

August 3, 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 update as part of our ongoing participation as petitioners in the California WaterFix change in point of diversion hearing process.

ESA Compliance: on August 2, 2016, the Petitioners submitted a biological assessment with a request for formal consultation to the U.S. Fish and Wildlife Service and National Marine Fisheries Service (jointly the Services) under Section 7 of the ESA. The biological assessment is available at: http://cms.capitoltechsolutions.com/ClientData/CaliforniaWaterFix/uploads/FIX_Revised_Draft_BioAssessment_8216.pdf. We expect that after the Services provide confirmation regarding the sufficiency of the biological assessment in meeting the requirements of Section 7, they will begin formal consultation. Formal consultation will include a peer review process for aquatic species through the Delta Science Program, and will conclude with the Services' issuance of a biological opinion (BiOp). DWR and Reclamation expect that the Services will have completed a BiOp by end of 2016 for the California WaterFix Project.

Petitioners note that there are very few differences between the "working draft" biological assessment made available to the public on January 15, 2016 and the version formally submitted to the Services yesterday, mainly that no new modeling was performed related to project operations. The differences in the submitted biological assessment with the former draft are as follows:

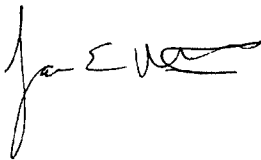
- Updated analysis of construction elements of the Proposed Action

- Updated information related to future drought procedures
- Inclusion of Adaptive Management Framework document
- Inclusion of additional detail on real time operations and relationship to existing RTO
- Additional analysis related to potential effects to delta smelt critical habitat
- Additional analysis related to potential effects to listed terrestrial species

CESA 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 September 2016. DFW has targeted early 2017 for a decision on issuance of the 2081(b) permit. Assumptions for this target date include that the BiOp for the California WaterFix Project is issued by the end of 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: The Bay Delta Conservation Plan (BDCP) Draft Environmental Impact Report/ Environmental Impact Statement (Draft EIR/EIS) was issued December 2013. In July 2015, the Petitioners issued the BDCP/California WaterFix Partially Recirculated Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS). The Petitioners target completion of a Final EIR/EIS by September 2016 and Reclamation targets the issuance of the Record of Decision (ROD) in January 2017, after receipt of the BiOp. DWR expects to certify the EIR and make a decision on the project and file an NOD completing the CEQA process by January 2017.

Sincerely,



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



Amy L. Aufdemberge
Assistant Regional Solicitor
Office of the Solicitor General
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 10, 2016.

Personal Service via U.S. Postal Service
Suzanne Womack and Sheldon Moore
Clifton Court, L.P.
3619 Land Park Drive
Sacramento, CA 95818

STATEMENT OF SERVICE

**CALIFORNIA WATERFIX PETITION HEARING
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)**

I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

DWR's Letter Regarding Update on ESA-CESA and CEQA-NEPA Schedules for CA WaterFix Project

to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated August 2, 2016, posted by the State Water Resources Control Board at

http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml:

Note: In the event that any emails to any parties on the Current Service List are undeliverable, you must attempt to effectuate service using another method of service, if necessary, and submit another statement of service that describes any changes to the date and method of service for those parties.

For Petitioners Only:

	I caused a true and correct hard copy of the document(s) to be served by the following method of service to Suzanne Womack & Sheldon Moore, Clifton Court, L.P., 3619 Land Park Drive, Sacramento, CA 95818:
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	Method of Service: <u>U.S. Postal</u>
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I certify that the foregoing is true and correct and that this document was executed on August 3, 2016
Date

Signature: 

Name: Valentina German

Title: Legal Analyst

Party/Affiliation: DWR

Address: 1416 Ninth Street 1104

Sacramento, CA 95814