State Water Resources Control Board

Division of Water Quality

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Linda S. Adams
Acting Secretary for Environmental Protection

Edmund G. Brown Jr.
Governor

June 14, 2011

John S. Jacob, Ph.D.
Professor and Extension Environmental Quality Specialist Director
Texas A & M University
1250 Bay Area Boulevard, Suite C
Houston, TX 77058

Dear Dr. Jacob:

PEER REVIEW OF PROPOSED (1) WETLAND DEFINITION AND (2) DELINEATION METHOD FOR THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

Thank you for agreeing to provide professional peer review of the California State Water Resource Control Board's (State Water Board) proposed (1) Wetland Definition and (2) Delineation Method. The purpose of this letter is to initiate the scientific peer review.

Enclosed with this letter are the following key documents:

a) The revised request to Dr. Bowes for external reviewers including five attachments. You received a copy of the original request (November 22, 2010) previously during the reviewer candidate solicitation process from Professor David Jenkins, University of California, Berkeley.

   Please note that slight revisions have been made in two of the attachments: Attachment 2, "Findings, Assumptions and Conclusions." *References to specific sections of the Staff Report have been added.*

   Attachment 4, "References to the Peer Review Request." *The citations to references 2, 3, 4 and 5 have been reformatted, and a web link was updated for reference 11.*

   All revisions are shown in blue type in the attachments.

b) The January 7, 2009 Supplement to the Cal EPA Peer Review Guidelines. In part, this provides guidance to ensure confidentiality through the peer review process; and it addresses possible requests for discussion by outside parties after the review has been submitted.

Enclosures:

Binder One:

1. November 22, 2010 Letter of Request for Reviewers to Dr. Gerald Bowes, revised (June 14, 2011).
2. The January 7, 2009 Supplement to the Cal EPA Peer Review Guidelines.
3. Peer Review Request Primary References 1-12.

Binder Two:

1. Secondary References to Primary References 1 – 6; (Ambrose to Jackson).

Binder Three:

1. Secondary References to Primary References 1 – 6; (Jongman to Whigham).

CD of References

cc:

Victoria Whitney
Deputy Director, Division of Water Quality

Elizabeth Haven
Assistant Deputy Director, Division of Water Quality

Enclosure b)

Supplement to Cal/EPA External Scientific Peer Review Guidelines – "Exhibit F" in Cal/EPA Interagency Agreement with University of California

Gerald W. Bowes, Ph.D.

January 7, 2009

Guidance to Reviewers from Staff:

1. Discussion of review.

   Reviewers are not allowed to discuss the proposal with individuals who participated in development of the proposal. These individuals are listed in Attachment 3 of the review request.

   Discussions between staff and reviewers are not permitted. Reviewers may request clarification of certain aspects of the review process or the documents sent to them.

   Clarification questions and responses must be in writing. Clarification questions about reviewers' comments by staff and others affiliated with the organization requesting the review, and the responses to them, also must be in writing. These communications will become part of the administrative record.

   The organization requesting independent review should be careful that organization-reviewer communications do not become collaboration, or are perceived by others to have become so. The reviewers are not technical advisors. As such, they would be considered participants in the development of the proposal, and would not be considered by the University of California as external reviewers for future revisions of this or related proposals. The statute requiring external review of science-based rules proposed by Cal/EPA organizations prohibits participants serving as peer reviewers..

2. Disclosure of reviewer Identity and release of review comments.

   Confidentiality begins at the point a potential candidate is contacted by the University of California. Candidates who agree to complete the conflict of interest disclosure form should keep this matter confidential, and should not inform others about their possible role as reviewer.

   Reviewer identity may be kept confidential until review comments are received by the organization that requested the review. After the comments are received, reviewer identity and comments must be made available to anyone requesting them.

   Reviewers are under no obligation to disclose their identity to anyone enquiring. It is recommended reviewers keep their role confidential until after their reviews have been submitted.

3. Requests to reviewers by third parties to discuss comments.

   After they have submitted their reviews, reviewers may be approached by third parties representing special interests, the press, or by colleagues. Reviewers are under no