

Bay-Delta - Re: Informational Proceeding to Develop Flow Criteria for the Delta Ecosystem - Organization of Groups and Panels

From: Patrick Porgans <porgansinc@sbcglobal.net>
To: Phillip Crader <PCrader@waterboards.ca.gov>, <Bay-Delta@waterboards.ca.gov>
Date: 1/14/2010 2:38 PM
Subject: Re: Informational Proceeding to Develop Flow Criteria for the Delta Ecosystem - Organization of Groups and Panels
CC: <porgansinc@sbcglobal.net>

To: Phillip Grader, SWRCB

The following comments and/or suggestions by Porgans & Associates' (P&A) pertain to the structure and participants in the purposed "scientific" topics panels, which should not be limited to scientific "experts" but also include knowledgeable participants from different disciplinants. This will provide an opportunity for all of the participants to question the scientific information and testimony provided in each of the groups. Pre-empting this type of participation will render the entire process as an exercise in futility; unless, of course, that is what this is all about. *This grouping could be based upon scientific topics that need to be considered in developing criteria. Scientific topics could include fishery needs, food web needs, water quality, and invasive species management.*

Paraphrasing one of the participants in attendance at the Informational Preconference, he said, that the issues are more about "probabilities" as opposed to exact science; that is a "real" concern to Porgans & Associates. It is obvious that the thousands of scientists that have conducted a plethora of studies on the Bay-Delta Ecosystem repeatedly missed the mark, that is, of course, **IF** one acknowledges the drastic decline in all of those species already listed have something to do with water exports and SWP/CVP operations, and pumping water at night from the Delta, when energy costs are low for DWR.

Porgans & Associates' intends to partake in the so-called scientific panels to provide a "reality check" to the realm of the "scientific" probabilities. The scientists that provide input to the so-called process will have to provide the basis-in-fact for their contribution to the "Development of Flow Criteria for the Delta Ecosystem". In other words, if they have no way of actually proving what they are saying, then, their input should be considered as irrelevant. In those instances where the scientists are providing input based upon theoretical models, each of the models will have had to be peer reviewed and a confidence rating will be required to ascertain the validity of their input. If you have any question, please advise Porgans & Associates accordingly. Please confirm receipt of this e-mail. Thank you.

Yesterday, we provided all parties submitting an NOI with the names and contact information of the other participants. We request that participants respond with an email to Bay-Delta@waterboards.ca.gov by noon next Thursday, 1/14/10, with 1) a final proposal to organize into groups with the purpose of briefly summarizing exhibits, and 2) suggestions as to what topics should serve as the basis for formation of expert panels. We will use that information, together with what we heard today, to revise, as appropriate, the hearing procedures as they relate to the amount of time that will be made available for panels versus individual participants; with more time made available for panels. We will assume that those participants

--- On **Thu, 1/7/10, Phillip Crader <PCrader@waterboards.ca.gov>** wrote:

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 Subject: Informational Proceeding to Develop Flow Criteria for the Delta Ecosystem - Organization of Groups and Panels

To: MarkR@acwa.com, TimQ@acwa.com, deltakeep@aol.com, Jbeuttler@aol.com, jherrlaw@aol.com, coalitioncoord@att.net, abl@bkslawfirm.com, rsb@bkslawfirm.com, ggartrell@ccwater.com, pharrington@ci.antioch.ca.us, jrobinson@cityofsacramento.org, CWILCOX@DFG.CA.GOV, jrubin@diepenbrock.com, daladjem@downeybrand.com, dlindgren@downeybrand.com, kobrien@downeybrand.com, tkuntz@downeybrand.com, tmberliner@duanemorris.com, kdonovan@ebmud.com, ckoehler@edf.org, tcumpston@eid.org, RED@ESLAWFIRM.COM, spillwayguy@gmail.com, rbaiocchi@gotsky.com, kharrigfeld@herumcrabtree.com, dean@hpllp.com, JMA@JMATLASLAW.COM, cschulz@kmtg.com, mlennihan@lennihan.net, Pminasian@minasianlaw.com, afg@mrgb.org, blancapaloma@msn.com, jroberts@mwdh20.com, ccox@n-h-i.org, rrcollins@n-h-i.org, dgillick@neumiller.com, tshephard@neumiller.com, michael.tucker@noaa.gov, dobegi@nrdc.org, jmalinsky@nrdc.org, kpoole@nrdc.org, towater@olaughlinparis.com, dampc@pacbell.net, dantejr@pacbell.net, Ngmplcs@pacbell.net, srlindy@pacbell.net, chodde@pcl.org, deans@sacsewer.com, bobker@sbcglobal.net, mjatty@sbcglobal.net, porgansinc@sbcglobal.net, osha@semlawyers.com, donn.w.furman@sfgov.org, tflinn@sjgov.org, ldunsw@smud.org, Kaylee.Allen@sol.doi.gov, ahitchings@somachlaw.com, dkelly@somachlaw.com, jbuckman@somachlaw.com, sdunn@somachlaw.com, ssomach@somachlaw.com, warburto@sonic.net, KIERASSOCIATES@SUDDENLINK.NET, LWINTERNITZ@TNC.ORG, jmaher@valleywater.org, esoderlu@water.ca.gov
 Cc: Bay-Delta@waterboards.ca.gov
 Date: Thursday, January 7, 2010, 5:38 PM

Good afternoon,

As stated in the notice for this proceeding, we are interested in hearing participants' views on how to divide panels by scientific issues, so that panels comprised of experts for different participants may present scientific information and testimony pertaining to specific issues as a group. This grouping could be based upon scientific topics that need to be considered in developing criteria. Scientific topics could include fishery needs, food web needs, water quality, and invasive species management.

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Please contact me with questions regarding this matter.

Best regards,
 Phil Crader