



September 7, 2011

Jerald Meral, Ph.D.
California Resources Agency
1416 Ninth Street, 13th floor
Sacramento, CA 95814

David Nawi
U.S. Department of the Interior
655 Capitol Mall, 5th floor
Sacramento, CA 95814

RE: ROLE OF OBJECTIVES IN COMPLETING THE BDCP

Gentlemen,

Thank you for meeting with me and other representatives of the environmental community last week to discuss our recent letters to you regarding the analytical framework to be utilized, and the alternatives for environmental review to be evaluated, in completing the Bay Delta Conservation Plan (BDCP).

Perhaps the most critical part of our discussion focused around the need for and roles of specific, measurable, achievable and time-bound biological objectives that define BDCP's contribution to the recovery of covered species and the conservation of covered communities. In particular, a statement in the power point presentation by the ICF consultants that the BDCP effects analysis (EA) will not measure the contribution of the conservation strategy against each biological objective generated much discussion. You directed the BDCP consultants to prepare a memorandum describing how objectives will be addressed in the EA.

Ultimately, however, determining the priority and role of clear objectives in completing the BDCP is a policy decision, not a technical issue. Our discussion indicates a wide and troubling gulf between your conception of project goals and objectives and our own. What I heard at our meeting is that the consultants believe that plan objectives are a summary of what they believe that a given conservation strategy will accomplish. This approach seems to be a recipe for

what the National Research Council review of the BDCP earlier this year called “post-hoc rationalization” (i.e., tailoring a plan’s purposes and justifications to the specific actions its proponents are willing to propose).

On the other hand, we have long stressed that BDCP objectives must be articulated prior to defining – let alone completing and permitting – the proposed conservation strategy. Specific, measurable objectives are foundational for at least two reasons. After the plan is permitted, objectives will be essential for managing implementation adaptively. Only with pre-existing, clearly defined objectives can we hope to measure the effectiveness of implementing plan elements; take appropriate corrective actions to improve performance; and allocate resources between different plan elements. But objectives are also essential prior to permitting the plan. They are the single most important tool available to design, evaluate, and modify potential plan elements in order to develop the plan that is most likely to be effective and most deserving of being permitted.

At the meeting, I asked you *whether or not the state and federal governments were committed to using the objectives (1) in the development of the EA to measure whether the plan is likely to be effective in achieving the species recovery and community conservation goals of the authorizing federal and state statutes (i.e., ESA and NCCPA), and (2) as benchmarks and action triggers in the adaptive management process that will guide BDCP implementation after the plan has been permitted.* As I stated, this is a foundational question for the environmental community. How these questions are answered affects both the adequacy of so many other elements of the analysis and of non-technical aspects of the plan itself (e.g., governance in an adaptive management framework).

It is incredible that it is still unclear, even at this late date, whether the federal and state governments will commit to measure plan effectiveness against clearly defined and fully developed objectives as part of the permitting process. Unfortunately, this is consistent with the slow pace of progress in even articulating and adopting objectives. We were encouraged by the recent work of the independent science review panel to develop example objectives and identify necessary next steps, but the BDCP objective setting process still does not inspire confidence. For example, we still do not have answers to the following, by no means exhaustive, list of questions:

- What framework is being used in the BDCP to guide the objective setting process? That is to say, how are objectives being developed? What is the standard for their development? How will they be reviewed, modified as appropriate, and adopted? How does the timeline for objective

- development allow them to be used in evaluating and improving the conservation strategy?
- How will the development of objectives be tied to the (unfinished) articulation of stressors and required stressor reduction relating to the recovery of covered species and the conservation of covered communities?
 - Will objective setting be conducted largely by experts on the covered species and communities, or by consultants or others without the requisite expertise?
 - When will objectives relating to terrestrial species and habitats be developed?
 - When will community and ecosystem level objectives be developed?
 - When will the conservation measures be evaluated for effectiveness in achieving the objectives?
 - When, prior to completing the plan, and using what process will the conservation measures be modified as appropriate to better achieve the objectives? How and using what process will the conservation measures be modified once the plan is implemented as appropriate to better achieve the objectives?

I appreciate your commitment to completing the BDCP expeditiously; however, we have been raising these issues for four years and have worked diligently to develop and describe a clear, transparent, and scientifically credible pathway for defining BDCP goals and objectives and their relationship to the BDCP conservation strategy and adaptive management program (i.e., the "Logic Chain"). Incorporating specific, measurable objectives into the design of the BDCP conservation strategy and adaptive management framework can no longer wait. In my view, addressing the issues we have raised reflects an accompanying commitment to ensure that the final plan is sufficient and permissible – and as such is the best way to get the plan done right the first time. That commitment must be made and honored for us to continue to support this process.

Sincerely,



Gary Bobker
Program Director

Messr.s Meral and Nawi

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Cc: Mike Connor, Don Glaser, Federico Barajas, Bureau of Reclamation
Ren Lohofener, Mike Hoover, U.S. Fish and Wildlife Service
Maria Rea, Mike Tucker, NOAA Fisheries
Chuck Bonham, Scott Cantrell, California Department of Fish and Game
John Cain, Richard Roos-Collins, American Rivers
Kim Delfino, Kelly Catlett, Defenders of Wildlife
Cynthia Koehler, Spreck Rosekrans, Environmental Defense Fund
Anthony Saracino, Leo Winternitz, Susan Tatayon, The Nature
Conservancy
Barry Nelson, Doug Obegi, Kate Poole, Natural Resources Defense
Council