



February 25, 2016

CWFhearing@waterboards.ca.gov via Email

Hearing Chair Tam Doduc
Hearing Officer Felicia Marcus
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: UPDATE ON ENDANGERED SPECIES ACT/CALIFORNIA ENDANGERED SPECIES ACT (ESA/CESA) AND CALIFORNIA ENVIRONMENTAL QUALITY ACT/NATIONAL ENVIRONMENTAL POLICY ACT (CEQA/NEPA) SCHEDULES FOR CALIFORNIA WATERFIX PROJECT

Dear Hearing Chair Doduc and Hearing Officer Marcus:

The California Department of Water Resources (DWR) and U.S. Bureau of Reclamation (Reclamation) (jointly Petitioners) provide this submittal regarding the California WaterFix Project.

On February 11, 2016, the State Water Resources Control Board (Board) issued a ruling which included a directive to the petitioners "to consult with the fisheries agencies and provide [an update on the schedule for ESA and CESA compliance] within two weeks from the date of this letter, along with a written update for the CEQA/NEPA schedule provided during the pre-hearing conference." The following is in response to this directive.

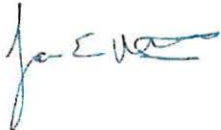
ESA Compliance: The Petitioners continue to coordinate with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (jointly the Services) under Section 7 of the ESA through informal consultation. Once a biological assessment (BA) is completed and submitted by Reclamation with a request for formal consultation (targeted for May 2016), after completion of a sufficiency review, the Services will begin formal consultation. The consultation will include a peer review process through the Delta Science Program, and will conclude with a biological opinion (BiOp). The Services have targeted early September 2016 for issuance of the final BiOp for the California WaterFix Project. Assumptions for this target date include that the current working draft of the BA is sufficient for the purposes of formal consultation; the peer review process does not result in significant changes to the information

supporting the consultation process; and the project as described in the current working draft of the BA avoids jeopardy to listed species and/or adverse modification of critical habitat.

CEQA Compliance: DWR continues to coordinate with the California Department of Fish and Wildlife (DFW) in preparation of the application for an Incidental Take Permit pursuant to Section 2081(b) of CESA (2081(b) permit). DWR expects to submit the application for the 2081(b) permit by May 2016. DFW has targeted early October 2016 for a decision on issuance of the 2081(b) permit. Assumptions for this target date include that the Biological Opinion for the California WaterFix Project is issued in early September 2016 and the schedule for DWR's completion of the CEQA process and issuance of the Notice of Determination (NOD) remains unchanged from that described below.

CEQA/NEPA Schedule: In July 2015, the Petitioners issued the Bay Delta Conservation Plan (BDCP)/California WaterFix Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS). The BDCP Draft EIR/EIS was issued December 2013. The Petitioners expect to complete preparation of a Final EIR/EIS by June 2016 and Reclamation would issue the Record of Decision (ROD) to complete the NEPA process (expected by late September 2016), after receipt of the Biological Opinion. DWR expects to certify the EIR and make a decision on the project and file an NOD completing the CEQA process by late September 2016.

Sincerely,



Tripp Mizell
Senior Attorney
Office of the Chief Counsel
CA Department of Water Resources



Amy L. Aufdemberge
Assistant Regional Solicitor
Office of the Regional Solicitor
U.S. Department of the Interior

cc: *Electronic Service*

Tom Howard, Executive Officer, State Water Resources Control Board
Michael Lauffer, Chief Counsel, State Water Resources Control Board
Electronic service list, February 24, 2016.

Personal Service via U.S. Postal Service

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