



California Sportfishing
Protection Alliance

"An Advocate for Fisheries, Habitat and Water Quality"

AQUALLIANCE

DEFENDING NORTHERN CALIFORNIA WATERS

February 25, 2013

Joanne Vinton, Environmental Scientist
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Subject: Comments on Independent Science Board Draft Letter of 2/12/13 on
BDCP Administrative Draft Chapter 7

Dear Ms. Vinton;

The California Water Impact Network, the California Sportfishing Protection Alliance and AquAlliance support formal submittal of the Independent Science Board's (ISB) comments on the inadequacy of the proposed Bay-Delta Conservation Plan's proposed science structure and program. We commend the ISB for its courage to stand in opposition to the rigged and disjointed science structure proposed in the latest BDCP Administrative Draft Chapter 7. Clearly, BDCP intent is to have the water users in the Authorized Entities Group guide the science and is not about science guiding BDCP actions.

As stated in the ISB's draft letter:

"The existing Chapter states that science in support of BDCP will be undertaken in a manner that ensures independence (p. 7-4, lines 28-33). Yet the Chapter also states that the Science Manager will be chosen by and report to a Program Manager, who in turn is chosen by and reports to the Authorized Entities Group. How will this chain of command produce independent scientific advice?"

While politely and professionally worded, the ISB's ongoing frustration with the BDCP structure is clear. The ISB has brought up this issue on numerous occasions to BDCP planners, only to be completely ignored and likely misled that a decision had not been made on the issue of integrating science into BDCP. The ISB brought up this issue in a letter dated June 12, 2012, as well as in a May 3, 2012 meeting with BDCP representatives Laura King Moon and Chris Earle where the BDCP representatives said that a decision had not been

made. Obviously, the decision had been made and the ISB's concerns have continued to be ignored.

The ongoing failure of BDCP to establish a credible science program is not an accident. It is clearly an attempt by the Authorized Entities Group, consisting of the Bureau of Reclamation, California Department of Water Resources and the State and Federal Water Contractors, to rig the science in their favor by setting up a chain of command with them in charge. Despite claims by Governor Brown and Interior Secretary Salazar that science will guide BDCP, the proposed scientific management structure will not allow independent science to guide the program. To the contrary, the water users will control the science.

C-WIN supports the concept of a BDCP Science Advisor who would integrate BDCP within the Delta Stewardship Council's Delta Science Program overseen by the Independent Science Board. Setting up a new science program within BDCP would be duplicative and would not assure independent science. In the words of the ISB, the proposed BDCP science program would result in "combat science."

The requirement for unanimous decisions by the Adaptive Management Team, with appeals being resolved jointly by the Authorized Entities Group and the Permit Oversight Group is unwieldy. Furthermore, the ability of scientists with agency loyalties to come to consensus is completely unrealistic. The unanimous voting requirement ensures that the Authorized Entities Group, not the Adaptive Management Team, will make scientific decisions.

Based on past experience it is clear that setting up a new adaptive management plan controlled by the water users will surely fail. The National Research Council, in its review of adaptive management for the BDCP¹ noted as follows:

"Numerous attempts have been made to develop and implement adaptive management strategies in environmental management, but many of them have not been successful, for a variety of reasons, including lack of resources, unwillingness of decision makers to admit to and embrace uncertainty; institutional, legal, and political preferences for known and predictable outcomes; the inherent uncertainty and variability of natural systems; the high cost of implementation; and the lack of clear mechanisms for incorporating scientific findings into decision making."

¹ <http://www.nap.edu/catalog/13148.html>

We also point out that the numerous State Water Board proceedings, the Tri-annual Update of the Water Quality Control Plan for the Delta, CalFed and the various ESA biological opinions collectively constitute a massive adaptive management plan that has utterly failed to protect the estuary.

In conclusion, we strongly support the ISB's ongoing attempts to ensure that Bay-Delta science programs are independent, science-driven and fully incorporated into the Delta Stewardship Council's Delta Science Plan. The establishment of a separate science program within BDCP will surely lead to further fragmentation of science and ongoing "combat science." We support the ISB finalizing its February 12, 2013 draft letter to the Delta Stewardship Council.

Sincerely,



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