



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

January 31, 2017

David Murillo, Regional Director
Mid Pacific Regional Office
Federal Office Building
2800 Cottage Way
Sacramento, CA 95825-1898

William Croyle, Acting Director
California Department of Water Resources
P.O. Box 942836, Room 1115-1
Sacramento, CA 94236-0001

Paul Souza, Regional Director
U.S. Fish and Wildlife Service
Pacific Southwest Region
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825

Barry Thom, Regional Administrator
National Oceanic and Atmospheric Administration
West Coast Region
1201 Northeast Lloyd Boulevard, Suite 1100
Portland, OR 97232

Dear Messrs. Murillo, Croyle, Souza, and Thom:

Consultation on the Long-term Operation of the Central Valley Project and the State Water Project

The Metropolitan Water District of Southern California (“Metropolitan”) is hereby notifying your agencies of its request for full participation in the Endangered Species Act section 7 consultation on the Long-Term Operation of the Central Valley Project and the State Water Project (“LTO Consultation”).

Metropolitan is a public water agency that contracts for the delivery of water from the State Water Project. As such, Metropolitan’s full participation in the LTO Consultation is provided for in the Water Infrastructure Improvement Act for the Nation (WIIN), section 4004 of Part II,

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Subtitle J of Pub. L. No: 114-322 (2016). Metropolitan also seeks designated non-federal representative (“DNFR”) status under 50 C.F.R §402.08. Metropolitan has the technical expertise and resources to assist with the preparation of the biological assessment (BA), and is seeking to partner with Reclamation and DWR in its development.

As provided under federal law, Metropolitan seeks to partner with Reclamation and DWR (“Action Agencies”) in the development of the BA, not only providing information for the Action Agencies to consider, but also drafting portions of the BA itself. Metropolitan looks forward to having routine and continuous opportunities to discuss the BA with the Action Agencies, anticipating that discussions would include assignments to Metropolitan’s technical staff as well as joint drafting sessions.

As provided further under federal law, Metropolitan looks forward to working with the Fish and Wildlife Service and the National Marine Fisheries Service (“Consulting Agencies”), a partnership where Metropolitan would:

- 1) Review and provide technical comments on the draft biological opinions, and have a dialog with the fishery agencies regarding how our comments are resolved;
- 2) Participate in the peer review process, including the selection of expert panel members, the development of questions for the expert panels, and an opportunity to interact with the expert panels during the review process;
- 3) Develop draft reasonable and prudent alternatives (“RPAs”) and submit those to the Action Agencies and Consulting Agencies; and
- 4) Review draft RPAs developed by the Action Agencies and the Fishery Agencies, proposals that include a description of their underlying rationale that explains how each component of the RPA avoid jeopardy or adverse modification of critical habitat and the scientific data or information that supports each component of the alternative, and why other proposed RPAs that would have fewer adverse water supply and economic impacts are inadequate to avoid jeopardy or adverse modification of critical habitat.

Metropolitan will be participating in the public stakeholder process that Reclamation has initiated with its kick-off meeting on February 14. Of course, quarterly stakeholder meetings are a necessary part of the consultation process, but are not a replacement for the full participation of the water contractors. (WIIN, section 4004(d) [“Clarification - Neither subsection (b) or (c) of this section may be used to meet the requirements of subsection (a).”].)

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Metropolitan has partnered with your agencies in the past, and looks forward to another productive and cooperative partnership. Please feel free to contact me at any time to discuss coordination of our joint efforts. I can be reached at (213) 217-5786 or via email at rpatterson@mwdh2o.com.

Sincerely,



Roger K. Patterson
Assistant General Manager

RDS:vb