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July 16, 1997

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Mr. Lester Snow  
Executive Director  
CALFED Bay-Delta Program  
1416 Ninth Street, Room 1155  
Sacramento, California -95814

Dear Lester:

As you know, the Modesto Irrigation District (MID) is a full participant in the Ag/Urban and the San Joaquin River Group (SJRJG) discussions with your staff on resolving the Bay-Delta issues facing California. MID supports the comments that have been transmitted to you on behalf of both those groups. However, I want to personally relay the specific concern of the MID to you.

MID's issues relate to: 1) the protection of the Tuolumne River water for the beneficial uses to which it has been put for more than 100 years, and 2) the protection and enhanced production of natural fall-run chinook salmon produced in the Tuolumne River.

Over the past twenty or so years, MID and the Turlock Irrigation District (TID) have spent millions of dollars studying the life of chinook salmon in the Tuolumne River. Those studies resulted in the following conclusions which formed the basis of the Tuolumne River Management Program now being implemented:

- The existing spawning gravel is over utilized near LaGrange Dam and underutilized farther downstream.
- As a result of excessive fine sediments in the spawning gravels, egg and alevin survival is very low.
- Rates of predation on emigrating juveniles are very high.
- Export pumping through the Delta pumping plants causes high mortality to emigrating juveniles.
- Higher spring flows will increase smolt survival by reducing losses from predation and from Delta export pumping.

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- Commercial ocean harvest frequently depletes adult stock to the point that insufficient numbers of spawners are available.
- The high water temperatures that occur during smolt out migration have not had an adverse effect strong enough to be detected by regression analysis on the numbers of returning adults and, judging from laboratory studies, would not have been expected to.
- A management program to regularly clean the existing spawning gravel, and prevent over-utilization of upper spawning area spawning gravel, and provide well-timed pulse flows during out migration will result in a doubling of the salmon population, consistent with the goals of the state, but only if problems of over harvesting and Delta exports are solved.

In this regard, we believe the installation of a permanent, operable Head of Old River fish barrier will take care of protecting the out migrating smolts from being pumped by the export pumps. The implementation of proper ocean harvest regulations should take care of the problem of insufficient returning adults.

Following extensive negotiations between the MID, TID, the City and County of San Francisco, the California Department of Fish and Game, the United States Fish and Wildlife Service, the San Francisco Bay Area Water Users Association, the California Sports Fishing Protection Alliance, the Friends of the Tuolumne, the Tuolumne River Preservation Trust, the Tuolumne River Expeditions and the Federal Energy Regulatory Commission staff, a negotiated agreement was reached on increased minimum flows, substantial springtime pulse flows and the expenditure of substantial sums of money to help restore spawning gravel, other salmon habitat and generally improve conditions for fall-run chinook salmon in the Tuolumne.

It is important that CALFED recognize these efforts, as we believe this negotiated agreement completely fulfills all Tuolumne River obligations to mitigate for impacts to the Tuolumne River and Bay-Delta fishery. Tuolumne River water users have no obligation to:

- help mitigate for losses in Delta habitats due to the construction of Delta levees,

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- provide water to improve the quality of water in the San Joaquin River degraded by the production of saline drainage water on the West Side of the San Joaquin Valley,
- help overcome problems caused by the construction of Friant Dam and the complete cut off of water from the upper San Joaquin River or,
- help mitigate for the impacts of either the federal or state water project's effort to move water across the Delta from the North to the South.

We believe CALFED should recommend stringent ocean harvest regulations to insure the greatest potential for achieving the goal of doubling the San Joaquin Basin naturally produced salmon stock.

In regard to San Joaquin steelhead and late-fall-run chinook salmon, CALFED should not be promoting the "restoration" of such species when there is no empirical evidence that either fish species has ever been in the San Joaquin Basin. This fact has been pointed out to CALFED staff several times and the comments seem to have fallen on deaf ears. We request a response to our request.

I want to reiterate that we believe the negotiated flows provided in the Tuolumne River FERC Settlement Agreement (FERC Project 2299) provides for the full amount of water required from the Tuolumne River to achieve the goal of doubling salmon production on the river. CALFED's continued insistence on recommending the U.S. Fish and Wildlife Services's draft Anadromous Fish Restoration Plan (AFRP) flows to help "fix the Delta" is inappropriate and unacceptable. In the first place, the amount of water necessary to achieve the AFRP flows is unavailable, and secondly, there was no science or any other reasonable criteria used in developing the AFRP flows. We believe the negotiated FERC flows should be given a fair trial period before flows as radical as the AFRP flows are recommended.

Finally, the SJRG is recommending the implementation of the Vernalis Adaptive Management Program (VAMP) to study the question of necessary Vernalis flows and export pumping rates for the protection of out migrating San Joaquin Basin smolts as they move through the Delta. The study should provide an improved understanding of the appropriate San Joaquin River flows and export pumping rates over the next six to ten years. The studies must be conducted with an Old River fish barrier in place.

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Please let me know Lester, if you have any questions about MID's position on these issues or if you would like to discuss my comments.

Sincerely,



ALLEN SHORT  
General Manager  
Modesto Irrigation District

cc: J. Moskowitz  
W. Ward  
B. Johnston  
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