

Peer Review Plan

Long term Operations of the CVP and SWP Fish and Aquatic Effects Analysis

Date

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Originating office

Bureau of Reclamation, California- Great Basin Region, Bay Delta Office, 801 I Street, Suite 140, Sacramento CA 95814

Reclamation roles

Delegated manager: David Mooney, Area Office Manager, Bay Delta Office California- Great Basin Region, Bureau of Reclamation

Peer Review Lead: Joshua Israel, Chief, Science Division, California- Great Basin Region, Bureau of Reclamation

Subject and Purpose

Reclamation must evaluate alternatives for the Long-term Operation (LTO) of the Central Valley Project (CVP) and State Water Project (SWP). The Fish and Aquatic effects analyses are the main driver for evaluating effects of the Proposed LTO Operation (Proposed Action) on Reclamation and DWR fish and wildlife, water supply, and power generation project purposes. An EIS is a report mandated by the National Environmental Policy Act of 1969 (NEPA), to assess the potential impact of actions “significantly affecting the quality of the human environment.” The analyses inform a Biological Assessment, which is necessary when a Federal Agency is proposing an action that may affect a listed species under the Endangered Species Act. The Resource Agencies will then evaluate the Biological Assessment to determine whether the Proposed Action will jeopardize listed species. Contingent upon the conclusions derived from the analysis, the Resource agency may require non-discretionary measures to minimize incidental take and/or an alternative operation to avoid jeopardy to listed species that may change the ability of Reclamation and DWR to meet other fish and wildlife purposes as well as water. Although these two paths vary in degree, they both constrain the objectives of the CVP and have repercussions for the beneficial multipurpose uses of the CVP and SWP.

The effects analysis includes numerous technical appendices developing the literature, models and tools to evaluate the fish and aquatic environment effects of different alternatives. The objectives of the draft effects analysis are to: (1) systematically evaluate the potential effects and outcome of the LTO Proposed Action on specific life stages; (2) assess the population-level consequences of LTO Proposed Action on ESA-listed populations; and (3) support a biological assessment for consultation with the US Fish and Wildlife Service and the National Marine Fisheries Service.

The document to be reviewed has been developed with additive input from state and federal fishery and water agencies and interested parties through Scoping, Initial Alternative Development, and other opportunities. Many comments were received from these agencies and organizations. The purpose of this Peer Review Plan is to facilitate independent expert review of

the Draft Effects Analysis to enhance their content and improve the science used as basis of decisions influencing the fate of the people of California and listed species facing extinction.

Impact of Dissemination

The Effects Analysis is considered influential scientific information requiring peer review as defined by Office of Management and Budget Final Information Quality Bulletin for Peer Review (70 FR 2664-2677) and the Reclamation Manual Policy CMP P14 Peer Review of Scientific Information and Assessments. The nexus of this determination is that the Effects Analysis' topics have been the subject of: (1) public debate, (2) evidence submitted on prior National Environmental Policy Act (NEPA) and Endangered Species Act (ESA) documents, and (3) statements made in litigation related to the LTO consultation.

Peer Review Scope

This review will evaluate the analytical approach for aquatic environment effects on the exposure, response, and risk to listed individuals, populations, and diversity groups of target species resulting from project operations, and whether quantitative and qualitative methods and risk assessment tools are used appropriately. In cases where models used in the effects analysis have undergone previous peer-review, this peer review will consider the application of these models and their derived results. Reviewers will address questions based on their expertise and are to provide comment solely on the scientific information being reviewed and the estimated magnitude, certainty, and frequency of impacts, not on agency decision or policy. The scope and Charter will be developed by the DSP through their policies and procedures for Independent Science Review.

Questions include:

1. Do the draft analyses adequately explain the exposure, response, and risk from project operations for individuals, populations, and diversity groups of the listed species and physical and biological features of designated critical habitats under the approaches described by the alternatives?
2. To what extent do the draft analyses provide a scientifically defensible approach for evaluating effects to listed species and their designated critical habitats throughout the action area for different alternatives?
3. How well do the draft analyses use best available scientific and commercial information in its analyses and findings?
4. Do the draft analyses adequately address data gaps and uncertainties?
5. How adequately does the water planning modeling address the key operational effects of the different alternatives?

Timing of Review

The review period is expected to start as early as May 31, 2023. The final Peer Review Report is expected to be available on the Reclamation Peer Review public website by January 1, 2024.

Methodology of Review

The Peer Review will be conducted through the Delta Science Program by individuals selected through the DSP's policies and procedures for Independent Science Reviews. The Peer Review findings/comments will be attributed to the individual reviewer.

Number of Peer Reviewers

It is anticipated that three to five peer reviewers will be utilized for the Effects Analysis Review

Reviewer Selection Process

The peer reviewers will have at least 10 years' experience with expertise in water engineering, fisheries science, aquatic ecology, and/or water management. Peer reviewers will have education, professional experience, and peer recognition in their field, and will have contributed to their field. The DSP will select reviewers based on this Peer Review Scope and required expertise identified above. DSP will ensure that peer reviewers do not have a conflict of interest. DSP will ultimately facilitate a conversation amongst individual peer reviewers before the preparation of a single report of peer review comments.

Delivery of findings

Peer reviewers will each submit a report of their findings to the DSP by the end of the review period and work together to develop a letter review. At a minimum, their report will include a brief description of their findings in a comment matrix. The report will be provided digitally to the Peer Review Lead.

Response to Peer Review

At the conclusion of receiving peer review comments, the Peer Review Lead will submit a final Peer Review Report to Reclamation's peer review website (<http://www.usbr.gov/main/qoi/peeragenda.html>), which will include the Panel Letter and list the comments provided by the reviewers. Reclamation's response to the comment, actions the agency will undertake regarding the comment, and reasons the agency believes those actions will satisfy any key concerns or recommendations will be included.

Federal Register Notice

Federal Register notices will not be provided announcing the formation of a peer review team and completion of the final report.

Applicability of the Federal Advisory Committee Act (FACA)

This peer review is not subject to the Federal Advisory Committee Act (FACA) because the review does not involve open meetings or committee chartering and reviewers are being asked to provide individual reviews on the subject matter. Reclamation is not seeking consensus advice from the reviewers as a group.

Agency contact

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