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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **FRESNO DIVISION**

13 NATURAL RESOURCES DEFENSE)
14 COUNCIL, et al.,) Case No.: 05-CV-01207 (OWW) (LJO)
15)
16 Plaintiffs,)
17 v.)
18)
19 DIRK KEMPTHORNE et al.,) **DECLARATION OF RONALD**
20) **MILLIGAN**
21 Defendants.)
22)
23 SAN LUIS & DELTA MENDOTA)
24 WATER AUTHORITY, et. al.)
25)
26 Defendant-Intervenors)
27)
28)

1 I, Ronald Milligan, declare as follows:

1. I am the Manager of the Central Valley Operations (CVO) Office of the United States Bureau of Reclamation (Reclamation), Mid-Pacific Region. In my capacity as Operations Manager, I have responsibility for the day to day operations of the Central Valley Project (CVP). I have held this position since November, 2004.
2. As Operations Manager, I am responsible for ensuring that all of Reclamation's

1 responsibilities in the ongoing Section 7 consultation regarding the effects of continued
2 long-term operations of the CVP and State Water Project (SWP) on delta smelt are met.

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4 3. On May 28, 2008, Reclamation transmitted all the information related to the Biological
5 Assessment (BA) to the U.S. Fish and Wildlife Service (Service), and requested initiation
6 of formal consultation.

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8 4. On June 27, 2008, the Service sent a Memorandum with comments on the BA. The
9 Memorandum also requested additional information on the CVP and SWP necessary to
10 complete the consultation.

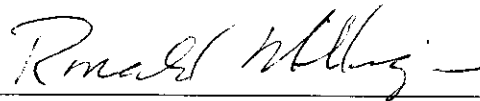
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12 5. I have met with staff from the Service, and believe that the comments and information
13 needs presented by the Service in their June 27 Memorandum are in the process of being
14 resolved by Reclamation and the California Department of Water Resources (DWR). We
15 are currently modeling additional water operations scenarios as requested by the Service
16 as well as revising some of the completed modeling to ensure accurate treatment of all
17 CVP and SWP operations. We are also revising certain sections of the BA to address
18 comments and to be consistent with the revised modeling. Reclamation, as the action
19 agency, retains the discretion to determine whether and how changes are made to the BA
20 in response to the Service's comments, and is actively working, both internal to the
21 agency and with DWR, to resolve all outstanding issues with the Service.

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23 6. Reclamation is committed to transmitting the information requested by the Service on or
24 about August 1, 2008, addressing the Service's comments regarding the CVP. It will also
25 include resolution of the Service's comments on the BA regarding the CVP. I am
26 informed by my counterparts at DWR that they are working to respond to the Service's
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1 comments on the BA regarding the SWP, and also anticipate responding to the Service on
2 or about August 1, 2008. This is a substantial work effort for Reclamation, along with
3 DWR in its applicant capacity. However, on or about August 1, 2008, is a realistic time
4 frame to transmit the information to the Service.
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7 I declare under penalty of perjury under the laws of the State of California and the United States,
that the foregoing is true and correct.
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9 Dated this 25th day of July, 2008.

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12 Ronald Milligan
13 Manager, Central Valley Operations Office
14 Mid-Pacific Region, U.S. Bureau of Reclamation
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