

San Joaquin River Group

- Modesto Irrigation District
- Turlock Irrigation District
- South San Joaquin Irrigation District
- San Joaquin River Exchange Contractors

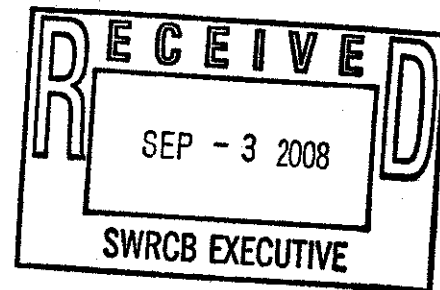
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- Merced Irrigation District
- Oakdale Irrigation District
- Friant Water Users Authority
- City and County of San Francisco



Tam Doduc, Chair
State Water Resources Control Board
1001 I St.
P.O. Box 2815
Sacramento, CA 95812-2815

September 2, 2008



Re: September 17, 2008 Workshop

Dear Madam Chair:

Please accept these comments on behalf of the SJRGA.

1. Salinity:

Since our meeting of October 26, 2006 there has been no communication or exchange of information on the salinity issue. We were first told by your staff that the Salinity Work Group would reconvene last year, then they said "earlier this year" and finally this summer sometime, to continue to address the data gaps on salinity. Your staff never did set a meeting. We understand Dr. Hoffman has been hired to work on salinity issues. We would like to know Dr. Hoffman's scope of work and deliverables. In addition, we would like to know the status of the proposed GIS mapping of Delta diversions and drains, soils, and cropping patterns.

2. CDF&G Model:

Information to the SWRCB, and therefore to the public, from California Department of Fish and Game (CDF&G) regarding the model CDF&G is promoting relative to river flows and fishery needs was due August 18, 2008. The information was (or is) to be posted the SWRCB website to enable members of the public in general, and the water community specifically, to coherently comment on the model and its potential value, or lack thereof, in this set of proceedings. It has not been posted. The deadline for filing comments is September 3, 2008. As we have repeatedly stated this is fundamentally an inadequate amount of time to review, analyze and comment on CDF&G's submittal and that is particularly true if the record from this proceeding will be used to enhance or guide future proceedings regarding changing the San Joaquin River Flow Standard. If time limitations and filing deadlines are enforced for ANY participant in the process they must be enforced for EVERY participant

3. VAMP:

Please see the attached memo. This is the memo with attachment from Pat Brandes. The VAMP summary report is being prepared by the VAMP technical group members. We expect to have it finalized and out for peer review, shortly. We hope to have results from the peer review of the VAMP summary report by your November 5, 2008 workshop.

Very truly yours,
O'LAUGHLIN & PARIS LLP

By: 
TIM O'LAUGHLIN

Attachment

Dear Tim:

This memo will confirm our telephone conversation of last Friday. The purpose of the conference call between Kim Webb, Roger Guinee, you and I was to work together to set forth a schedule for the VAMP peer review. Try to put the VAMP summary process back on track. In our conversation we agreed to the following, subject to buy-in from our respective partners/clients

- We agreed to separate bifurcate the VAMP Summary/Peer Review of VAMP Summary from the forward-looking/recommendations report and its potential peer review. Other request made by the SWRCB. We believe the initial peer review process this can move forward in an expedited fashion.

I will attempt to believe I will have a draft summary report out by September 5th. I have a draft peer review structure and process that has already been sent out to the technical team for their review. The peer review purpose and charge is still under development, and I can send now. The goal would be to have the VAMP Summary and Peer Review of the VAMP Summary done by November 5, 2008.

- We agreed that we would tell the SWRCB on September 17, 2008 that we are attempting expect to have the Summary Report and Peer Review of the Summary Report done by November 5, 2008. We are will be working on the other deliverables and will give them an update on November 5, 2008.

No other information would be conveyed to the SWRCB on the requested VAMP issues at the September 17, 2008 SWRCB Workshop. However, the Service is planning on giving a brief summary of Dr. Ken Newman's VAMP model contained within the CALFED Science report. The report has been final and available since March 31, 2008.

- The Technical and Management Committees will review the purpose and draft charge of the peer review panel when it becomes available and address the VAMP Summary/Peer Review of VAMP Summary when they receive the information. Timely responses are necessary.

- The parties to the SJR Agreement will then commence working on the other deliverables to the SWRCB and the Peer Review of those deliverables (subject to agreement of the

technical group and others) as outlined in the original VAMP peer review process that was approved in February memo.

Patricia Brandes
U.S. Fish and Wildlife Service
4001 N. Wilson Way
Stockton, CA 95205
209-946-6400 X 308

July 3, 2008

DRAFT
VAMP Peer Review Structure and Process

Structure

Panel of 5 members with one designated a chair person. One person from each of these disciplines: large river basin and estuary hydrology (1), fall-run Chinook salmon biology ecology (1), estuarine ecology (1), fisheries statistics/modeler (1), and peer panel review team chair (1).

Process

The panel will be convened for two workshops. The purpose of the first workshop is to receive verbal information/clarification from participants and the purpose of the second is to receive feedback from participants on their draft peer panel report, review relevant information that is either submitted to them or that they bring themselves into the review process, and write both draft and final peer review comments.

The first workshop will provide Bay-Delta WQCP and VAMP background and overview and allow for peer panel and participant interaction. This workshop would be facilitated by an outside entity. The intent of this workshop is three-fold: i) remove peer panel charge ambiguity; ii) provide the peer panel with relevant information that was not provided to them in advance; iii) allow the peer panel to ask questions of the participants to increase effectiveness of their review. The panel will meet "behind closed doors" to develop their draft peer review comments. The panel will submit draft peer comments to the participants and give them the opportunity to provide comments. The second workshop will be for panel members to share their initial ideas and to answer questions and for discussion to clarify issues. The panel will meet "behind close doors" and finalize their collective peer review comments in a written report.

Panel members will, as expertise allows, critique other panel member comments (e.g. peer review of the peer review etc.) prior to release of draft and final comments (this is in essence cross examination of one panel member's verbal and written comments by other panel members). Chair will capture (record) and referee all panel dialogue and oversee draft and final report preparation.

Panel Charge

- a. Determine if information obtained from past and current VAMP studies, in combination with other relevant studies, is sufficient to develop revised water quality standards at Vernalis (e.g. increasing Delta inflow magnitude, duration, and frequency) for the adequate protection of juvenile salmon originating from the San Joaquin basin.

If so, should separate South Delta water quality standards be developed depending on the presence, or absence, of a Head of Old River Barrier.

b. Determine if future data generated from a VAMP acoustic study, similar to that implemented in 2008, can be linked (e.g. ecologically and statistically speaking) with previous VAMP CWT data for the development of WQCP flow standards in the future.

c. Determine if, and what, additional changes are needed to the acoustic study design and both the VAMP flow and export targets to improve, as necessary, the science underpinning new or future WQCP flow standards and provide improved protection for juvenile salmon migrating from the San Joaquin basin and other at-risk Delta species.

Peer Review Questions

- A variety of metrics have been developed to assess population level health and abundance of Delta and SJR fish species and the relationship of the parameters to Delta improvement actions associated with the VAMP study. Are these metrics adequate to: i) assess overall long-term Delta and SJR fish species health and abundance; and ii) are they adequate to evaluate the level of protection afforded by VAMP? If answers to either of these questions is "no", what changes in monitoring methods do you recommend?
- Is the VAMP study design sufficient to answer the question of "what should the Vernalis Spring Flow Standard be (e.g. in terms of flow magnitude, duration, and frequency) to adequately protect Delta and SJR fish species?" If not, what changes should be made to the VAMP study design to answer this question?
- How would one assess whether we could establish flow standards with the VAMP data we have gathered so far?
- Is the lack of a Head of Old River Barrier a fatal flaw in the current experiment?
- Based on data gathered so far, do the range of streamflows identified in the current experimental design appear to be testing a biologically relevant range of flow?
- Is the evaluation of smolt survival in the Delta biologically relevant considering the extensive mortality in the tributaries and variable effects of ocean conditions?
- Can a system as complex as the Delta be evaluated in a cause-effect experimental design (such as environmental conditions effecting survival of Chinook smolts) or will the complexity preordain experimental results that are correlative relationships of environmental conditions to survival?
- Based on the data gathered so far, would the steamflows specified in the SWRCB plan do a better job of protecting wild Chinook than the VAMP study plan.