

DEPARTMENT OF WATER RESOURCES**CALIFORNIA WATER COMMISSION**

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April 9, 2014

Dear Members of the Delta Independent Science Board,

The Department of Water Resources, together with the Agencies participating in the Bay Delta Conservation Plan (BDCP), would like to extend our appreciation to the Delta Independent Science Board (ISB) for their interim review of, and subsequent comments on, the Public Review Draft BDCP Plan and Draft Environmental Impact Report/Environmental Impact Statement released in December 2013. Your review and comments are an important step in ensuring our commitment to scientific rigor in the development of a comprehensive environmental review of the benefits and impacts associated with implementation of the actions covered in BDCP Plan.

It is clear from the comments that each ISB member applied their expertise to the legislatively mandated review, and DWR appreciates the feedback on the issues raised. In your March 6, 2014 cover letter to the Delta Stewardship Council and the California Department of Fish and Wildlife that accompanied your comments, you raised many important high level considerations. We have addressed some of those overarching concerns in this response letter. For the detailed responses to all comments please see the attached response table.

Uncertainty

The ISB raised concerns about how the EIR/EIS addresses uncertainty, especially with regard to climate change and sea level rise. We agree that there is uncertainty regarding the pace, magnitude and manifestation of climate change. The effects of such uncertainty have been considered to the best of our ability in the analysis. We agree that other disruptive factors such as floods or levee failures are likely to have substantial effects on the Delta; however, it is important to note that the scope of an EIR/EIS is to consider the effects of the project on the environment, and not the environment on the project. Some of these factors, including levee failures, could occur regardless of the BDCP and these secondary impacts are not included as part of the EIR/EIS analysis.

Confounding Effects

The Delta is a complex system and we agree that there is a confounding effect of actions taken. We attempt to capture that linkage in our analysis to the extent possible. We strive to use the best available science and models, and there is not a model that captures the complexity of the system. As you know, even in the areas of the system that are reasonably well understood – such as physical structure, chemical parameters

and ecological topics - we are still making discoveries every year which alter our conceptual models of the system. Noting these limitations, the BDCP does infer ecosystem scale effects of the conservation measures. Far from being ignored, these relationships are fundamental to the design of the conservation strategy. It is true that in the EIR/EIS most of this is expressed in the context of effects on one single species, but that is merely a consequence of the legal standard formatting requirements.

Adaptive Management

While the Adaptive Management process is not described at length in the draft EIR/S, it is described in detail in Chapter 3 of the draft plan, and is modeled on the process adopted by the Delta Science Program. The specifics of the Adaptive Management Team (AMT) and adaptive management process are evolving and have been further developed with each iteration of the draft documents. The final BDCP and EIR/EIS will include additional details on the AMT, which we have described in the attached response table. However, due to the length of the proposed permit (50-years), it is important to provide the AMT with the flexibility to manage the allocation of resources to achieve the biological objectives rather than prescribe that process in full detail now. We hope that this additional context and clarification is helpful in addressing some of your high level concerns. It is important to note that many of the comments or formatting issues you raised are fundamental aspects of the legal environmental review documentation process. We will continue to consider, evaluate and incorporate your comments. Your input is valued and will help to improve the scientific integrity of both the BDCP Plan and the BDCP EIR/EIS.

Sincerely,



Laura King Moon
Chief Deputy Director
Department of Water Resources

Attachment

cc: Dan Ray, Delta Stewardship Council
Maria Rea, NMFS
Mike Tucker, NMFS
Ryan Wulff, NMFS
Dan Castleberry, USFWS
Mike Chotkowski, USFWS
Michelle Banonis, USBR
Carl Wilcox, DWF
MaryLee Knect, USBR
Chad Dibble, DFW