



April 4, 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 a second phase of the independent scientific peer review of the draft joint Biological Opinion and Longfin Smelt effects analysis prepared for the California Endangered Species Act permit application for the California WaterFix

The Delta Science Program (DSP), a part of the Delta Stewardship Council, is pleased to respond to the request 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) (by letter dated March 18, 2016) to convene a second-phase independent scientific peer review of the aquatic science for the California WaterFix (CWF). The goal of this second phase independent scientific peer review is a scientific evaluation of the conclusions in the forthcoming draft NMFS and USFWS joint Biological Opinion (BO) for California WaterFix (CWF) and potentially updated information related to the Longfin Smelt analysis for the California Endangered Species Act 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. Select staff from the DSP will be pleased to conduct the subject review.

As stated in your letter, the scope of the requested second-phase independent scientific peer review will focus on a scientific evaluation of the analysis in the Effects of the Proposed Action section of the BO and may include an independent scientific evaluation of the Longfin Smelt effects analysis prepared for a CDFW permit for CWF. The DSP will commit select staff to work toward reconvening independent science experts from the first phase CWF Aquatic Science Peer Review for a second phase independent scientific peer review.

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 any changes to the independent science review panelists selected for the first CWF Aquatic Science Peer Review and the charge to the panel for the second phase of the review.

- 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 independent scientific peer review Panel.
- Web-based information about the review will be hosted by one of the requesting agencies.
- The select 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 second phase 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

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