From:	Giorgi, Erika@DeltaCouncil
To:	Alexis Krieg; Barbara Daly; Bee Speer; Bogdan, Kenneth M.@DWR; Constable, Daniel@DeltaCouncil; CWF_DP_Consistency@DWR; Dante J. Nomellini Jr.; Dean Ruiz; Delta Council WaterFix Cert; Delta Protection Commission; E. Robert Wright; Vink, Erik@DPC; Giorgi, Erika@DeltaCouncil; Jamey Volker; John Herrick; Kelley M. Taber; Mae Ryan Empleo; Marquez, Katherine@DWR; Michael B. Jackson; Michael Brodsky; Michelle Bracha; Michelle E. Chester; Nicolas Sweeney; Osha Meserve; Stephan C. Volker; Stephanie Clark; Stephen M. Siptroth; Teddy Ann Fuss; Thomas Keeling; Thomas L. Geiger; Toni Robancho; Uoxina Santos-Aguirre; William C. Burke
Subject:	California WaterFix C20185
Date:	Thursday, December 13, 2018 11:48:42 AM

Sending on behalf of Executive Officer Jessica Pearson:

Dear Appellants:

Thank you for your recent emails and letters regarding the Department's withdrawal of its certification of consistency for the California WaterFix Project and my subsequent decision to dismiss the appeals of that certification.

State and local agencies are not barred from withdrawing their certifications of consistency. The Council has - or I, as its Executive Officer, have - authority to dismiss an appeal of a certification of consistency that is no longer pending before us.

While the papers submitted by the Department and the Appellants disagree as to certain interpretive issues, the Council will be able to address those issues if and when they arise within the context of any appeals to a future certification of consistency. The Delta Reform Act and the Appeals Procedures establish a process by which an appellant may challenge whether a certification of consistency for a specific project demonstrates consistency with applicable Delta Plan regulations; they do not authorize the Council to issue an advisory opinion to an appellant.

You have expressed certain concerns about the early consultation process. The Delta Reform Act and the Appeals Procedures both provide for this process. Should the Department wish to re-engage in this process for the California WaterFix, the Council will conduct itself in accordance with these authorities and with the laws generally applicable to state agencies, and it expects that the Department will do the same.

In light of the above, I affirm my December 7, 2018 decision to dismiss the appeals and to lift the ban on ex parte communications regarding the California WaterFix.

Kind regards,

Jessica Pearson

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