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Subject: Passalacqua-Hoy CDO and ACL Settlement - Opportunity to Comment
Date: Wednesday, March 15, 2017 5:08:21 PM
Attachments: [Passalacqua Hoy Settlement Agreement.pdf](#)

Ladies and Gentlemen:

The Division of Water Rights Prosecution Team, Mike S. Passalacqua, and Peder Hoy signed a Settlement Agreement (attached) in the above-referenced matter and have submitted it to the State Water Board Executive Director for approval.

The first page of "Information Concerning Appearance at a Water Right Hearing" in the August 2, 2016 [Notice of Public Hearing](#) contains the following provision:

SETTLEMENTS: In water right enforcement hearings, a State Water Board staff member or team prosecutes an alleged violation. In such enforcement cases, the prosecution and a party who is the subject of the proposed enforcement action may at their discretion engage in private settlement discussions, or may include any other persons in those discussions.

Although other persons may be authorized to participate in the hearing as parties, such a designation does not constitute a ruling that those persons must be allowed to engage in any settlement discussions between the prosecution and the party against whom the agency action is directed. The consent of other parties is not required before the State Water Board, or the Executive Director under State Water Board [Resolution No. 2012-0061](#), can approve a proposed settlement agreement between the prosecution and a party subject to a proposed enforcement action. However, all parties will be given the opportunity to comment on any settlement submitted to the State Water Board or the Executive Director for approval.

Accordingly, the parties to the hearing listed on the September 8, 2016 [Service List of Participants to Exchange Information](#) may submit comments on the Settlement Agreement to the address below **no later than NOON, Thursday, March 23, 2017** with the subject "Settlement Agreement: Passalacqua-Hoy draft CDO and ACL Hearing." These comments will be considered by the Executive Director. Parties will be notified if the Executive Director signs the Settlement Agreement.

Division of Water Rights
State Water Resources Control Board
Attention: Jane Farwell-Jensen
P.O. Box 2000, Sacramento, CA 95812-2000 (by mail)
Joe Serna, Jr. -Cal/EPA Building
1001 I Street, 2nd Floor, Sacramento, CA 95814 (by hand delivery)
Fax: (916) 341-5400
Email: wrhearing@waterboards.ca.gov

With Subject of "Settlement Agreement: Passalacqua-Hoy draft CDO and ACL Hearing."

Questions regarding non-controversial procedural matters (Gov. Code, § 11430.20, subd. (b)) should be directed to Senior Staff Counsel Nicole Kuenzi at (916) (916) 322-4142, or by email to Nicole.Kuenzi@waterboards.ca.gov, or Environmental Scientist, Jane Farwell-

Jensen at (916) 341-5349, or by email to Jane.Farwell-Jensen@waterboards.ca.gov.

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State Water Resources Control Board
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