



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
650 Capitol Mall, Suite 5-100
Sacramento, California 95814-4700

JAN 15 2016

Dr. Clifford Dahm
Delta Science Program
Delta Stewardship Council
980 Ninth Street, Suite 1450
Sacramento, California 95814

Subject: Request two part Peer Review of the joint Biological Opinion and 2081(b) Incidental Take Permit Analyses of the California WaterFix aquatics science by the Delta Science Program

Dear Dr. Dahm:

On behalf of NOAA's National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Wildlife (CDFW), we would like to request a peer review of the California WaterFix (CWF) aquatics science by the Delta Science Program (DSP). Specifically, we would like a two part review of the joint NMFS and USFWS CWF Biological Opinion (BO) and CDFW 2081(b) Incidental Take Permit Analyses.

The Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) coordinate the operation of the Central Valley Project and the State Water Project (SWP). As part of the CWF, DWR proposes to construct, operate, and maintain new water conveyance facilities in the Sacramento-San Joaquin River Delta, including three intakes, two tunnels, associated facilities, and a permanent head of Old River gate; as well as operate existing south Delta facilities in coordination with these new facilities.

As noted above, the construction, operation, and maintenance of the new water facilities will need to comply with Endangered Species Act, Section 7(a)(2). As part of the CWF ESA consultation, Reclamation and DWR have prepared a Biological Assessment (BA) that summarizes the effects of the action on ESA-listed species and their designated critical habitats. NMFS and the USFWS are evaluating the effects of the proposed CWF on listed species and their designated critical habitats and are working towards the development of a joint BO.

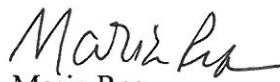
In addition to complying with ESA, DWR intends to obtain California ESA (CESA) authorization from CDFW under Fish and Game Code section 2081(b), for incidental take related to the construction and operation of the CWF and modified operations of the SWP. DWR will submit an application which will include an analysis of the effects of the proposed action on CESA listed species. CDFW will review the CESA-specific analysis of the perceived impacts for state-listed species and may issue a permit if conditions in Fish and Game Code sections 2081(b) and (c) are met.



The purpose of this independent review by the DSP would be to obtain the views of experts not involved in the ESA consultation and 2081(b) permit on the use of the best available scientific and commercial information as it pertains to aquatic ESA and CESA listed species in the development of the joint NMFS and USFWS BO and the CDFW 2081(b) permit.

If you have any questions regarding this request, please contact Ryan Wulff (NMFS) at (916) 930-3733, or via e-mail at ryan.wulff@noaa.gov; Kim Turner (USFWS) at (916) 930-5604, or via email at kim_s_turner@fws.gov; or Chad Dibble (CDFW) at (916) 445-1202, or via email at Chad.Dibble@wildlife.ca.gov.

Sincerely,



Maria Rea
Assistant Regional Administrator
California Central Valley Office

CC: Copy to File: ARN: 151422-WCR2016-SA00204

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

Chuck Bonham, Director, California Department of Fish and Wildlife, 1 1416 9th Street,
12th Floor, Sacramento, California 95814

David Murillo, Director, Mid-Pacific Region, Bureau of Reclamation, 2800 Cottage
Way, Sacramento, California 95825

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

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