



January 6, 2012

Ms. Mary Nejedly Piepho
Supervisor, Contra Costa County
651 Pine Street, Room 107
Martinez, CA 94553

Dear Supervisor Piepho:

Thank you for your letter of November 7, 2011 regarding the Bay Delta Conservation Plan (BDCP). We welcome the opportunity to work with you to develop a plan that you and other vitally interested stakeholders can support.

As a threshold matter, we appreciate the clear expression of your willingness to have a constructive dialog regarding the goals of the BDCP. We strongly support such a dialog and believe that our meeting scheduled for January 12, 2012, will provide a strong kick-off for that dialog. The issues you raise are very substantive and we anticipate next week's meeting will be one of many we will need to have as development of the BDCP continues.

Your letter seeks our commitment to address ten specific issues. We can assure you that we are willing and will be prepared to enter into a dialog with you on those issues. The issues cover a broad range of topics, some directed more to process, others to substance, and consideration to date of some issues has advanced more than other issues. For example, issues relating to the timeline and approach for completion of the BDCP and to the Memorandum of Agreement (MOA) with several water contractors (Issues 1 and 2 in your letter) have been addressed in the recent State and Federal Comprehensive Response to BDCP MOA Comments (Comprehensive Response), posted on the BDCP website on December 19. We briefly address below the issues you have identified, recognizing that further direct discussion of them will be necessary.

We have indicated our willingness to enter into a similar agreement or statement of principles with you and others, and believe that the agency commitments set out in the Comprehensive Response can provide an effective way to begin to address many of the issues you have identified.

In addition to those issues set out in the Comprehensive Response, we agree that it is appropriate to engage in a discussion of alternatives and analyses to be included in the draft Environmental

Impact Statement/Environmental Impact Report (EIS/EIR) for the BDCP, and the process for involvement of the Delta counties (Issue 3). As you are aware, four of the five Delta counties are cooperating agencies pursuant to the National Environmental Policy Act (NEPA) and have a clear and defined role as the draft EIS/EIR is developed. Pursuant to their status as cooperating agencies, the four counties and others met with the federal and state lead agencies on December 8 to discuss both process and substance of the draft EIS/EIR.

We are prepared to discuss the integration of independent science in the BDCP and coordination with the Delta counties and other stakeholders in that process (Issue 5). The federal and state agencies are firmly committed to independent science review as the BDCP and EIS/EIR move forward. A first phase of such a review has already occurred, resulting in the recent independent science panel report on the initial elements of the BDCP Effects Analysis. The independent science panel will also review the completed draft of the Effects Analysis. Of course, pursuant to state law (Delta Reform Act of 2009), the Delta Independent Science Board is also charged with reviewing the draft EIS/EIR, and providing comments to the Delta Stewardship Council and DFG.

We intend that a cost-benefit analysis will be conducted before any decision is made to move ahead with a project (Issue 4). Although this analysis is not required under applicable laws, we certainly understand the counties' interest in the economic pros and cons of different potential BDCP scenarios and we intend to generate information that will allow for a robust public discussion of those issues. The decision whether to construct any facilities after the approval of BDCP will very much depend on the understanding of the economic benefits of any facilities compared to the cost of those facilities.

We also understand and appreciate the interest of the Delta counties in playing a meaningful role in BDCP implementation and will work with you to develop such a role consistent with the overall governance structure and the roles of other entities (Issue 6).

We look forward to meetings of working groups to address issues in each county (Issue 7). We agree that there is a need to integrate BDCP with local Habitat Conservation Plans/Natural Community Conservation Plans, and intend to accelerate the process that is already under way to accomplish that (Issue 9). Finally, we will consider means to provide funding to the Delta counties in addition to the funds that have already been provided, and DWR will consider allocating the expenditure of bond funds (Issues 8, 10).

To summarize, we are willing and hope to enter into meaningful discussions with representatives of the Delta counties on the issues identified in your November 7 letter and other issues that may be of concern. Our goal is to ensure that the interests of the Delta counties are fully considered and responded to as the BDCP is developed.

We look forward to a productive meeting with you that we will follow up with ongoing dialog on these important issues.

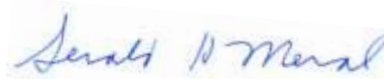
Yours truly,



Will W. Stelle, Jr. Regional
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National Marine Fisheries
Service



Michael Connor,
Commissioner
Bureau of Reclamation



Jerry Meral, Deputy Secretary
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Agency

Identical Letter Sent To:

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