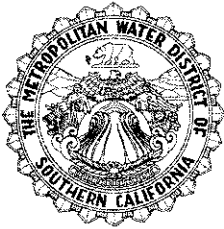


# LATE COMMENT

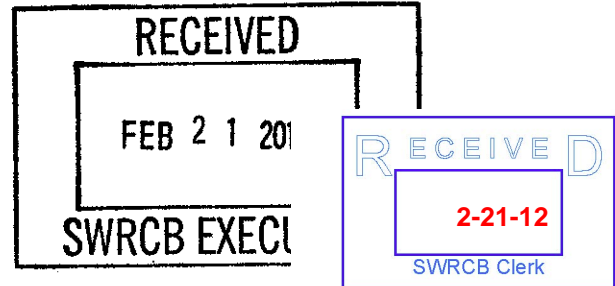


THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

Executive Office

February 21, 2012

Mr. Charles M. Hoppin, Chair  
Ms. Frances Spivy-Weber, Vice Chair  
Ms. Tam M. Doduc, Member  
State Water Resources Control Board  
P. O. Box 100  
Sacramento, CA 95814



Periodic Review of the Water Quality Control Plan for the  
San Francisco Bay/ Sacramento-San Joaquin Delta Estuary

Dear Chairman Hoppin and Members of the Board:

Metropolitan Water District of Southern California ("Metropolitan") appreciates this opportunity to provide input on the State Water Resources Control Board's ("State Board") process for its periodic review of the Water Quality Control Plan (WQCP). Metropolitan has a particular interest in these proceedings because of the 19 million people within its service area that rely on the State Water Project and the Bay Delta system for a portion of their water supply. This letter is in response to the State Board's notice for its February 21, 2012, board meeting and request for public comment.

As there are a number of ongoing processes with subject matter overlapping the WQCP review, Metropolitan would like to propose an approach to coordinating the State Board's decision-making.

The record for the 2009 WQCP Periodic Review needs updating as there is a great deal of new science that has been developed since that time that warrants consideration. The State Board should therefore schedule a series of workshops/ hearing where experts may present scientific information to the Board for its consideration. Due to the importance of the issues before the State Board, and the potentially significant and unintended environmental and economic effects that could result from the State Board's decision, it should adopt procedures to ensure that it ultimately relies on science that is, in fact, the "best available." Metropolitan recommends that the State Board adopt procedures that allow it to identify which individuals testifying before it qualify as experts in each field. It is further recommended that the State Board allow parties to question those determined to be "experts" to allow a dialog between parties and the Board during the presentation of scientific information. We believe the State Board would benefit from a more comprehensive exchange of information than has occurred in prior proceedings.

During the period when these workshops are being held, the BDCP and its environmental documents will be completed, and the Department of Water Resources and the Bureau of Reclamation will likely file their petitions to add points of diversions and to amend their water rights to make them consistent with the BDCP. The state and federal governments have agreed to a schedule for completion of the BDCP that

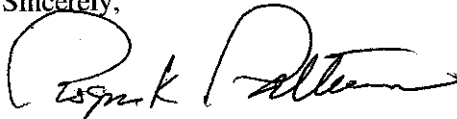
Mr. Charles M. Hoppin, Chair  
Ms. Frances Spivy-Weber, Vice Chair  
Ms. Tam M. Doduc, Member  
Page 2

February 21, 2012

is compatible with the initial schedule proposed by State Board staff. (See letters by David Hayes and John Laid, attached.) Once the BDCP draft documents are completed, after the State Board's workshops/hearings, the State Board would be in better position to determine how to proceed with any proposed amendments to the WQCP to meet the long-term water quality needs of the Bay-Delta system and to determine if any short-term actions are needed in light of the final BDCP requirements and/or then current efforts.

The State Board should not rush, or unduly delay, its decision-making. We believe the process summarized above, and as explained in detail in the letter dated February 21, 2012 from the State Water Contractors and the San Luis and Delta Mendota Water Authority strikes the appropriate balance. If you have any questions, please feel free to contact Roger Patterson or Becky Sheehan at 916-650-2600.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger K. Patterson". The signature is fluid and cursive, with a large initial "R" and "P".

Roger K. Patterson  
Assistant General Manager

cc:

Marcia Scully, Interim General Counsel, MWDSC



EDMUND G. BROWN JR., Governor  
JOHN LAIRD, Secretary for Natural Resources

August 9, 2011

David Hayes  
US Department of the Interior  
1849 C Street, NW, MS-7229  
Washington, DC 20240

Jane Lubchenco  
1401 Constitution Avenue, NW  
Room 7316  
Washington, DC 20230

Dear Mr. *David* Hayes and Ms. *Jane* Lubchenco,

I am writing to express the importance of renewing our commitment to meeting the milestones that will lead to the timely completion of the Bay Delta Conservation Plan (BDCP). First, I would like to thank you for your leadership and the exceptional work of your agencies in helping to develop BDCP. While we have made significant progress, there is still more work to be done. To that end, I have attached the most current schedule for completing the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the BDCP, as well as a more detailed schedule for completing the Effects Analysis (Chapter 5 of the BDCP).

After much discussion amongst the state and federal agency representatives they have agreed to the attached schedule. I acknowledge that these schedules are aggressive. I believe that it will be most productive for us to focus immediately on completing the Effects Analysis by March 2012 and a draft EIR/EIS by June 2012 if not sooner. To achieve these goals, we must advance the decisions necessary to direct the work of our consulting team, and have key staff available from each of our agencies to review each deliverable as it is produced within the timeframe provided.

Adhering to this schedule will be challenging. We cannot allow expanded scope, revisiting of issues or uncertainty drive us to delay. Rather, we must be mindful of the great value of timely completion of a draft EIR/EIS to substantively engage the public on issues so vital California's environment and economy.

I look forward to our continued work together in successfully completing the BDCP.

Sincerely,

John Laird  
Secretary for Natural Resources

1416 Ninth Street, Suite 1311, Sacramento, CA 95814 Ph: 916.653.5656 Fax 916.653.8102 <http://resources.ca.gov>



**BDCP EIR/EIS Schedule**  
8/9/11

| Task   | Date to Agencies | Review Complete |
|--|------------------|-----------------|
| <b>BDCP: EIR/EIS Work Plan and Section Review</b>  |                  |                 |
| Prepare Work Plan and Schedule   | 12-Aug-11        | 26-Aug-11       |
| <b>BDCP: Alternatives Descriptions</b>   |                  |                 |
| Prepare Alternatives Description   | 2-Sep-11         | 16-Sep-11       |
| <b>BDCP: Admin Draft EIR/EIS</b>   |                  |                 |
| Prepare Batch A Chapters (e.g., Social Environment)  | 11-Nov-11        | 9-Dec-11        |
| Prepare Batch B Chapters (e.g., Physical Environment)  | 7-Dec-11         | 4-Jan-12        |
| Prepare Batch C Chapters (e.g., Aquatics, Terrestrial, Surface Water, Water Quality, and Supply) | 27-Feb-12        | 27-Mar-12       |
| 1st Admin Draft and Review (Includes comments on batches A & B)                                  | 27-Feb-12        | 26-Apr-12       |
| 2nd Admin Draft and Review   | 9-May-12         | 4-Jun-12        |
| Check Copy   | 11-Jun-12        | 17-Jun-12       |
| File Public Draft EIR/EIS with EPA   | 22-Jun-12        | 28-Jun-12       |
| EPA Publishes Draft EIS  | 29-Jun-12        |                 |
| <b>BDCP: Draft Public Review Period</b>  |                  |                 |
| Public Review and Conduct Hearings (90 days)   | 29-Jun-12        | 26-Sep-12       |
| <b>BDCP: Response to Comments on Draft EIR/EIS</b>   |                  |                 |
| Prepare Responses to Comments  | 12-Oct-12        | 26-Oct-12       |
| Initiate Formal Consultation   | 2-Oct-12         |                 |
| <b>BDCP: Prepare Final EIR/EIS</b>   |                  |                 |
| Prepare Admin Draft Final EIR/EIS  | 15-Nov-12        | 29-Nov-12       |
| Prepare Final EIR/EIS  | 20-Dec-12        | 20-Dec-12       |
| <b>BDCP: Final EIR/EIS Review</b>  |                  |                 |
| Public Review and Conduct Hearings (30 days)   | 20-Dec-12        | 18-Jan-13       |
| Prepare Responses to Comments  | 4-Feb-13         | 15-Feb-13       |
| Prepare ROD (Final EIR/EIS Complete)   | 15-Feb-13        |                 |

**BDCP Chapter 5 (Effects Analysis) Schedule**  
8/9/11

| Task   | Date to Agencies | Review Complete |
|--|------------------|-----------------|
| <b>BDCP: Chapter 5: Conceptual Foundation &amp; Analytical Framework</b> |                  |                 |
| Technical Appendix (Conceptual Foundation)                               | 8-Aug-11         | 24-Aug-11       |
| Technical Appendix (Analytical Framework)                                | 8-Aug-11         | 24-Aug-11       |
| <b>BDCP: Chapter 5: Entrainment</b>                                      |                  |                 |
| Technical Appendix (Entrainment)   | 24-Aug-11        | 14-Sep-11       |
| Delta Science Review (C. Foundation, A. Framework, Entrainment)          | 15-Sep-11        | 14-Oct-11       |
| <b>BDCP: Chapter 5: Flow, Passage, &amp; Salinity</b>                    |                  |                 |
| Technical Appendix (Flow, Passage & Salinity)                            | 30-Sep-11        | 21-Oct-11       |
| <b>BDCP: Chapter 5: Water Quality</b>                                    |                  |                 |
| Technical Appendix (Water Quality)                                       | 14-Oct-11        | 4-Nov-11        |
| <b>BDCP: Chapter 5: Fish Population Analysis</b>                         |                  |                 |
| Technical Appendix (Fish Population Analysis)                            | 25-Nov-11        | 16-Dec-11       |
| <b>BDCP: Chapter 5: Habitat Restoration</b>                              |                  |                 |
| Technical Appendix (Habitat Restoration)                                 | 16-Dec-11        | 6-Jan-12        |
| <b>BDCP: Chapter 5: Ecological Effects</b>                               |                  |                 |
| Technical Appendix (Ecological Effects)                                  | 16-Dec-11        | 20-Jan-12       |
| <b>BDCP: Chapter 5: Appendix - Analysis Not Used</b>                     |                  |                 |
| Technical Appendix (Analysis Not Used)                                   | 16-Dec-11        | 6-Jan-12        |
| <b>BDCP: Chapter 5: Terrestrial Species Analysis</b>                     |                  |                 |
| Technical Appendix (Terrestrial Species Analysis)                        | 16-Nov-11        | 16-Jan-12       |
| <b>BDCP Chapter 5 (Roll-up)</b>  |                  |                 |
| Agency and Delta Science Review  | 27-Feb-12        | 27-Mar-12       |
| <b>BDCP Chapter 5 (Effects Analysis)</b>                                 |                  |                 |
| Chapter 5 Complete   | 9-Apr-12         |                 |

**EXHIBIT 1**

**BDCP EIR/EIS Schedule  
8/9/11**

| Task   | Date to Agencies | Review Complete |
|--|------------------|-----------------|
| <b>BDCP: EIR/EIS Work Plan and Section Review</b>  |                  |                 |
| Prepare Work Plan and Schedule   | 12-Aug-11        | 26-Aug-11       |
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| <b>BDCP: Admin Draft EIR/EIS</b>   |                  |                 |
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| Prepare Final EIR/EIS  | 20-Dec-12        | 20-Dec-12       |
| <b>BDCP: Final EIR/EIS Review</b>  |                  |                 |
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**EXHIBIT 1**

**BDCP Chapter 5 (Effects Analysis) Schedule  
8/9/11**

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| <b>BDCP: Chapter 5: Water Quality</b>                                    |                  |                 |
| Technical Appendix (Water Quality)                                       | 14-Oct-11        | 4-Nov-11        |
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| Technical Appendix (Fish Population Analysis)                            | 25-Nov-11        | 16-Dec-11       |
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| Technical Appendix (Habitat Restoration)                                 | 16-Dec-11        | 6-Jan-12        |
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| Technical Appendix (Ecological Effects)                                  | 16-Dec-11        | 20-Jan-12       |
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| Technical Appendix (Analysis Not Used)                                   | 16-Dec-11        | 6-Jan-12        |
| <b>BDCP: Chapter 5: Terrestrial Species Analysis</b>                     |                  |                 |
| Technical Appendix (Terrestrial Species Analysis)                        | 16-Nov-11        | 16-Jan-12       |
| <b>BDCP Chapter 5 (Roll-up)</b>  |                  |                 |
| Agency and Delta Science Review  | 27-Feb-12        | 27-Mar-12       |
| <b>BDCP Chapter 5 (Effects Analysis)</b>                                 |                  |                 |
| Chapter 5 Complete   | 9-Apr-12         |                 |



THE DEPUTY SECRETARY OF THE INTERIOR  
WASHINGTON

**AUG 10 2011**

The Honorable John Laird  
Secretary for Natural Resources  
State of California  
Sacramento, California 95814

Dear Secretary Laird:

Thank you for your letter of August 9, 2011, addressed to Dr. Jane Lubchenco and me, setting forth the revised schedule for completing the environmental work associated with the Bay-Delta Conservation Plan (BDCP). I have been in close communication with Dr. Lubchenco on these matters, and this letter shall serve as our joint response.

As we have highlighted in numerous contexts over the past two years, the Obama Administration is committed to a strong partnership with the State of California in addressing the longstanding conflicts associated with operation of the Federal and State water projects in the Bay Delta. The Federal Government is also committed to assisting the State in achieving the coequal goals that are mandated by the State's comprehensive water legislation: (1) Providing a more reliable water supply for California, and (2) enhancing the overall quality of the Bay-Delta environment. We believe the BDCP should and will play a key role in meeting these dual goals, and we share the State's sense of urgency in moving forward with the BDCP in an expeditious fashion.

The schedule attached to your letter was developed by our State and Federal agencies, working in consultation with ICF, a new consultant retained recently to prepare the effects analysis and EIS/EIR. As you point out, the new schedule includes an aggressive time line. In our view, that is appropriate given the importance that we place on the BDCP and our commitment to move it forward as quickly as possible. We note, however, that it will be challenging to meet the new schedule, and it will require the cooperation of all parties to do so. In particular, in order to develop a sound effects analysis and draft EIS/EIR by June 2012, we agree that it is critical for the consultant team to produce high quality documents on schedule and for agency reviews to be focused and expeditious. In that regard, we must establish a reliable system for the prompt resolution of outstanding issues that have continued to linger unresolved and that impair essential progress—particularly with respect to effects methodologies.

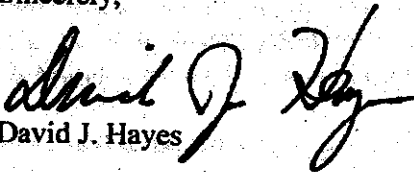
Applying sound scientific principles is fundamental to this effort and its importance cannot be overstated. A key measure of the overall viability of the schedule will be our collective ability to work through and incorporate into the effects analysis and draft EIS/EIR the various scientific views that exist on the range of subjects covered so that these documents are scientifically sound and legally defensible. This has been a fundamental concern of the Federal agencies for some time. The Federal agencies are responsible for the content of the NEPA documents, the records



of decision, and other affiliated regulatory materials and therefore need to ensure that these documents are scientifically and legally sufficient. The process for reviewing work product and revising as appropriate is critical. We believe that the current schedule, coupled with the involvement of the new consultants, provides the opportunity to chart a new path in working through the remaining technical and scientific issues involved in the analysis. In addition, the commitment to public input and broad participation in the various technical workgroups is both helpful and essential to completing a sound draft EIS/EIR. We have the opportunity to meet or even improve on the current schedule if we are successful in establishing an effective process to work through ongoing issues.

The Administration looks forward to the opportunity to develop the BDCP in partnership with the State of California. California's complex water problems require thoughtful, science-based solutions developed with the support of the Federal and State government, as well as all key stakeholders. We intend to do our part to make the BDCP effort a successful one.

Sincerely,



David J. Hayes

cc: Dr. Jane Lubchenco  
Under Secretary of Commerce for Oceans and Atmosphere