

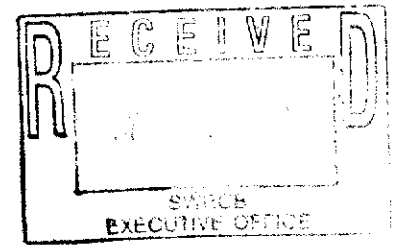


San Joaquin River Group

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- Modesto Irrigation District
- Merced Irrigation District
- South San Joaquin Irrigation District
- Turlock Irrigation District
- Friant Water Users Authority
- San Joaquin River Exchange Contractors
- Oakdale Irrigation District
- City and County of San Francisco

September 6, 2005



Hon. Arthur G. Baggett, Jr.
Chairman
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Div Control Jlok
due 9/30 GK
coordinate w/OCC
D-05-36

Re: Periodic Review

Dear Chairman Baggett:

On or about July 12, 2005, the SWRCB received a submittal from the California Department of Fish and Game (DFG) regarding Comments and Recommendations on the Vernalis Adaptive Management Program (VAMP) flows. It is our understanding that all material to be considered in the Periodic Review was to be submitted to the SWRCB no later than June 1, 2005. We object to this late submittal and request that it be returned to CDFG specifying the deadline for the submittal of material. This CDFG submittal should not be part of the Periodic Review record.

If the Board or Staff decides to consider this CDFG submittal in preparation of the Draft Staff Report on the Periodic Review, then the San Joaquin River Group Authority (SJRG) requests a copy of the "model" to review, time to review the "model," and time to submit comments to the SWRCB on this "robust" new model to also be considered for the Draft Staff Report.

Needless to say, as a partner in the San Joaquin River Agreement (SJRA) we are disappointed by CDFG's unilateral submittal. The SJRA has a process in place to discuss "refinements" to the VAMP study plan. At meetings with Mr. Brodderick and Mr. Loudermilk we impressed upon them the need, as a partner in the SJRA, to follow the process set out by the SJRA to resolve differences. The DFG has not followed that process. None of the entities that signed the SJRA was aware of the DFG proposed "refinement" of the VAMP flows until it was submitted to the SWRCB.

Nowhere in the SJRA, the VAMP, the D-1641 proceedings or elsewhere did DFG ever state that 75% of the smolts would have to be protected by the VAMP. Nowhere in the reports submitted to the SWRCB, as required by D-1641, has the DFG commented on the level of protection afforded by VAMP or the need to revise VAMP to change the

level of protection. Indeed the SJRGA reports submitted to the SWRCB indicate that data are inconclusive at this time and more work is needed. The VAMP is scheduled as a 10-year study and it is only partially complete.

Rather than submit an unsupported and non-peer reviewed model, DFG should submit to the SWRCB and SJRGA hard data that it has collected which can be used to collaboratively design a model based on the "best available science." For instance, DFG has been collecting scale samples on the San Joaquin River and its tributaries since 1970 yet has not analyzed the scale samples to determine the age of fish returning in each individual year. Lack of age data (obtained from scale reading) for San Joaquin Basin adult returns prevents accurate assignment of fish to actual cohorts. Without this age data, cohort strength is estimated and cannot accurately be compared to outmigration conditions. In addition, DFG has not proved any confidence intervals surrounding their escapement estimates, nor indicated the type of escapement estimation method, (i.e., Peterson, Schaeffer, or Jolly-Seber) used in individual tributaries for each year, which does not allow us to know the level of uncertainty associated with both the escapement estimates themselves and the modeling results based upon these estimates.

The SJRGA has requested to have the scales analyzed by an independent lab since DFG does not have the funding or staff to conduct the analysis. The SJRGA has also requested data that DFG used to develop its escapement estimates in order to determine how their estimates were derived and to develop confidence intervals. Our request was denied. So, one must ask why is DFG developing models based on guess work when it has the means to analyze and develop actual cohort data and confidence intervals for salmon escapement and refuses to do so?

We would request that you return all DFG comments submitted after your June 1, 2005 deadline. The rules and timelines established by the SWRCB should be followed by all parties to ensure a fair and neutral process.

Very truly yours,



Allen Short
Coordinator

cc: Victoria Whitney
Gita Kapahi
SJRG
SJRA signatories