

**Additional Questions**  
**Mokelumne River, Implementation EIR & Due Process Issues**  
**Scheduled for Oral Argument on Thursday & Friday, November 14 & 15, 2002**

*State Water Resources Control Board Cases, No. JC 4118*

November 11, 2002

1. State Opposition Brief at p. 127: Since the SWR and Bureau of Reclamation are permittees, why can't the Board impose mitigation requirements that extend to the operation of reservoirs?
2. Does the EIR's analysis of salinity levels at Vernalis include any consideration of changes in lands receiving water under the JPOD? If not, why not?
3. Mokelumne River Agreement: EBMUD and the SWRCB argue that section 1702 is not applicable since the agreement does not involve a change of use. However, in other parts of this proceeding, the Bureau's permits have been changed to allow the "fish and wildlife enhancement" beneficial use of the water further downstream on the San Joaquin River. Why isn't this the case on the Mokelumne River? If the place of use under EBMUD's permits is not changed to include downstream locations, will the releases under the agreement create unappropriated water?