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9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
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12 **THE DELTA SMELT CASES**

1:09-cv-407 LJO-DLB

13 **SAN LUIS & DELTA-MENDOTA WATER**
 14 **AUTHORITY, et al. v. SALAZAR, et al.**

Consolidated With:
 Case No. 1:09-cv-422 LJO-GSA
 Case No. 1:09-cv-631 LJO-DLB
 Case No. 1:09-cv-892 LJO-DLB
 Partially Consolidated With:
 Case No. 1:09-cv-480 LJO-GSA
 Case No. 1:09-cv-01201-LJO-DLB

15 **STATE WATER CONTRACTORS v.**
 16 **SALAZAR, et al.**

17 **COALITION FOR A SUSTAINABLE**
 18 **DELTA, et al. v. UNITED STATES FISH**
 19 **AND WILDLIFE SERVICE, et al.**

DECLARATION OF DALE HOFFMAN-FLOERKE

Judge: Honorable Lawrence J. O'Neill

20 **METROPOLITAN WATER DISTRICT**
 21 **OF SOUTHERN CALIFORNIA v.**
 22 **UNITED STATES FISH AND WILDLIFE**
SERVICE, et al.

23 **STEWART & JASPER ORCHARDS, et al.**
 24 **v. UNITED STATES FISH AND**
WILDLIFE SERVICE, et al.

25 **FAMILY FARM ALLIANCE v.**
 26 **KENNETH SALAZAR, et al.**
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1 I, Dale Hoffman-Floerke, declare that:

2 1. I am the Chief Deputy Director of the California Department of Water Resources
3 (DWR). I have worked for DWR for 32 years and hold a Bachelor of Science degree in Fisheries
4 Biology from Humboldt State University. Prior to my appointment as Chief Deputy Director in
5 July 2012, I served as acting Deputy Director for Delta and Statewide Water Management,
6 overseeing, among other DWR offices and divisions, DWR's Bay-Delta Office and the Division
7 of Environmental Services. My duties also included serving as the Program Manager for the Bay
8 Delta Conservation Plan (BDCP). In my current capacity as Chief Deputy Director, I continue to
9 oversee the development of the BDCP.
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12 2. DWR is drafting the BDCP for submission to the Fish and Wildlife Service, National
13 Marine Fisheries Service (NMFS), and California Department of Fish and Game, as part of its
14 application for incidental take permits under Section 10 of the federal Endangered Species Act
15 (ESA) and under the State Natural Community Conservation Planning Act (NCCPA) for the
16 Delta operations of the State Water Project, as modified. The US Bureau of Reclamation will use
17 the BDCP as part of its Biological Assessment in requesting a section 7 Biological Opinion for
18 operations of the Central Valley Project. The BDCP is in the planning stage and no final
19 decisions on any proposed conveyance facility can be made prior to the completion of regulatory
20 and environmental review under the California Environmental Quality Act, National
21 Environmental Policy Act, ESA, and NCCPA.
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24 3. In July 2012, the Secretary of the Interior, the Governor of California, and officials
25 from NMFS made a joint announcement concerning changes in the BDCP proposal and planning
26 process. They proposed design changes to the February 2012 preliminary proposal for the new
27 delta conveyance facility described in the BDCP. These proposed changes included a reduction in
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1 the number of Sacramento River intakes from five to three, a reduction of total conveyance
2 capacity from 15,000 cubic feet per second (cfs) to 9,000 cfs, and a proposed design change to the
3 conveyance facility to use gravity flow to maximize energy efficiency and minimize
4 environmental impacts.

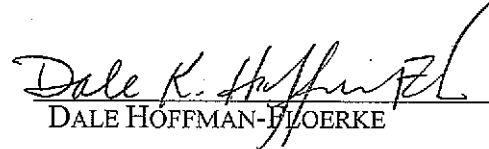
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6 4. It is my understanding that the number of staff at the federal and state agencies with
7 expertise on Bay Delta environmental issues is limited and the BDCP work greatly overlaps with
8 work on the remanded Biological Opinions. The changes in the BDCP planning process were
9 significant, leading to changes in state agency resource needs.
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12 5. There is significant overlap in the subject matter of the BDCP and Biological Opinions
13 and as these documents are developed, the agencies need to carefully consider and coordinate use
14 of information, methodologies, analyses, and proposals to have consistent outcomes.
15 Furthermore, the agencies believe that proposals for adaptive management and monitoring
16 programs that are being proposed for BDCP could be useful in developing scientific analyses for
17 the remanded Biological Opinions.
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20 6. An extended schedule for developing the Biological Opinions would allow time during
21 which new scientific methodologies proposed under BDCP, and perhaps any monitoring data
22 obtained after it is approved, could be considered and incorporated in the remanded Biological
23 Opinions. The subject matter of these documents is complex and controversial extending the time
24 to develop the salmonid and smelt BiOps while the BDCP is being completed will provide time to
25 better develop scientifically robust and consistent documents.
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1 7. This declaration is based upon my personal knowledge and if called as a witness I
2 could and would testify consistently with this declaration.

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4 I declare under penalty of perjury that the foregoing is true and correct, and that this
5 declaration is executed this 7th day of December, 2012 at Sacramento, California.

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9 DALE HOFFMAN-FLOERKE

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