
Ratepayer Interests (California)	<b>Excluded</b>
Taxpayer Interests (Federal and State)	<b>Excluded</b>

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05 Per Page

Go Back Page 1 of 1

Notice Type : **Public Notice**

Posting Date : 9/23/2019

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#4388520 Reclamation Announces Public Negotiations with Central Valley Project Contractors - Convert Water Service and Existing Repayment Contracts for Prepayment of Construction Costs FRESNO, Calif. - The Bureau of Reclamation, as authorized and directed by the Water Infrastructure Improvements for the Nation Act, Public Law No: 114-322 (WIIN Act), announces public negotiation sessions with CVP contractors for the conversion of water service and existing repayment contracts for prepayment of construction costs. The date and time of negotiations are as follows: Sept. 26, 2019 at 1 p.m., South-Central California Area Office 1243 "N" Street Fresno, CA 93721. WIIN Act information is available at [usbr.gov/mp/wiin-act/](http://usbr.gov/mp/wiin-act/). For additional information contact Erma Leal at 559-262-0350 (TTY 800-877-8339).



01 Per Page

Go Back Page 1 of 1

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