



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Sacramento Area Office
650 Capitol Mall, Suite 8-300
Sacramento, California 95814-4706

July 29, 2005

In response refer:
151422SWR2004SA9116:MEA

Mr. Joe Grindstaff
Acting Director
California Bay-Delta Authority
650 Capitol Mall, 5th Floor
Sacramento, California 95814

Dr. Johnnie Moore
Lead Scientist
California Bay-Delta Authority
650 Capitol Mall, 5th Floor
Sacramento, CA 95814

Dear Mr. Grindstaff and Dr. Moore:

NOAA's National Marine Fisheries Service (NMFS) respectfully requests your assistance in conducting an independent review of the scientific information that supports our October 22, 2004 biological opinion regarding the coordinated operations, criteria and plan (OCAP) for the Central Valley Project (CVP) and the California State Water Project (SWP).

The Department of Commerce, Office of Inspector General (OIG) recently completed an audit report on the process used by NMFS to develop the OCAP biological opinion. In part, the OIG report recommends that NMFS objectively evaluate "...the opinions scientific integrity." In response to this recommendation, NMFS has initiated discussions with you and your staff to conduct an independent review of the scientific information that supports the OCAP biological opinion. As the lead organization providing coordination and oversight of the CALFED Bay-Delta Program, we feel that the California Bay-Delta Authority (CBDA), particularly the CBDA Science Program and/or the Independent Science Board, is the best choice to assist us in conducting this evaluation. In addition, CALFED's public process would allow for a thorough and transparent review. Due to the significance of the OIG report and the question it raises regarding the scientific integrity of the OCAP opinion it is imperative that we reach agreement regarding assistance in this review quickly and conduct the review at the earliest possible date. If at all possible, we would like to have a final report from the independent review panel on this subject by December 15, 2005.

I look forward to working with you and your staff on this review, and appreciate your immediate attention to this request. You can contact me at (916)930-3623 or via email at michael.e.aceituno@noaa.gov.

Sincerely,

Michael E. Aceituno
Supervisor, Sacramento Area Office

cc: Rod McInnis, NMFS, Long Beach, CA
Jim Lecky, NMFS, Silver Springs, MD

