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Bay-Delta Fish & Wildlife Service
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Bureau of Reclamation
Mid-Pacific Region
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NOAA Fisheries
National Marine Fisheries Service
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OCT 26 2010

Mr. Jared Blumenfeld, Regional Administrator
Mr. Enrique Manzanilla, Director, Communities and Ecosystems Division
Ms. Alexis Strauss, Director, Water Division
U.S. Environment Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

RE: Purpose Statement for Bay Delta Conservation Plan (BDCP)

Dear Messrs. Blumenfeld and Manzanilla and Ms. Strauss:

This letter responds to the June 10, 2010, letter from the Environmental Protection Agency (EPA) to the Bureau of Reclamation, U.S. Fish and Wildlife Service, and National Marine Fisheries Service regarding the Purpose and Need Statement for the Bay Delta Conservation Plan (BDCP) Environmental Impact Statement (EIS).

The BDCP EIS Purpose and Need Statement is part of the Notice of Intent (NOI) to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on the BDCP. The NOI was prepared by the National Environmental Policy Act (NEPA) lead Federal agencies: Reclamation, U.S. Fish and Wildlife Service, and National Marine Fisheries Service. The NOI issued on February 13, 2009, stated that the intent of the BDCP is ". . . to secure authorizations that would allow projects that restore and protect water supplies, water quality, and ecosystem health to proceed within a stable regulatory framework." The NOI further explains that water supplies, water quality, and ecosystem health are currently threatened by the levees in the Delta which ". . . are at constant risk of failure from a number of causes, including seismic activity and sea level rise." The EIS will analyze a range of alternatives designed to address these needs and satisfy the intent of the BDCP.

The NOI stated that one purpose of the BDCP was to ". . . improve the ecosystem of the Delta . . ." by taking actions to contribute to the recovery of listed species, by ". . . protecting, restoring, and enhancing . . ." habitat and ecosystems, and by reducing the adverse impacts to listed species. In addition, the NOI included the following language describing the water supply aspects of the purpose of BDCP:

> *"Restore and protect the ability of the SWP and CVP (State Water Project and Central Valley Project) to deliver up to full contract amounts, when hydrologic conditions result in the availability of sufficient water, consistent with the*

requirements of state and Federal law and the terms and conditions of water delivery contracts . . ."

Our agencies have carefully reviewed the NOI's Purpose and Need Statement in light of the concerns expressed by the EPA and others. The Purpose and Need Statement does not state, and is not intended to imply, that increased quantities of water will be delivered under the BDCP. Rather, it reflects our intent to advance the coequal goals set forth in California's Delta Reform Act of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. See California Water Code Section 85300 et seq. In that regard, we expect the range of alternatives to be considered under NEPA and the California Environmental Quality Act to include one or more alternatives potentially capable of delivering full contract amounts when sufficient water is available, if such deliveries are consistent with ecological actions associated with the goal of restoring the Delta's ecosystem. However, as indicated by the "up to full contract amounts" phrase, alternatives need not be capable of delivering full contract amounts on average in order to meet the project purposes. Average annual south of Delta CVP and SWP deliveries over the past 30 years have been well below full contract amounts. We intend that the phrase "restore and protect . . . up to full contract amounts" delineates an upper bound for the alternatives, not a target. Alternatives that depict design capacities or operational parameters that would result in deliveries of less than full contract amounts are also consistent with this purpose.

In short, we intend that the EIS/EIR evaluate a range of alternatives designed to achieve both a more reliable water supply for the CVP and SWP and restoration of the Delta ecosystem. Consistent with Federal law and the NOI, the alternatives must represent a reasonable range of potential conveyance configurations, water operations, habitat restoration measures, and measures to reduce other stressors capable of achieving the two coequal goals of water supply reliability and Delta ecosystem restoration.

Sincerely,

Ren Lohoefener	Donald R. Glaser	Rodney McInnis
Regional Director	Regional Director	Regional Administrator
U.S. Fish and Wildlife Service	Bureau of Reclamation	National Marine Fisheries Service
Pacific Southwest Region	Mid-Pacific Region	Southwest Region

cc: See next page.

cc: Ms. Nancy Sutley
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