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DELTA STEWARDSHIP COUNCIL

A California State Agency

February 3, 2016

Ms. Maria Rea
Sacramento Area Office Supervisor
National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, California 95814-4706

Dear Ms. Rea:

Re: Request for the Delta Science Program to convene an independent peer review for the joint Biological Opinion and 2081(b) Incidental Take Permit analyses of the California WaterFix aquatic science

The Delta Stewardship Council Delta Science Program (DSP) is pleased to respond to the request of NOAA's National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife (by letter dated January 15, 2016) to convene an independent scientific peer review panel to review the aquatic science components of the analyses proposed for use in the joint Biological Opinion and 2081 (b) Incidental Take Permit development for California WaterFix (CWF). The goal of this independent peer review is a scientific evaluation of the methods and approaches for developing the joint Biological Opinion and analyses prepared for the Incidental Take Permit application. As part of the DSP's mission to provide best possible scientific information to guide management and inform decision-making in the Bay-Delta system, the DSP regularly convenes independent scientific peer reviews of processes, programs, plans, and products.

The request for review included a two-part independent scientific peer review. The DSP believes that it is best for part one of the requested review to be successfully completed, in order to allow the output from the first independent peer review to assist in the scoping of potential further reviews. Therefore, the DSP at this time commits to convening the first part of the requested independent science peer review. Specifically, this review will cover the analytical approach and selected analyses from the CWF Biological Assessment and the Longfin Smelt Analytical Framework and Effects Analysis. Additional requests for convening reviews of other components of the aquatic science used in the analyses of CWF should be sent to my attention, and will be considered when peer review goals and scope are clear.

Kindly note also that the DSP will take the following steps to avoid any questions about its or the Council's objectivity and independence in the event that CWF reaches the Council on a "covered action "appeal":

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

- State Water Code §85054

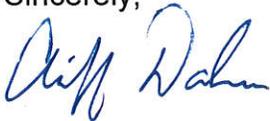
- The DSP Lead Scientist will be informed by and closely consult with one or more former DSP Lead Scientists and/or other independent scientific experts on the selection of independent review panelists and the charge to the panel.
- The approved charge will not set expectations for panel deliberations, the form, or the scope of independent review panel deliverables. Those will be set by and under the control of the Panel.
- Web-based information about the review will be hosted by one of the requesting agencies.
- DSP staff who are engaged with planning or convening this independent scientific review will not provide information or serve as advisors to the Council with regard to any adjudicative proceedings regarding CWF.

Otherwise, this review will follow the DSP policy and procedures for convening independent scientific reviews described in Appendix I of the Delta Science Plan

(<http://deltacouncil.ca.gov/sites/default/files/documents/files/Delta-Science-Plan-12-30-2013.pdf>).

We look forward to working with your staff to convene the independent scientific peer review of the CWF aquatic science components described above. If there are questions about this response to your request for peer review, please contact Sam Harader, Environmental Program Manager II, Delta Science Program, at (916) 445-5466.

Sincerely,



Cliff Dahm, Ph.D.
Lead Scientist, Delta Science Program
Delta Stewardship Council

Enclosure

cc: Randy Fiorini, Chair, Delta Stewardship Council

Ren Lohofener, Regional Director, Pacific Southwest, U.S. Fish & Wildlife Service, 2800 Cottage Way, Sacramento, CA 95825

Chuck Bonham, Director, California Department of Fish and Wildlife, 1416 9th Street, 12th Floor, Sacramento, CA 95814

David Murillo, Director, Mid-Pacific Region, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95826

Mark Cowin, Director, California Department of Water Resources, PO Box 942836, Room 1115-1, Sacramento, CA 94236

Karla Nemeth, Deputy Secretary for Water Policy, California Department of Natural Resources, 1416 Ninth Street, Suite 1311, Sacramento, CA 95814