

From: Bob Baiocchi <rbaiocchi@gotsky.com>
To: "Greg Wilson" <gwilson@waterboards.ca.gov>
CC: "Marc Vancamp" <vancamp@mbkengineers.com>, "Vicky Whitney" <VWHITNEY@wat...
Date: 7/9/2010 9:27 PM
Subject: Petition for Water Transfer - Merced River - Merced Irrigation District - Banks Pumping Plant
Attachments: Bob Baiocchi #9.doc; 2006%20SWP%20Mitigation%20Loss%20Calculation.pdf

State of California

Before the State Water Resources Control Board

Merced Irrigation District, Licensee

Water Right License 11395 (WR Application 16186)

Merced River Tributary to San Joaquin River thence State Pumps in the Bay Delta Estuary thence the service area of four (4) state water contractors

Petition for Temporary Change Involving the Transfer of up to 15,000 Acre-Feet of Water to Four (4) State Water Contractors Under Water Rights License 11395 (Application 16186) by the Merced Irrigation District

Formal Protest by the California Fisheries and Water Unlimited

The California Fisheries and Water Unlimited hereby file a formal protest against the proposed petition to transfer 15,000 acre-feet of water to four (4) State Water Contractors from the Merced Irrigation District.

The California Fisheries and Water Unlimited has standing with the State Water Resources Control Board. The agent for the California Fisheries and Water Unlimited is Robert J. Baiocchi. His background is enclosed. The mailing e-mail address of Robert J. Baiocchi is: rbaiocchi@gotsky.com .

This protest is based on environmental grounds and a violation of the federal Endangered Species Act.

The transferred water will be diverted to the Banks Pumping Plant (aka State Pumps) in the Bay Delta Estuary. The Banks Pumping Plant has caused significant losses to juvenile salmon and steelhead species that are listed for protection under the Federal Endangered Act. See attachment. The attachment provides sufficient evidence of losses to juvenile striped bass; salmon; and steelhead at the Banks Pumping Plant for a significant period in time without any relief from the SWRCB or its staff.

Greg Wilson and the staff of the Division are fully aware of the documented losses of striped bass; salmon; and steelhead at the Banks Pumping Plant because Robert J. Baiocchi submitted the documented losses to him and the leadership (Ms. Whitney and Mr. Kassel) of the Division of Water Rights. However, disregarding the documented losses as prepared by the California Department of Water Resources, the staff of the Division of Water Rights recklessly violated Section 1725 of the California Water Code and disregarded the losses of endangered anadromous fish species at the Banks Pumping Plant for many other water transfers that were approved by the staff of the Division of Water Rights.

Because of the unreasonable effects and losses to juvenile endangered salmon and threatened steelhead at the Banks Pumping

Plant from the proposed transfer, the petition must be denied by the staff of the Division of Water Rights because the approval of the petition would violate state law (Section 1725 of the California Water Code) and have unreasonable losses to juvenile endangered salmon and threatened steelhead at the Banks Pumping Plant in the Bay Delta Estuary. Endangered Central Valley salmon are near extinction because of the lack of protection by the State Water Board and its staff.

The California Department of Fish and Game and the US Fish and Wildlife Service can still have the Merced Irrigation District release water from Lake McClure for the instream flows study without losses of juvenile endangered salmon and threatened steelhead at the Banks Pumping Plant that violates state law. Further, allowing the transfer to cause losses at the Banks Pumping Plant violates the provisions of the federal Endangered Species Act.

The value of the water to be transferred ranging from 1.5 to 3 million dollars, but the losses of salmon and steelhead at the Banks Pumping Plant over the years is in the hundreds of millions of dollars to the commercial salmon fisheries and the Sportfishing industry.

Should the Division of Water Rights find any deficiencies with this formal protest, contact Robert J. Baiocchi electronically and he will correct the filing. The deadline date for submitting comments and protest is July 26, 2010.

Should the Division of Water Rights considered approving the petition; I am requesting a hearing before the Board for this petition. I am also requesting a CEQA document is prepared by the Merced Irrigation District for this petition.

The agent for the Merced Irrigation District is being provided with a copy of this formal protest. However, Mr. Wilson did not list the agents for the California Department of Fish and Game and the US Fish and Wildlife Service on the public notice for this petition for unknown reasons. Who are the agents for these state and federal agencies? Please advise.

Respectfully Submitted

Signed by Robert J. Baiocchi

Robert J. Baiocchi, President and Agent
California Fisheries and Water Unlimited
California Non-Profit Corporation
E-Mail Address: rbaiocchi@gotsky.com

cc: Mr. Mark Van Camp, Agent, Merced Irrigation District

Deputy Director Victoria Whitney

Craig Wilson, Agent, Division of Water Rights

Regional Director Rod McLinnus, US NOAA Fisheries

Director John McCamman, California Department of Fish and Game

Lester Snow, Secretary for Resources

Interested Parties (bcc)

Attachments

**Bob Baiocchi, Consultant, Retired
P.O. Box 1035
Graeagle, CA 96103
Telephone: 530-836-1115
E-Mail Address: rbaiocchi@gotsky.com**

March, 2010

Resume - Background

Profession:

Consultant – Retired, But Active – Age 78

Total Experience:

40 plus years

Expertise:

State Water Rights and also Federal Energy Regulatory Commission (FERC) hydroelectric licensing and relicensing process, and other state and federal administrative proceedings; Conducted research, prepared and file formal water right complaints, protests, objections, and comments; Conducted research, prepared and filed water right petitions, statements, and related matters; Agent at water right hearings; Conducted research, prepared and filed motions of intervention, petitions for rehearing and formal comments in FERC matters; Conducted research, prepared and filed written comments on CEQA and NEPA documents to local, state, and federal regulatory agencies; Conducted research, prepared and filed formal letters to regulatory state and federal agencies; Consulted with attorneys to prepare legal briefs and statements. Emphasis: anadromous fisheries, resident fisheries, water quantity and quality, water rights, and other environmental issues.

Education:

Self-Educated

Expert Qualification:

Expert Witness on Water Rights Matters; Qualified in 1992 by the State Water Resources Control Board at Bay Delta Hearing; Testified at numerous water right hearings.

Positions:

**Safeguard Environmental Protection Agency - Staff
Consultant Work for California Sportfishing Protection Alliance
Consulting Work for Fall River Wild Trout Foundation
Consulting Work for Friends of the Eel River
Consulting Work for Carmel River Steelhead Association**

Consulting Work for Hot Creek Ranch
Consulting Work for Lake Oroville Fish Enhancement Committee
Consulting Work for Northern California Council Federation of Flyfishers
Consulting Work for Plumas County (Water Related – Water Rights)
Past and Long Term Member of the Cantara Trustee Council (Upper Sacramento River)
Past and Long Term Member of the Oroville Recreation Advisory Committee
Past and Long Term Member of the Stony Creek Task Force
Past Director for Northern California Council Federation of Flyfishers
Former Executive Director of California Sportfishing Protection Alliance
Past VP of Conservation for Northern California Council Federation of Flyfishers
Former Secretary of Butte County Fish and Game Commission
Past President of Chico Fly Fishing Club
Past Conservation Chairman – Chico Fly Fishing Club
Past Conservation Chairman – Northern California Flyfishermen for Conservation (Paradise, CA)
The Baiocchi Family – Agent and Spokesman
Founder – The Anglers Committee
Past Chairman – The Anglers Committee
President – The Anglers Committee
Executive Director – California Salmon and Steelhead Association
Consultant - California Salmon and Steelhead Association

Awards:

Inducted into Fly Fishing Hall of Fame for conservation work by the Northern California Council Federation of Flyfishers;

National Conservation Award – Federation of Fly Fishers

Herb Troebner Memorial Conservation Award for Outstanding Efforts in the Conservation of Our Fisheries – Pasadena Casting Club

Man of the Year Award – Motherlode Chapter Sierra Club;

Conservation Award – Sacramento River Preservation Trust;

Conservation Award From California – Nevada Fisheries Society to California Sportfishing Protection Alliance for my work in filing formal complaints against licensees of hydro projects in California for violations of mandatory daily fish flow requirements;

Streamkeepers Award – California Trout – 1970s – North Fork Feather River

Environmental Hero Award – Awarded to Bob Baiocchi by Commander Thompson of NOAA on September 29, 2001 at NCCFFF dinner at Lake Tahoe

Others not mentioned.

Consulting Activities in California

Lower Yuba River – Conducted research, prepared and submitted formal water right complaint on behalf of United Group with the SWRCB against Yuba County Water Agency et al. Submitted exhibits, obtained expert witnesses, and testified. Acted as agent in recent hearing. 27 days of hearing. Long term process. Issue: Inadequate daily flow requirements to protect threatened and listed steelhead, threatened and listed spring-run Chinook salmon and also fall-run Chinook salmon and their habitat.

Santa Ynez River – Conducted research, prepared and submitted formal water right complaint on behalf of CSPA with the SWRCB against U.S. Bureau of Reclamation. Submitted exhibits, obtained expert witnesses, and testified. Hearing held in 1992. Decision by SWRCB still pending. Issue: The SWRCB did not order mandatory daily flow requirements from Bradbury Dam to protect steelhead and their habitat in the Santa Ynez River. A hearing before the SWRCB will be held this year.

Feather River Project – State Water Project - Feather River – Conducted research, prepared and submitted petition of intervention with the Federal Energy Regulatory Commission (FERC) on behalf of Lake Oroville Fish Enhancement Committee (LOFEC) and CSPA against Recreation Plan by the Department of Water Resources; Also submitted numerous formal filings regarding sportfishery management of Oroville Reservoir. FERC ruled in favor of LOFEC and CSPA, and other parties regarding the Recreation Plan. FERC established the Oroville Recreation Advisory Committee. Consultant was a member of ORAC and worked with leaders and community in the Oroville area. Process still ongoing. Issue: Management of sportfishery in Oroville Reservoir and also construction of new and improved public recreation facilities.

Lower Mokelumne River – Conducted research, prepared and submitted a formal water right complaint with the SWRCB on behalf of CSPA and Committee to Save the Mokelumne against East Bay Municipal Utility District. Submitted exhibits and expert witness testimony to SWRCB. About a dozen days of hearing were held. Also, submitted similar complaint with the Federal Energy Regulatory Commission (FERC). FERC prepared an EIS. Improved mandatory minimum flows ordered by FERC. Issue: Inadequate daily minimum flow requirements and water temperatures below Comanche Dam to protect fall-run Chinook salmon and steelhead.

Stony Creek – Tributary to Sacramento River - Conducted research, prepared and submitted a formal water right protest with the SWRCB against the U.S. Bureau of Reclamation on behalf of the CSPA. As a result of an agreement between the

Bureau and CSPA (Consultant), the Bureau agreed to form the Stony Creek Task Force and also agreed to prepare the Stony Creek Fish, Wildlife, and Water Use Management Plan. Numerous meetings held by the Stony Creek Task Force over a five (5) year period. Also the Bureau is conducting additional studies. The management plan is before the SWRCB at this time, subject to studies by the Bureau. Issue: Inadequate daily flows below Black Butte Dam effecting the migration of salmon into Stony Creek, and also inadequate daily flows for Chinook salmon species and their habitat, and other fish species.

Russian River and Tributaries – Conducted research, prepared and filed a complaint with the SWRCB against all water users holding water right permits, and also applicants who applied for water rights. Public meetings held in Sacramento regarding the complaint. 1,400 water right permits were issued by the SWRCB, and 86 water right applications were pending before the SWRCB when the complaint was filed. Also filed dozens of formal water right protests against pending water right applications to divert water from tributaries of the river. Issue: Failure of the SWRCB to order adequate mandatory daily minimum streamflow requirements in water right permits to protect threatened steelhead and also threatened coho salmon and their habitat. The process is on-going.

Upper Sacramento River – Consulted with attorneys on regular basis who filed a lawsuit against Southern Pacific Railroad Company regarding the derailment and resulting toxic spill (major wild trout kill – 45 plus miles of river) in the Upper Sacramento River. As a result of the lawsuit and also a lawsuit filed by the State of California, I represented parties such as the CSPA et al. that were involved in the original lawsuit as a member of the Cantara Trustee Council. The CTC administrated 14 million plus dollars that was settlement money from the State’s lawsuit for the restoration of the Upper Sacramento River, including other activities. Quarterly meetings. Members of the CTC are Department of Fish and Game, U.S. Fish and Wildlife Service, Regional Water Quality Control Board, and a local recreation agency. Long-term process.

Navarro River and Tributaries – Conducted research, prepared and filed numerous water right protests on behalf of the CSPA against applicants seeking the rights to divert water from the Navarro River and its tributaries. Worked closely with Dr. Hillary Adams of the Navarro Watershed Protection Alliance in filing said formal protests. A lawsuit was filed by the Navarro Watershed Protection Alliance et al. against the SWRCB and is still pending. The long process is ongoing.

Carmel River – Conducted research, worked with the Carmel River Steelhead Association (CRSA), and filed numerous objections and comments with the SWRCB on behalf of the CRSA and the CSPA concerning the use of the state’s water and the resulting adverse effects to threatened steelhead and their habitat in the Carmel River. Long term. Numerous resource issues involved. Issue: Adequate flows for threatened steelhead and their habitat in the river and many related water use issues effecting steelhead in the river and its tributaries.

Calaveras River – Conducted research, prepared and recently filed a complaint with the SWRCB on behalf of the CSPA against Stockton East Water District, Calaveras Water District, and the U.S. Bureau of Reclamation (New Hogan Dam and Reservoir) for failing to provide adequate daily flows in the Calaveras River to maintain federally listed and threatened steelhead and also fall-run Chinook salmon species and their habitat in the river, including inadequate protection measures from diversions in the river. This matter is before the SWRCB at this time.

Napa River and Tributaries – Conducted research, prepared and filed numerous formal protests with the SWRCB on behalf of the CSPA against water right applications on the Napa River. Issue: Attempting to have the SWRCB order mandatory daily minimum streamflow requirements in water right permits to protect fish and other aquatic species and their habitat.

Salinas River – Conducted research, prepared and submitted a water right protest against the City of San Luis Obispo to enlarge Salinas Dam on the Salinas River. Three (3) day hearing held by the SWRCB. Assisted Ms. Lorraine Scarpace, Attorney, at the subject hearing. The Salinas River sustains threatened southern steelhead. There are no mandatory daily flow requirements from Salinas Dam. The SWRCB failed to order mandatory minimum flow requirements from Salinas Dam as a result of the hearing and also in past decision and orders. Issue: Mandatory flow requirements from Salinas Dam to protect threatened southern steelhead, and also to prevent the enlargement of Salinas Dam.

Eel River – Conducted research and prepared a motion of intervention on behalf of the Friends of the Eel River concerning license amendments before the Federal Energy Regulatory Commission regarding PG&E's Potter Valley Project No. 77 which is located on the Eel River.

Fall River – Conducted research, prepared, and filed numerous written comments in cooperation with the Fall River Wild Trout Foundation regarding siltation issues effecting the wild trout fishery of Fall River.

North Fork Feather River Watershed – Feather River - Representing the Baiocchi Family regarding the relicensing of PG&E's Rock Creek - Cresta Project No. 1962, PG&E's Poe Project No. 2107, and PG&E's Upper North Fork Feather River Project No. 2105 (Lake Almanor – North Fork Feather River). Also representing the Baiocchi Family in the relicensing of the Department of Water Resources' Feather River Project 2100. The relicensing process for all of the above hydro projects are before the Federal Energy Regulatory Commission at this time. Also, representing The Baiocchi in the relicensing of the Department of Water Resources' Oroville Project 2100 (aka Oroville Facility of the State Water Project).

Unauthorized Use of the State's Water – Conducted research prepared and filed dozens of formal protest against water right applications on behalf of the CSPA.

Advised the SWRCB in said formal protests that the applicants were diverting, storing, and using the state's water without a valid water right in violation of state law. Issue: Attempting to have the SWRCB order mandatory daily flow requirements, and also attempting to have the applicants cease diverting and storing the state's water without a valid water right.

Other Rivers and Streams – Conducted research, prepared and filed numerous formal protests against numerous water right applications in numerous rivers and streams throughout the state of California on behalf of the CSPA. Those formal protests are on file with the SWRCB and many are still pending.

Major Achievement – Conducted research, prepared and filed several formal complaints with the Federal Energy Regulatory Commission (FERC) on behalf of the CSPA against several hydropower licensees in California for violating the terms and conditions of FERC licenses for failing to meet daily flow requirements for fish and other aquatic resources in numerous rivers in northern California. As a result of the complaints the FERC is monitoring and enforcing compliance of mandatory daily flow requirements from FERC licensed dams. Also, the Federal Power Act was amended and fines were increased from up to \$500 to \$10,000 per day for violations of the terms and conditions of FERC licenses. Consultant also dealt with Congressional Subcommittees.

Present Activities

Jamison Creek – Proposed Step Pool Project – Lack of Environmental Protection – Claimed Pre-1914 Water Rights – Working with Dr. Joseph Abbott

PG&E Upper North Fork Feather River Project 2105 (Lake Almanor et al) – FERC Relicensing Process – Working with The Anglers Committee;

PG&E Rock Creek – Cresta Project 1962 – North Fork Feather River - FERC Post relicensing activities – Ecological Reservoir Committee - Working with The Anglers Committee;

PG&E Poe Project 2107 – North Fork Feather River - FERC Relicensing Process - Working with The Anglers Committee;

PG&E DeSabra-Centerville Project 803 – Butte Creek, West Branch Feather River, and Tributaries – FERC Relicensing Process - Working with The Anglers Committee;

Oroville Facility of the State Water Project 2100 (aka Oroville Project) – North Fork Feather River; Middle Fork Feather River; South Fork Feather River; West Branch Feather River; Main Stem Feather River; Oroville Reservoir et al. – FERC Relicensing Process - Working with organizations and people of the Oroville Area;

Pit – McCloud Hydro Project 2106 – McCloud River Watershed; Pit River Watershed – FERC Relicensing Process - Working with The Anglers Committee

Upper American River 2101 – Relicensing of Project by SMUD – Water Rights Protests – Working with Anglers Committee

Lake Davis – Mismanagement – US Forest Service - Working with The Anglers Committee

Lake Davis – Mismanagement - Cattle Grazing – Water Quality - Working with The Anglers Committee

Lake Davis – Northern Pike Eradication Project – California Department of Fish and Game and Plumas National Forest – Comments to EIR-EIS et al requesting compliance of ADA and other benefits to the public and the public trust resources.

Lake Davis – Compliance with Americans With Disabilities (ADA) – Complaint filed with Plumas National Forest – Accessibility for the Disabled – All Public Facilities

Frenchmen Reservoir – Unreasonable Angler Fees – US Forest Service - Working with The Anglers Committee

Jamison Creek, Tributary to Wild and Scenic Middle Fork Feather River, Plumas County; Plumas County RAC Process – Protection of fishery resources (trout) and water quality at a water diversion project for a private golf course approved for funding by the Plumas County Resources Advisory Committee (RAC) with public money. Discovery work regarding management of Plumas County RAC by the Plumas National Forest.

Carmel River – Water Development Projects – Filed formal water rights protest with the SWRCB on extension of time by Monterey Peninsula Water Management District to construct major dam and reservoir on the Carmel River. Also took actions with Cal-Am’s water development project on the Carmel River – Central Issue; Endangered Steelhead Trout – Working with Carmel River Steelhead Association. Note: Petition Change by MPWMD.

PG&E Rest Areas – Highway 70 - Shady Rest Area and Belden Rest Area – Improvements of rest rooms and rest areas for accessibility of the disabled people and anglers, and also for the public – North Fork Feather River – Butte and Plumas Counties. – Working with Anglers Committee.

Upper American River Watershed – Relicensing of SMUD hydro projects – Numerous reservoir and streams – Request to US Forest Service (Eldorado National Forest) for improvements to public campgrounds; public rest areas; boat launching facilities; restrooms, fishing trails, trout stocking et al for accessibility for the

disabled – Also request for fishery protection measures – Formal Water Rights Protest with the SWRCB on water right application filings by SMUD – Request for water quality protection – Working with Anglers Committee

South Fork Feather River Watershed – Relicensing of South Fork Water and Power Agency’s South Fork Feather River Water and Power Project – Request to the Plumas National Forest for fishery protection measures – Working with the Anglers Committee.

Organizer and President of The Anglers Committee

American Disabilities Act – Numerous Filings with the US Forest Service and Plumas County requesting compliance of the provisions of the American Disabilities Act and accessible for the handicapped at all public facilities. I.e. PG&E’s Bucks Creek Project FERC 619; DeSabra-Centerville Project FERC 803; Frenchman Reservoir Project; Frenchman Campgrounds; Bucks Lake Showers; Goose Lake Toilet; Haven Lake Toilet; Smith Lake Trailhead; Gold Lake Development Campgrounds.

Complaint Against Plumas Corporation With California Department of Justice – Accessibility for Disabled – County sponsored Public Tours et al.

Accessibility for the Disabled Issues – Plumas County and Plumas National Forest – In conjunction with filing informal complaints with the California Attorney General Office and Plumas County, including the California Public Utility Commission;

Water Rights Protest Dismissal by Division of Water Rights – Civil Right Violation and Discrimination

Water Rights – Carmel River – ASR Project – Carmel River Threatened Steelhead – Administrative and Legal proceedings

Water Rights – State of California - Discovery Work – Permitting Section of the Division of Water Rights - Protection of Endangered and Threatened Anadromous Fish Species – Water Rights Permits; Water Right Licenses; Change Petitions; - Protection Measures for Public Trust Fisheries;

Long -Term Water Transfer – Lower Yuba River, and Delta Estuary – Anadromous Fisheries – Civil Rights Violations; Hearing Deficiencies; Bias Hearing Officer; Federal Law Violated; Federal Endangered Species Act and Federal Power Act and others; Hearing before the State Water Resources Control Board; Loss of 22 million salmon, steelhead and striped bass at State Pumps in Delta Estuary;

Formal Complaint; Yuba County Water Agency’s Yuba River FERC Project 2246; Lower Yuba River – Endangered and Threatened Anadromous Fish Species – Failure to file amendment to federal license;

Formal 60 Day Letter for Carmel River Steelhead Association Filed with United States National Marine Fisheries Service Carmel River Threatened Steelhead Species and their Critical Habitat; Intent to Sue; Federal Endangered Species Act Violations;

Organizer and Executive Director of California Salmon and Steelhead Association

ASR Project by Monterey Peninsula Water Management District; Water Rights; For: Carmel River Steelhead Association Carmel River; Threatened Steelhead species and their habitat;

Inspections of ADA Accessibility Compliance at Hydropower Projects Licensed With the Federal Energy Regulatory Commission in California; Formal Notice to the San Francisco Office of the Federal Energy Regulatory Commission;

Accessibility for Disabled Persons at Camp Five (5) Public Recreation and Boating Facility at Lake Davis; Plumas National Forest; other public boating recommendations.

Water Rights Formal Protest Filed With the SWRCB Representing the Newly Founded California Salmon and Steelhead Association; Wild and Scenic Eel River; Merced River; Carmel River; Little Butte Creek; et al

Habitat Expansion Agreement; Sacramento River Watershed; State Water Resources Control Board; US National Marine Fisheries Service et al.

Formal Complaints with the US National Marine Fisheries Service for failing to protect endangered salmon and threatened steelhead; Coastal Streams; Sacramento River Watershed

Disability Rights; Denial of Testimony before the State Water Resources Control Board; Cease and Desist Hearing; Theft of the People's Water; Damage to Steelhead resources; Carmel River;

Formal Complaint with SWRCB; Illegal Dam and Diversion; Endangered Coho salmon and threatened steelhead trout; Pescadero Creek Watershed; Weekly Creek;

Lake Davis; Disability Improvements; benches, picnic tables, boat launching facilities; recreational facilities; Plumas National Forest;

McCloud River; Relicensing Process of PG&E McCloud-Pit Project 2106; Wild Trout; Dolly Varden Trout; Trout Environmental Conditions;

Wild and Scenic Middle Fork Feather River; Water Quality Complaint; Central Valley Regional Water Quality Control Board; Land Use Activities; Golf Courses; land Development; Cattle Grazing;

Water Rights Complaint; Parker Creek; Illegal Dam and Diversion; Working with local land owner;

Drum-Spaulling Hydro Project Relicensing; Fisheries Mitigation; New License

US Bureau of Reclamation Shasta Dam Enlargement; Shasta Reservoir; McCloud River; Pit River; Upper Sacramento River; and Tributaries; Pre-Project Salmon and Steelhead Mitigation; Rainbow and Trout Protection Measures; DeSabra-Centerville Hydropower Project Relicensing; Endangered spring-run Chinook salmon; threatened steelhead; Rainbow and Brown Trout; Mitigation;

Yuba-Bear Hydropower Project; Relicensing; Salmonids Protection Measures.

Oceano Dunes State Vehicular Recreation Area – San Luis Obispo County – Endangered Tidewater Goby; Threatened Steelhead Trout; threatened California Red Legged Frog species and their habitat; endangered La Groicia Thistle Plant species and its habitat; Arroyo Grande Creek and Arroyo Grande Creek; California State Parks; California Department of Parks and Recreation; California Department of Fish and Game; Central Coast Regional Water Quality Control Board; US Fish and Wildlife Service; US NOAA Fisheries; US Army Corps of Engineers; US Environmental Protection Agency; San Luis Obispo County. Working with Dr, Nell Langford, PhD.

North Fork Feather River; Rock Creek – Cresta Project ERC Committee; Due Process Rights Process; Fisheries and Water Temperature Issues; CEQA Issues et al.

DeSabra-Centerville Project 803; West Branch Feather River and Butte Creek; Endangered Spring-run Chinook salmon species and their habitat' Wild trout species and their Habitat; Interbasin Transfer of Water (40 plus years).

Plumas Corp Projects – Feather River CRM Group - Private Cattle Ranches and private grazing area; Trout Fisheries; Plumas County Recreation Advisory Committee Process.

Water Transfers; Numerous; State Pumps; Effects and harm to millions of striped bass; salmon; and steelhead species; State Water Resources Control Board approval process.

Pulse Boating Flow Issues; North Fork Feather River; Pit River; McCloud River; and other rivers; Effects to Trout and Macro Invertebrate Species and their Habitat.

California Fisheries and Water Unlimited; President 2009

State Pumps; Bay Delta Estuary; State Water Project; Fish Losses (Millions);

Water Transfers Research; 2009 and 2010; State Water Resources Control Board; State Water Project; Central Valley Project

Water Transfers; 2009 and 2010; State Water Resources Control Board; Formal Objections and Formal Protests;

Water Right Applications; State Water Resources Control Board; Formal Protests;

Water Right Petitions; State Water Resources Control Board; Formal Objections and Formal Protests;

FERC Licensed Project Relicensing Process; Numerous Hydro Projects; California; Formal Motions of Intervention and Comments;

Americans with Disability Act; Plumas National Forest and FERC Licensed Projects; Public Facilities; Accessibility and Accommodations for Disabled Persons;

Carmel River and Carmel River Steelhead; Research for Carmel River Steelhead Association;

Others Not Noted

Memorandum

To : Ms. Barbara McDonnell
Chief, Division of Environmental Services
Department of Water Resources

Date : January 31, 2007

From : Department of Fish and Game

Subject: Mitigation Loss Calculations for Four Pumps Agreement

The State Water Project (SWP) mitigation loss calculation for 2006 is complete as required by the Four Pumps Agreement between the Department of Water Resources and the Department of Fish and Game. As previously agreed, loss of striped bass under 21mm is based on the mean loss from 1985 through 1995. The estimated mitigation losses for 2006, which are based on five year mean values, are as follows:

<u>SPECIES</u>	<u>NUMBER OF EQUIVALENTS</u>
Striped bass	173,435 (yearlings)
Chinook salmon	94,423 (smolts)
Steelhead rainbow trout	14,182 (yearlings)

The attached table lists the annual SWP loss estimates for yearling-equivalent striped bass, smolt-equivalent Chinook salmon, and yearling-equivalent steelhead rainbow trout (Table 1). The five year loss running averages are also enclosed (Table 2).



Charles Armor
Regional Manager
Bay-Delta Region

Attachment

cc: Department of Water Resources
Sacramento, California
Ms. Delores Brown
Mrs. Laura Flournoy

Department of Fish and Game
Sacramento, California
Mr. Carl Wilcox
Ms. Belloiry Fong
Mr. Fred Jurick

Stockton, California
Mr. Bob Fujimura
Fish Facilities Files

Table 1. Yearling-equivalent losses for striped bass and steelhead rainbow trout and smolt-equivalent losses for Chinook salmon for the State Water Project, 1984-2006.

YEAR	Yearling-Equivalent Striped Bass			Smolt-Equivalent Chinook Salmon			Yearling-Equivalent Steelhead		
	<20 mm	>20 mm	Total Loss	YOY	Yearling	Total Loss	YOY	Yearling	Total Loss
1984		873,853	873,853	290,696	947,503	1,238,199	0	1,713	1,713
1985	65,177	370,976	436,153	472,512	489,713	962,225	0	15,621	15,621
1986	35,315	944,061	979,376	1,147,249	2,300,866	3,448,115	0	15,663	15,663
1987	41,726	954,958	996,684	528,544	713,791	1,242,334	747	21,266	22,013
1988	59,625	874,055	933,680	409,103	747,953	1,157,056	0	25,080	25,080
1989	56,306	579,003	635,309	373,717	246,641	620,358	253	32,571	32,824
1990	7,717	401,353	409,070	90,098	188,228	278,326	0	19,187	19,187
1991	15,117	192,765	207,882	122,127	128,466	250,593	0	38,430	38,430
1992	13,452	299,687	313,139	21,341	224,603	245,944	275	39,931	40,206
1993	25,766	1,194,011	1,219,777	17,547	68,521	86,068	0	47,782	47,782
1994	2,253	122,656	124,909	8,217	25,073	33,290	0	1,738	1,738
1995	3,256	265,225	268,481	26,224	199,012	225,236	0	4,802	4,802
1996*	29,610	214,213	243,823	28,425	121,437	149,862	0	14,240	14,240
1997*	29,610	219,225	248,835	39,792	38,973	78,765	0	1,153	1,153
1998*	29,610	71,980	101,590	10,107	28,683	38,790	0	352	352
1999*	29,610	271,436	301,046	199,537	73,867	273,404	0	4,917	4,917
2000*	29,610	926,501	956,111	173,324	71,333	244,657	74	27,848	27,922
2001*	29,610	262,459	292,069	97,264	80,472	177,736	67	35,146	35,213
2002*	29,610	243,270	272,880	16,914	36,751	53,665	24	9,606	9,630
2003*	29,610	173,492	203,102	43,318	96,780	140,098	0	25,262	25,262
2004*	29,610	161,021	190,631	26,479	84,691	111,170	0	20,321	20,321
2005*	29,610	101,999	131,609	38,600	63,400	102,000	0	9,859	9,859
2006*	29,610	39,341	68,951	26,330	38,851	65,181	0	5,837	5,837

* After the sampling program was eliminated, YE Striped Bass <20mm estimate is the average of 85-95 loss.

Table 2. Five year running averages for yearling-equivalent losses for striped bass and steelhead rainbow trout and smolt-equivalent losses for chinook salmon for the State Water Project, 1984-2006.

Period	Yearling-Equivalent Striped Bass			Smolt-Equivalent Chinook Salmon			Yearling-Equivalent Steelhead		
	<20 mm	>20 mm	Total Loss	YOY	Yearling	Total Loss	YOY	Yearling	Total Loss
Mean 84-88	50,461	803,581	854,041	569,621	1,039,965	1,609,586	149	15,869	16,018
Mean 85-89	51,630	744,611	796,240	586,225	899,793	1,486,018	200	22,040	22,240
Mean 86-90	40,138	750,686	790,824	509,742	839,496	1,349,238	200	22,753	22,953
Mean 87-91	36,098	600,427	636,525	304,718	405,016	709,733	200	27,307	27,507
Mean 88-92	30,443	469,373	499,816	203,277	307,178	510,455	106	31,040	31,145
Mean 89-93	23,672	533,364	557,035	124,966	171,292	296,258	106	35,580	35,686
Mean 90-94	12,861	442,094	454,955	51,866	126,978	178,844	55	29,414	29,469
Mean 91-95	11,969	414,869	426,838	39,091	129,135	168,226	55	26,537	26,592
Mean 92-96	14,867	419,158	434,026	20,351	127,729	148,080	55	21,699	21,754
Mean 93-97	18,099	403,066	421,165	24,041	90,603	114,644	0	13,943	13,943
Mean 94-98	18,868	178,660	197,528	22,553	82,636	105,189	0	4,457	4,457
Mean 95-99	24,339	208,416	232,755	60,817	92,394	153,211	0	5,093	5,093
Mean 96-00	29,610	340,671	370,281	90,237	66,859	157,096	15	9,702	9,717
Mean 97-01	29,610	350,320	379,930	104,005	58,666	162,670	28	13,883	13,911
Mean 98-02	29,610	355,129	384,739	99,429	58,221	157,650	33	15,574	15,607
Mean 99-03	29,610	375,432	405,042	106,071	71,841	177,912	33	20,556	20,589
Mean 00-04	29,610	353,349	382,959	71,460	74,005	145,465	33	23,637	23,670
Mean 01-05	29,610	188,448	218,058	44,515	72,419	116,934	18	20,039	20,057
Mean 02-06	29,610	143,825	173,435	30,328	64,095	94,423	5	14,177	14,182