



November 28, 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 (ESA), California Endangered Species Act (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: as mentioned in our last update, the Petitioners submitted a biological assessment with a request for formal consultation under Section 7 of the ESA to the U.S. Fish and Wildlife Service and National Marine Fisheries Service (jointly the Services) on August 2, 2016. The Services subsequently confirmed the sufficiency of the biological assessment in meeting the requirements of Section 7, and began formal consultation in August 2016. Formal consultation is expected to include a peer review process for aquatic species through the Delta Science Program, currently scheduled for December, 2016 and January, 2017. Section 7 will conclude with the Services' issuance of biological opinions (BiOps), estimated to be issued March/April, 2017.

CESA Compliance: DWR submitted the application for an Incidental Take Permit pursuant to Section 2081(b) of CESA (2081(b) permit) to the California Department of Fish and Wildlife (DFW) on October 5, 2016. DFW is coordinating its permit application review with the Section 7 and Peer Review processes and estimates that a decision on

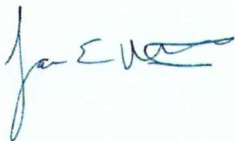
¹ http://cms.capitoltechsolutions.com/ClientData/CaliforniaWaterFix/uploads/CWF_2081b_10716.pdf

the 2081(b) permit application will occur within the same general timeframe of issuance of the BiOp for California WaterFix. As a Responsible Agency under CEQA, DFW will not make a final decision on the permit application until DWR's completion of the CEQA process and issuance of the Notice of Determination (NOD) (see below).

CEQA/NEPA Schedule: The Petitioners expect to complete the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) by December 2016 and Reclamation targets the issuance of the Record of Decision (ROD) approximately a week after receipt of the BiOps. DWR expects to certify the EIR and make a decision on the project and file an NOD completing the CEQA process at approximately the same time as Reclamation's issuance of the ROD.

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
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Electronic service list, May 13, 2016.

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