
From: Randhawa, Baljit@DWR <Baljit.Randhawa@water.ca.gov>
Sent: Thursday, May 2, 2019 11:36 AM
To: CWFhearing; Doduc, Tam@Waterboards
Cc: abl@bkslawfirm.com; aerguson@somachlaw.com; ahitchings@somachlaw.com; ajr@bkslawfirm.com; akrieg@volkerlaw.com; amy.aufdemberge@sol.doi.gov; apeltzer@prlawcorp.com; barbara@restorethedelta.org; barbarav@aqualliance.net; barry@solagra.com; bdalymns@citlink.net; bjohnson@tu.org; blancapaloma@msn.com; bobker@bay.org; bpoulsen@eid.org; bradpappa@gmail.com; brettgbaker@gmail.com; burkew@saccounty.net; bwright@friendsoftheriver.org; caroleekrieger7@gmail.com; colin@ejcw.org; connere@gmail.com; CWFhearing; daladjem@downeybrand.com; daniel@kaydix.com; dcooper@minasianlaw.com; dcoty@bpmnj.com; ddj@cah2oresearch.com; dean@hprlaw.net; deltakeep@me.com; dkelly@pcwa.net; dnmwolk@solanocounty.com; dobegi@nrdc.org; dohanlon@kmtg.com; dorth@davidorthconsulting.com; empappa@gmail.com; evielma@cafecoop.org; ewehr@gwdwater.org; elamoe@minasianlaw.com; fetherid@ebmud.com; fmorrissey@orangecoveid.org; hwalter@kmtg.com; info@californiadelta.org; Mizell, Tripp (James)@DWR; jailin@awattorneys.com; jtb@bkslawfirm.com; jconway@rd800.org; jfox@awattorneys.com; jennifer@spalettalaw.com; jherrlaw@aol.com; jminasian@minasianlaw.com; jminton@pcl.org; john.luebberke@stocktonca.gov; jph@tulareid.org; jrubin@westlandswater.org; jsagwomack@gmail.com; jsalmon@ebmud.com; jvolker@volkerlaw.com; kcorby@somachlaw.com; kelweg1@aol.com; kharrigfeld@herumcrabtree.com; kobrien@downeybrand.com; kpoole@nrdc.org; ktaber@somachlaw.com; kurtis.keller@cc.cccounty.us; lcaster@fclaw.com; mae@semlawyers.com; matlas@downeybrand.com; matthew@mlelaw.com; melissa.poole@wonderful.com; mghafar@earthjustice.org; mhagman@lindmoreid.com; michael@brodskylaw.net; mjatty@sbcglobal.net; mkropf@countyofcolusa.com; mlarsen@kdwcd.com; mnikkel@downeybrand.com; mstorm@nrdc.org; mvanzandt@hansonbridgett.com; mvoss@cityofsacramento.org; myoung@awattorneys.com; nick@semlawyers.com; nrobertson@earthjustice.org; office@ecosacramento.net; osha@semlawyers.com; philip.pogledich@yolocounty.org; pkf@bkslawfirm.com; pminasian@minasianlaw.com; pp@planetarysolutionaries.org; psimmons@somachlaw.com; pwilliams@westlandswater.org; rharms@kmtg.com; rebecca.akroyd@sldmwa.org; rbernal@ci.antioch.ca.us; rmaddow@bpmnj.com; rdenton06@comcast.net; rmburness@comcast.net; roland@ssjmud.org; rsb@bkslawfirm.com; rsmith@downeybrand.com; russell@spalettalaw.com; ryan.hernandez@dcd.cccounty.us; rzwillinger@defenders.org; sae16@lsid.org; schaffin@awattorneys.com; sclarke@volkerlaw.com; sdalke@kern-tulare.com; sgeivet@ocsnet.net; smorris@swc.org; sonstot@awattorneys.com; srothert@americanrivers.org; ssaxton@downeybrand.com; ssdwaterfix@somachlaw.com; stephen.siptroth@cc.cccounty.us; sunshine@snugarharbor.net; svolker@volkerlaw.com; sgrady@eslawfirm.com; red@eslawfirm.com; tara.mazzanti@stocktonca.gov; tgohring@waterforum.org; tgstoked@gmail.com; tim@restorethedelta.org; tkeeling@freemanfirm.com; trobancho@freemanfirm.com; towater@olaughlinparis.com; vkincaid@olaughlinparis.com; wes.miliband@aalrr.com; wfemlen@solanocounty.com; wirthsoscranes@yahoo.com
Subject: DWR'S CA Waterfix - Withdrawal of Petition

Dear Hearing Officer Doduc,

The Department of Water Resources respectfully submits its California Waterfix- Withdrawal of Petition for Change in Points of Diversion and Rediversion and of Application for Section 401 Certification.

This message is electronically served upon the parties indicated in the revised service list dated October 30, 2018. A copy is being mailed to Clifton Court L.P.

Thanks

Bobbie Randhawa

Senior Legal Analyst

Office of the Chief Counsel

Department of Water Resources

(916) 653-8167

Baljit.Randhawa@water.ca.gov



May 2, 2019

CWFhearing@waterboards.ca.gov via Email

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

**CALIFORNIA WATERFIX – WITHDRAWAL OF PETITION FOR CHANGE IN
POINTS OF DIVERSION AND REDIVERSION AND OF APPLICATION FOR
SECTION 401 CERTIFICATION**

Dear Hearing Officer Doduc:

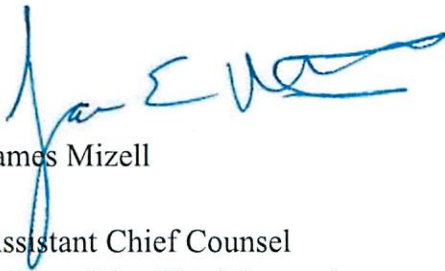
Today, Department of Water Resources (DWR) Director Nemeth withdrew the project approval of the California WaterFix Project (WaterFix) and rescinded the accompanying notice of determination filed pursuant to the requirements of the California Environmental Quality Act (see attached). In addition, DWR staff was directed to coordinate with the U.S. Bureau of Reclamation (Reclamation) (collectively Petitioners) and notify the State Water Resources Control Board (State Water Board) that the Petitioners withdraw the pending Petition for Change in Points of Diversion and Rediversion (CPOD Petition) for the State Water Project and Central Valley Project, and to withdraw the application for Section 401 certification for WaterFix.

This letter also serves as the WaterFix status update promised to the State Water Board in Petitioners' March 1, 2019 request to place the petition in abeyance and stay the hearing, which was granted by the State Water Board in its March 5, 2019 ruling. As a component of Gov. Newsom's Executive Order N-10-19, issued April 29, 2019, DWR was directed to begin an assessment of, "current planning to modernize conveyance through the Bay Delta with a new single tunnel project."

Therefore, by and through this letter Petitioners hereby jointly withdraw their WaterFix CPOD Petition filed on August 26, 2015.¹ DWR likewise hereby withdraws its application for a WaterFix Section 401 water quality certification filed on September 24, 2015, as updated November 15, 2018.

Petitioners thank the State Water Board staff, hearing officers, and other State Water Board members for their considerable time and attention throughout the last several years. Petitioners believe that your effort provided valuable insights and lessons.

Sincerely,



James Mizell

Assistant Chief Counsel
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*

Eileen Sobeck, Executive Director, State Water Resources Control Board
Michael Lauffer, Chief Counsel, State Water Resources Control Board
Electronic service list (October 30, 2018)

Personal Service via U.S. Postal Service

Suzanne Womack and Sheldon Moore
Clifton Court, L.P.
3619 Land Park Drive
Sacramento, CA 95818

¹ This letter withdraws the WaterFix CPOD Petition as to all permits specified therein: DWR permits 16478, 16479, 16481, 16482 for the State Water Project and Reclamation permits 11315, 11316, 12721, 12722, 12723, 11967, 11968, 11969, 11971, 11973 and 12364 for the Central Valley Project.



**DEPARTMENT OF WATER RESOURCE'S ACTION SETTING ASIDE
CERTIFICATION, AND RESCINDING FINDINGS, STATEMENT OF OVERRIDING
CONSIDERATIONS, MITIGATION, MONITORING AND REPORTING PLAN, AND
PROJECT APPROVAL OF CALIFORNIA WATERFIX**

Whereas, on February 12, 2019, Governor Gavin Newsom, in his State-of-the-State Address informed the State that he does not support WaterFix as currently configured.

Whereas, on April 29, 2019, Governor Gavin Newsom issued Executive Order N-10-19 ordering the following:

“The California Natural Resources Agency, the California Environmental Protection Agency, the California Department of Food and Agriculture, in consultation with the Department of Finance, shall together prepare a water resilience portfolio that meets the needs of California’s communities, economy, and environment through the 21st century. These agencies will reassess priorities contained within the 2016 California Water Action Plan, update projected climate change impacts to our water systems, identify key priorities for the administration’s water portfolio moving forward, and identify how to improve integration across state agencies to implement these priorities.”

Whereas, on May 2, 2019, I issued a memo to the Delta Conveyance Office (DCO) notifying it that I am withdrawing approval of California WaterFix and further directed them to notify the State Clearinghouse that DWR rescinds the Notice of Determination that was filed pursuant to the requirements of the California Environmental Quality Act (CEQA). I further directed the DCO that this notice should also rescind the adoption of the findings of fact, statement of overriding considerations, and mitigation monitoring and reporting program that accompanied approval of the California WaterFix Project on July 21, 2017.

Whereas, on July 21, 2017, Cindy Messer, then Acting Director of Department of Water Resources (DWR), the lead agency under CEQA, made the following statement:

“I certify that the Final EIR has been completed in compliance with CEQA, that the Final EIR was presented to me in my capacity as DWR’s decision-making body, and that the Final EIR reflects DWR’s independent judgment and analysis. I have reviewed and considered the information contained within the Final EIR prior to approval of the project.”

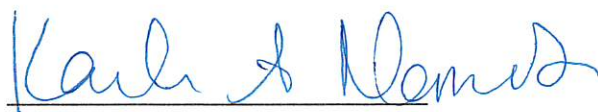
Whereas, on July 21, 2017, Cindy Messer, also adopted Findings, Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Plan.

Whereas, on July 21, 2017, Cindy Messer made the following approval:

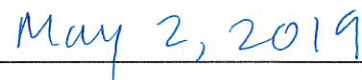
“...[P]ursuant to CEQA Guidelines section 15092 and after considering the certified Final EIR, including all issues raised by commenters during preparation of the 2013 Draft EIR/EIS, the 2015 RDEIR/SDEIS, and the Final EIR as certified, including the “Developments after Publication of the Proposed Final Environmental Impact Report,” which also includes an erratum and in conjunction with adopting the Findings, Statement of Overriding Considerations, and Mitigation and Monitoring Program under CEQA, I approve the California WaterFix project identified as Alternative 4A within the Final EIR and have executed the Notice of Determination, Exhibit D.”

Now therefore, DWR takes the following action:

As Director of DWR, the lead agency under CEQA, I hereby set aside DWR’s July 21, 2017 certification and hereby rescind the adoption of findings, statement of overriding considerations, and Mitigation, Monitoring and Reporting Plan, and project approval.



Karla A. Nemeth, Director



Date

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):

CALIFORNIA WATERFIX – WITHDRAWAL OF PETITION FOR CHANGE IN POINTS OF
DIVERSION AND REDIVERSION AND OF APPLICATION FOR SECTION 401 CERTIFICATION

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 October 30, 2018, 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 May 2, 2019
Date

Signature: Bobbie Randhawa

Name: Bobbie Randhawa

Title: Senior Legal Analyst

Party/Affiliation: DWR

Address: 1416 Ninth Street 1104
Sacramento, CA 95814