

## **AFRP Working Paper Flows Are Not AFRP Recommended Flows and Are Not Reasonable**

**By**

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The 1995 Anadromous Fish Restoration Program (AFRP) Working Papers were cited by The Bay Institute (TBI) in their Exhibit #8 and by Department of Interior (DOI) in their Exhibits #16 & #17. Specifically, they were the source for what was represented as the “AFRP Recommended Flow” for the San Joaquin River at Vernalis contained in TBI Table 2 and for the Tuolumne River in DOI Exhibit #17B.

Such labeling and use of flow values from the Working Papers by TBI and DOI patently misrepresent the actual AFRP recommendations in the 2001 AFRP Final Restoration Plan (same as the 1997 Revised Draft Restoration Plan) and identified therein as “Actions”.

What both TBI and DOI failed to disclose are key issues to identify on this subject as contained below:

- The AFRP Working Papers were the result of only the initial phase of developing a final AFRP plan – this is an important distinction about their draft nature that must continue to be recognized.
- The AFRP Working Paper actions were expressly qualified by the AFRP as not having been evaluated for either implementability or reasonableness, with numerous statements such as “No attempt was made by the technical experts to determine if these actions are reasonable or desirable based on the potential social or economic impacts” and “Reasonableness was not considered in developing this working paper”.
- Only the crudest of screening levels were used to limit the Working Paper flows, e.g. that they did not require the unimpaired runoff or the dismantling of major storage reservoirs, thus they were developed entirely without regard to other water uses.
- Actions included in the final AFRP plan were either deemed reasonable by AFRP, or may be subject to even further decisions as to their reasonableness.
- Specific Vernalis flow recommendations were not identified in the final AFRP plan, thus draft flows in the Working Paper are not reasonable or applicable as AFRP recommendations.
- Tuolumne River flows in the final AFRP plan were those established by FERC, thus draft flows in the Working Paper are not reasonable or applicable as AFRP recommendations.

In summary, it is entirely inappropriate to have these Working Paper flows resurrected and represented as “AFRP Recommended Flows”. The AFRP Final Restoration Plan is the source of “AFRP recommended flows” and the flows identified from the Working Papers by TBI and DOI in their Exhibits have already been determined unreasonable by AFRP and they should be removed from consideration in this proceeding. Furthermore, it also must be recognized that the CVP and SWP will continue to directly export most of the San Joaquin River flow past Vernalis on nearly a year-round basis under existing operations, with the corresponding ongoing and significant impacts to rearing and outmigrating fry and juvenile San Joaquin basin salmon.