

October 29, 2019

Ernest A. Conant  
Mid-Pacific Regional Director  
2800 Cottage Way  
Sacramento, CA 95825

Via Email and Regular Mail

Re: Westlands WD Conversion Contract for 1.15 MAF Exhibits under the WIIN Act § 4011.

Dear Mr. Conant,

On October 24, 2019, the Bureau of Reclamation (BuRec) publicly noticed a permanent contract between BuRec, and the Westlands Water District (Westlands).

A 60 day public comment period was initiated and days are presently counting down.

There are two significant problems.

First, according to published BuRec rules, water contracts are required to be negotiated pursuant to an open, public process in accordance with Reclamation law and regulation. The pending water contract between BuRec and Westlands was required to be negotiated pursuant to such a process. Westlands could not provide any documentation of public notice for the negotiations. Please provide all documents related to the public negotiation process, including, but not limited to:

- 1) Copies of the Federal Register notice(s) for each meeting.
- 2) Copies of all press announcement(s) for each meeting.
- 3) Copies of all draft contracts and complete set of documents related thereto.
- 4) Copies of all correspondence (regardless of the method – letter, email, report, facebook, instant message, etc.) between WWD and the US Department of the Interior, including but not limited to (a) the Office of the Secretary and Deputy Secretary; (b) the office of the Solicitor; and/or (c) the

Bureau of Reclamation in Fresno, Sacramento, Denver, Washington, DC and other offices as appropriate.

- 5) Copies of all legal, financial, hydrological and programmatic analyses provided by either party or commented upon by same.
- 6) A copy of the legal sufficiency determination – a legal statement by DOI/SOL/BuRec that the proposed contract is consistent with the San Luis Act of June, 1960.

Second, according to the BurRec notice, a comment period was initiated.

A complete set of contract documents, as approved and supporting materials are not available. We contacted Westlands to provide a complete set of contracting documents including the listed exhibits, A-D. According to Westlands, they assert that they do not have a complete set of contract documents. And specifically they do not have the referenced exhibits A-D. BuRec has not posted or otherwise made available the same documents. No water interest can prepare or submit meaningful comments without a full and complete set of documents.

In light of these circumstances, we request the following:

- (1) Public notice of the 60 day comment period be withdrawn.
- (2) The Comment period, initiated by the notice, be halted.
- (3) BuRec and WWD now release:
  - A. All supporting documents related to the water services contract
  - B. All justification documents, including legal analyses
  - C. All correspondence between WWD and/or their agents or representatives
- (4) We attempted to obtain these documents, but were referred to a lengthy Freedom of Information Process which would effectively preclude public comment and participation.
- (5) If Reclamation included any provisions in this proposed contract that are atypical, unusual or in conflict with established Reclamation policy, please identify such provisions and provide details explanations and all legal analyses.
- (6) If the public process for participation and observation of the contract negotiations was waived, please provide a justification for nullifying the public contract requirements.

We look forward to your prompt response. Under the current public clock comments are due December 24, 2019. These documents are essential to understanding how and if BuRec will enforce the Congressional directives to avoid land speculation and prevent water monopoly.

If you have any questions please contact either Kathryn Phillips Director of Sierra Club California at (916) 557-1100 or Jonas Minton at (916) 626-9148



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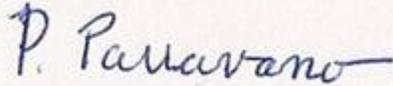
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