



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,

A handwritten signature in black ink, appearing to read "David J. Hayes". The signature is fluid and cursive, with a large initial "D" and "H".

David J. Hayes

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