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Date: August 24, 2005

To: Michael Aceituno
National Marine Fisheries Service
Sacramento Area Office
650 Capitol Avenue, Suite 8-300
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From: Johnnie Moore
Lead Scientist

Subject: Scientific Review of OCAP Biological Opinion

This is in response to your letter of July 29, 2005, asking the California Bay-Delta Authority to conduct an independent review of the scientific information that NOAA Fisheries staff used to support your October 2005 Biological Opinion regarding the Coordinated Operations Criteria and Plan (OCAP) for the Central Valley Project and State Water Project.

As we discussed in our meeting on August 10, 2005, the Authority is willing to organize an independent review of the scientific information that your staff used to develop the 2004 OCAP Biological Opinion. The review itself will be by a technical panel convened under the auspices of the Authority's Science Program. Dr. Randall Brown, an advisor to the Science Program, has been recruiting potential members of the review panel and has several potential candidates qualified to review the technical material in the OCAP Biological Assessment and Biological Opinion. We hope to be able to announce and have the panel members under contract by September 1, 2005. The panel can not begin work until individual contracts are in place.

The review schedule calls for sending background material (including the BA and BO) to panel members by September 1, 2005, and convening a conference call during early September. We expect your staff to be on the conference call to explain your responsibilities pursuant to the Endangered Species Act consultation process. Dr. Brown will work with you and the panel to establish a mutually agreeable date and time. The panel will meet with Reclamation and NOAA Fisheries staff in a two-day public workshop (probably in mid-October) during which staff will describe the key science that went into the BA and BO – including modeling and underlying assumptions used to reach conclusions about project impacts. During the workshop we will allow ample time for questions from the panel.

We will be asking the panel for a draft of their report and conclusions by mid-November. The draft report will be available for agency and public review for a limited period. Our

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schedule calls for the final report to be released by mid-December, 2005. The panel chair will orally present their conclusions to NMFS and other interested parties, perhaps at a meeting of the Authority's Public Advisory Council. Please note that this is an ambitious schedule for a complex project and to meet the timeline will require extensive coordination and cooperation among the agencies, the Authority and the panel.

The panel will be asked only to evaluate the science that supported the BO, not if NOAA Fisheries made the correct jeopardy call.

In the interest of making this important review transparent, we will establish a site on the Science Program website to post all materials related to this review, including your request and this response. We will have the website ready by the time the panel is in place, tentatively scheduled for September 1, 2005.

I look forward to working with you on this review. If you have any questions, please contact me at (406) 243-6807. For technical questions regarding the review please have your staff contact Dr. Brown directly at (916) 961-5449 or brown.randall@comcast.net.

Enclosure

cc: Joe Grindstaff - CBDA
Ryan Broddrick - DFG
Kirk Rodgers - USBR
Lester Snow - DWR
Steve Thompson - FWS

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