

**State of California**

**Before the State Water Resources Control Board**

**Yuba County Water Agency, Petitioner and Permittee**

**Water Right Permits 15026, 15027, and 15030**

**Yuba River Watershed; Delta Estuary; State and Federal Pumps**

**In the Matter of Petition for Long-Term Transfer of up to 200,000 Acre-Feet of Water Per Year From Yuba County Water Agency to the California Department of Water Resources and the United States Bureau of Reclamation Under Water Right Permit 15026**

**Board Order WR 2008 - 0014 of March 18, 2008**

**Petition for Reconsideration by the Anglers Committee and the California Salmon and Steelhead Association**

**Brief Summary of Petition for Reconsideration**

**The hearing officer and other members of the State Water Resources Control Board allege and claim that the proposed long-term water transfer using the State Pumps Facility that has harmed 22 and one-half million known fish species, will not unreasonably affect the people's fisheries when the transferred water is diverted from the Delta Estuary through the State Pumps. Board Order 2008-0014 is in error of state law and clearly shows the SWRCB decision in this matter is the height of a conflict of interest ignoring state law as shown below.**

**The Anglers Committee and the California Salmon and Steelhead Association hereby file a Petition for Reconsideration regarding the adopted Board Order of March 18, 2008 shown above.**

**The Anglers Committee has standing as a protestant and as a party of record at the hearing. The California Salmon and Steelhead Association was not a protestant and was not a party of record. However, the California Salmon and Steelhead Association has standing as part owners of the people's public trust resources and assets of the fisheries of the Delta Estuary and the Yuba River Watershed.**

**The agent for the Anglers Committee and the California Salmon and Steelhead Association is Bob Baiocchi. The mailing address of the agent is: P.O. Box 1790, Graeagle, CA 96103. The e-mail address of the agent is:**

[rbaiocchi@gotsky](mailto:rbaiocchi@gotsky) All parties on the Board's service list will receive a copy of this petition for reconsideration by electronic service, including the referenced exhibits.

The agent did not attend the Board meeting of March 18, 2008 because he is disabled and cannot travel to Sacramento. The Hearing Officer denied the agent the opportunity to testify and make statements at the hearing. Consequently that was the reason the agent did not attend the Board meeting of March 18, 2008 and also did not attend the subject hearing.

The Reasons for Filing a Petition for Reconsideration:

1. Errors in Hearing and Board Order Procedures
2. Errors in Law
3. Conflict of Interest

#### Board Order Procedures

(A) The Board is conducting the people's business. On March 17, 2008 the hearing unit staff issued an errata sheet that make major changes in the draft preliminary Board Order WR 2008-0014. The errata sheet was filed by electronic service to all parties after the close of the Board's business hours on March 17, 2008. The Board meeting was held the next morning. The Anglers Committee filed a written complaint late March 17, 2008 by electronic mail to Marianna Aue, Staff Attorney, for the subject Board meeting. We complained that the adoption of Board Order WR 2008-0014 must be delayed until the Hearing Officer provided a written explanation to the Anglers Cpommittee regarding the reasons for the major changes and the legal justification for the major changes. Ms. Aue did not respond to the complaint nor did the hearing officer respond to the complaint. On March 18, 2008 the Board adopted Board Order WR 2008-0014 that contained the major changes after the close of the Board's business hours on March 17, 2008. A terrible way to do the people's business.

We believe the hearing officer and the staff attorney abused their discretion and also violated the due process rights of the Anglers Committee when allowing major changes to draft Board Order WR 2008-0014 without public disclosure and without any explanation and legal justification for said major changes.

Relief Request: The Board must rescind Board Order WR 2008-0014. To satisfy the due process rights of the public, the Anglers Committee and the public must be given the opportunity to review the specific reasons for the major changes and the legal justifications for the major changes, and the opportunity to provide comments to the hearing officer, the hearing staff attorney, and most importantly to the Board.

## Hearing Procedures

**(B) Hearing rules must be carried out equally for all parties. The hearing officer allowed the hearing rules to be violated by the attorney for the Yuba County Water Agency. The hearing staff attorney for the Board was advised of violations of the hearing rules by electronic mail by the Anglers Committee. No correction actions were taken by the hearing officer against the attorney for the Yuba County Water Agency to correct the violations of the hearing rules. The hearing officer gave the attorney for the YCWA a free pass to violate the hearing rules. In our opinion the hearing officer discriminated against the Anglers Committee and Bob Baiocchi because he had a conflict on interest as clearly shown below.**

**Relief Requested: A new hearing must be held so that all parties are treated fairly and equally with a new hearing officer who does not have a conflict of interest because the hearing officer for Board Order WR 2008-0014 had a glaring conflict of interest.**

**(C) The Americans With Disabilities Act requires the Board to accommodate disabled person and also adopt a policy to accommodate disabled persons. Bob Baiocchi submitted written testimony for the subject hearing. Bob Baiocchi was denied the opportunity to testify at the hearing by the hearing officer because Bob Baiocchi could not travel to Sacramento and could not testify at the subject hearing because he is disabled. Clearly the hearing officer discriminated against Bob Baiocchi.**

**The Board is required to adopt a Policy to accommodate disabled person at Board hearings pursuant to the provisions of the Americans With Disabilities Act (ADA). The Board is not immune from following federal statutes that accommodate disabled person at hearings. Disabled persons are children, women, men, the elderly, and war veterans. Former Chairman Donald Mangham of the Board was disabled and the Board made special accommodations for him at Board hearings. Not all people that may want to testify at hearings are healthy 50-year-old males. For the Board to deny the opportunity for disabled persons to testify at hearings without being present via teleconference communication is not only unreasonable but violates the provisions of the ADA. Further, at the hearing, the Board was dealing with two (2) federally licensed projects. The Board also receives federal money to carry out other programs. For those reasons alone the Board and its hearing officer must stop discriminating against disabled persons at hearings held by the Board and comply with the ADA, federal law.**

**Relief Requested: A new hearing must be held so that all parties are treated fairly and equally with a new hearing officer. Not all persons are healthy 50 year-old males. The Board must adopt an ADA policy that allows disabled**

persons to testify at hearings and meetings when disabled persons cannot travel to Sacramento to testify. I.e. telecommunications.

### Errors in Law

(D) The Board can approve a long-term transfer of water provided the change would not unreasonably affect fish, wildlife, and other Instream beneficial uses, pursuant to Section 1736 of the California Water Code.

Board Order WR 2008-0014 clearly violated Section 1736 of the California Water Code for the following reasons:

The pumping of the people's water at the Harvey O. Banks Delta Pumping Plant (state pumps) has caused significant unreasonable losses to Chinook salmon species, steelhead trout species, and striped bass species from 1984 to 2006. Those losses ranged from 1,194,011 to 68,951 for striped bass yearlings; ranged from 3,448,115 to 65,181 for Chinook salmon smolts; and 47,782 to 352 for yearling steelhead trout. In 2006 the losses were 173,435 for striped bass yearlings; 94,423 for Chinook salmon smolts; and 14,182 for steelhead trout yearlings. Because of these losses at the state pumps and also the loss of habitat in the Sacramento River watershed and the San Joaquin watershed, Central Valley salmon and steelhead trout were listed for protection under the federal Endangered Species Act. Striped bass were not listed because these fish are not native to California, but were introduced to the state's waters in the late 1890s. Also Delta smelt were listed for protection as threatened under the provisions of the federal Endangered Species Act.

Striped bass yearling losses, steelhead trout yearling losses, and salmon smolts losses at the state pumps in the Delta Estuary as reported by DWR from 1984 to 2006 are shown below:

Striped Bass.....Steelhead Trout.....Salmon.....

1984 - 873,853 yearlings	- 1,713 yearlings	- 1,238,199 smolts
1985 - 436,153 yearlings	- 15,621 yearlings	- 962,225 smolts
1986 - 979,376 yearlings	- 15,663 yearlings	- 3,448,115 smolts
1987 - 996,376 yearlings	- 22,031 yearlings	- 1,242,334 smolts
1988 - 933,680 yearlings	- 25,080 yearlings	- 1,157,056 smolts
1989 - 635,309 yearlings	- 32,824 yearlings	- 620,358 smolts
1990 - 409,070 yearlings	- 19,187 yearlings	- 278,326 smolts
1991 - 207,882 yearlings	- 38,430 yearlings	- 250,593 smolts
1992 - 313,139 yearlings	- 40,206 yearlings	- 245,944 smolts
1993 - 1,219,777 yearlings	- 47,782 yearlings	- 86,058 smolts
1994 - 124,909 yearlings	- 1,738 yearlings	- 33,290 smolts
1995 - 268,481 yearlings	- 4,802 yearlings	- 225,236 smolts

1996 - 243,823 yearlings - 14,240 yearlings - 149,862 smolts  
1997 - 248,835 yearlings - 1,153 yearlings - 78,765 smolts  
1998 - 101,590 yearlings - 353 yearlings - 38,790 smolts  
1999 - 301,046 yearlings - 4,917 yearlings - 273,404 smolts  
2000 - 956,111 yearlings -27,922 yearlings - 244,657 smolts  
2001 - 292,069 yearlings - 35,213 yearlings – 177,736 smolts  
2002 - 272,880 yearlings - 9,630 yearlings - 53,665 smolts  
2003 – 203,102 yearlings - 25,262 yearlings – 140,098 smolts  
2004 - 190,631 yearlings - 20,321 yearlings - 111,170 smolts  
2005 - 131,609 yearlings - 9,859 yearlings - 102,000 smolts  
2006 - 68,951 yearlings - 5,837 yearlings - 65,181 smolts

**DWR Data (1984-2006) See Attachment**

Since 1984, 10,397,000 plus striped bass yearling species were lost at the state pumps. Since 1984, 11,214,000 plus salmon smolts were lost at the state pumps. Since 1984, 419,765 steelhead yearling species were lost at the state pumps. The public was not born last night. No wonder commercial fishermen and recreation anglers are very, very angry with the members of the State Water Resources Control Board allowing the California Department of Water Resources to continue to harm and destroyed salmon, steelhead, and striped bass species at the state pumps.

**The State “Fish Killing” Pumps has damaged and harmed 22 and 1/2 million known fish species with Hearing Officer Art Baggett and the Board now claiming the proposed long term water transfer diverting the people’s water through the state pumps will not unreasonably effect fish!!!!**

It must be noted that the data shown above only shows three (3) species of fish species adversely harmed and does not show the millions of the same smaller fish species and other Delta fish species harmed from the operation of the State Pumps.

Further, we could not find an accountability of fish losses at the federal pumps from commencement of the federal pumps through 2007, aside from the adverse effects to Delta Smelt. Another glaring deficiency.

The proposed long-term water transfer will continue the unreasonable losses of striped bass yearlings; Chinook salmon smolts; and steelhead trout yearlings at the state pumps. Consequently the long-term transfer of water will unreasonably affect striped bass yearlings; Chinook salmon smolts; and steelhead trout yearlings at the state pumps. For that reason the Board should have denied the long-term water transfer and that portion of Board Order WR 2008-0014.

**Further Judge Wanger ordered a restriction of pumping at the state and federal pumps because of the adverse effect to Delta Smelt species and their habitat in the Delta Estuary. Consequently the long-term transfer of water approved by Board Order WR 2008-0014 will unreasonably affect Delta smelt species and their habitat at the state and federal pumps and clearly violated Section 1736 of the California Water Code.**

**The hearing officer should have made a good faith effort in requiring the Department of Water Resources to provide him and the hearing record with the losses of striped bass yearlings; Chinook salmon smolts; and steelhead trout yearlings at the state pumps thru 2007. The hearing officer did not and by not requiring those losses in the hearing record, bias the outcome of the hearing with respect to whether the proposed long-term water transfer would unreasonably affect the state's fisheries pursuant to Section 1736 of the California Water Code.**

**We reference and attach the State of California Memorandum of January 31, 2007 from the Department of Water Resources to the Department of Fish and Game; Mitigation Loss Calculations for Four Pumps Agreement for 2006, including Table 1 and Table 2 for fish losses from 1984 to 2006 at the state pumps.**

**Clearly, threatened Delta Smelt are being harmed in the Delta Estuary resulting from pumping at the state and federal pumps. Board Order WR 2008-0014 did not provide any specific terms and conditions in the Board Order to protect "threatened" Delta Smelt species and their habitat in the Delta Estuary resulting from the proposed long-term transfer of water at the state and federal pumps. See Judge Wanger's Decision.**

**Clearly, endangered spring-run Chinook salmon species are being harmed at the State Pumps. Board Order WR 2008-0014 did not provide any specific terms and conditions in the Board Order to protect endangered spring-run Chinook salmon species in the Delta Estuary from entrainment at the state pumps.**

**Clearly, endangered winter-run Chinook salmon species are being harmed at the State Pumps. Board Order WR 2008-0014 did not provide any specific terms and conditions in the Board Order to protect endangered winter-run Chinook salmon species in the Delta Estuary from entrainment at the state pumps.**

**Clearly, threatened steelhead trout species are being harmed at the State Pumps. Board Order WR 2008-0014 did not provide any specific terms and conditions in the Board Order to protect threatened steelhead trout species in the Delta Estuary from entrainment at the state pumps.**

**Fall-run Chinook salmon species are being harmed at the State Pumps. Board Order WR 2008-0014 did not provide any specific terms and conditions in the Board Order to protect fall-run Chinook salmon species in the Delta Estuary from entrainment at the state pumps.**

**Clearly, Striped Bass species are being harmed at the State Pumps. Board Order WR 2008-0014 did not provide any specific terms and conditions in the Board Order to protect Striped Bass species in the Delta Estuary from entrainment at the state pumps.**

**American Shad species are being harmed at the State Pumps. Board Order WR 2008-0014 did not provide any specific terms and conditions in the Board Order to protect American Shad species in the Delta Estuary from entrainment at the state pumps.**

**Longfin smelt species are being harmed in the Delta Estuary resulting from pumping at the state and federal pumps. Board Order WR 2008-0014 did not provide any specific terms and conditions in the Board Order to protect Longfin smelt species and their habitat in the Delta Estuary resulting from the proposed long-term transfer of water at the state and federal pumps.**

**Sacramento Splittail species are being harmed in the Delta Estuary resulting from pumping at the state and federal pumps. Board Order WR 2008-0014 did not provide any specific terms and conditions in the Board Order to protect Longfin smelt species and their habitat in the Delta Estuary resulting from the proposed long-term transfer of water at the state and federal pumps.**

**Board Order WR 2008-0014 circumvented the fish losses documentation at the State Pumps and in doing so violated Section 1736 of the California Water Code because the long-term transfer of water would cause unreasonable documented losses of Chinook salmon, steelhead, and striped bass at the state pumps during the period of the long-term water transfer.**

**Relief Requested: Board Order WR 2008-0014 must be rescinded to include specific terms and conditions that protect the above public trust fisheries that are owned by the people of the State of California. The failure of the Board to protect these species in Board Order WR 2008-0014 violated the Public Trust Doctrine and Section 1736 of the California Water Code, including the federal Endangered Species Act and other applicable state and federal statutes.**

**(E) Board Order WR 2008-0014 failed to protection and maintain public recreation at New Bullards Bar Reservoir due to the effects of the long-term water transfer to storage capacity at the reservoir. New Bullards Bar**

**Reservoir was constructed with public money for flood control benefits, which included public recreation. The Yuba County Water Agency and its rice farmers did not build the dam and reservoir.**

**The Board can approve a long-term transfer of water provided the change would not unreasonably affect fish, wildlife, and other Instream beneficial uses, pursuant to Section 1736 of the California Water Code.**

**The failure Board Order WR 2008-0014 to include terms and conditions to protect public recreation at New Bullards Bar Reservoir due to reductions of storage resulting from the long-term water transfers violated Section 1736 of the California Water Code and affected the beneficial uses of water for public recreation at New Bullards Bar Reservoir.**

**Relief Requested: Board Order WR 2008-0014 must be rescinded and a new hearing must be held because the Board Order failed to provide terms and conditions that protect public recreation at New Bullards Bar Reservoir.**

**(F) The Anglers Committee requested water be released at all time from New Bullards Bar Dam into the North Yuba River pursuant to Section 5937 of the California Fish and Game 5937 to keep fish that exist below the dam in good condition. California Fish and Game Code is mandatory and applies to dams. Board Order WR 2008-0014 ignored the mandatory requirements of California Fish and Game 5937 and Board Order WR 2008-0014 did not order water be released from New Bullards Bar Dam into the North Yuba River pursuant to state law (Fish and Game Code 5937).**

**The failure of Board Order WR 2008-0014 not to require releases of water at all times from New Bullards Bar Dam to keep fish in good condition below the dam to the Feather River pursuant to Fish and Game Code 5937 was the abuse of discretion by the Hearing Officer and the Board because Board Order WR 2008-0014 also ignored the beneficial uses of the people water in the North Yuba River below New Bullards Bar Dam.**

**The failure of the Board to order water be released from New Bullards Bar Dam to protect the downstream fisheries affects the beneficial uses of the North Yuba River and unreasonably affects the downstream fisheries and their habitat in violation of Section 1736 of the California Water Code.**

**Relief Request: Require the Yuba County Water Agency to release water from New Bullards Bar Dam at all times pursuant to California Fish and Game Code 5937.**

**(G) Board Order WR 2008-0014 failed to order specific and maximum water temperature requirements to protect and keep alive and in good condition at all times cold water anadromous fish species (all life stages) and their**

habitat during the period of the long term water transfer pursuant to California Fish and Game Code 5937. Those cold water species are: endangered spring-run Chinook salmon species; threatened steelhead trout species; and fall-run and late fall-run Chinook salmon species. The habitat necessary to keep these cold water species alive and in good condition are: (a) spawning habitat; (b) rearing habitat; (c) food producing habitat; and (d) resting habitat. Without cold water these anadromous salmon and steelhead species will not survive.

**Relief Requested:** The Board must rescind Board Order WR 2008-0014 and the Board must order specific water temperature requirements for all life stages of cold-water anadromous spring-run and fall-run and late fall-run Chinook salmon species and threatened steelhead species and their habitat in Yuba River from New Bullards Bar Dam to the confluence of the Yuba River and the Feather River during the period of the long-term water transfer.

**(H)** The Hearing Officer and his hearing staff failed to consult with the United States Fish and Wildlife Service (USFWS) concerning the long term effects to the Delta smelt, endangered salmon, and threatened steelhead at the state and federal pumps in the Delta Estuary pursuant to the provisions of the federal Endangered Species Act. Consequently the terms and conditions of Board Order WR 2008-0014 are grossly deficient without any protection measures for endangered salmon, threatened steelhead, and threatened Delta smelt during the term of the long-term water transfer.

**Relief Request:** A new hearing must be held so that the hearing records provide recommendations from the responsible federal fish and wildlife agency that protect endangered salmon, threatened steelhead, and threatened Delta smelt in the Delta Estuary during the term of the long-term water transfer.

**(I)** Both the state pumps and the Yuba River Project are licensed with the Federal Energy Regulatory Commission and both projects operate under federal licenses with specific terms and conditions. The Hearing Officer and his hearing staff failed to consult with the Federal Energy Regulatory Commission concerning the long-term water transfer and resulting effects to the Delta smelt, endangered salmon, and threatened steelhead at the state pumps in the Delta Estuary and also failed to consult with FERC over the effects to public recreation at New Bullards Bar resulting from reduced annual storage resulting from the water transfer. Further, the Hearing Officer and his staff tampered with two (2) federal licenses that provide protection for the people fisheries and also provides public recreation at New Bullards Bar Reservoir. The Board's duty is to protect water quality at FERC licensed projects and Board Order WR 2008-0014 failed to order

specific water quality protection measures for the federally licensed state pumps and the federally licensed Yuba River Project.

**Relief Request:** A new hearing must be ordered for the long-term water transfer. Said new hearing must comply with the provisions of the Federal Power Act and the new hearing officer and his staff must consult with the Federal Energy Regulatory Commission regarding the effects to endangered and threatened fisheries at the state pumps and public recreation at New Bullards Bar Reservoir.

### **Conflict of Interest**

**(J) Hearing Officer Art Baggett of the SWRCB had a glaring conflict of interest. Before the hearing was held in this matter, Art Baggett signed the Habitat Expansion Agreement representing the Board. See attachment. The Habitat Expansion Agreement included the Lower Yuba River, which was before him at this hearing. The Habitat Expansion Agreement also included the Delta Estuary that was before him at this hearing. The Habitat Expansion Agreement included the Department of Water Resources' Oroville Facility of the State Water Project located in the Sacramento River Watershed and the state pumps, which was part of the hearing, of which the Department of Water Resources was a party before Art Baggett at this hearing. The Habitat Expansion Agreement included the U.S. Bureau of Reclamation's dams and reservoirs on the Sacramento River Watershed, of which the Bureau of Reclamation was a party before Art Baggett at this hearing. The hearing officer should have excused himself from being the hearing officer in this matter because of his glaring conflict of interest. He did not.**

**The Habitat Expansion Agreement is an agreement that prevented mitigation money to be spent on mitigating the effects from Oroville Dam to anadromous fisheries species and their habitat in tributaries to the Feather River above Oroville Dam. i.e. North Fork Feather River; Middle Fork Feather River; South Fork Feather River and West Branch Feather River. The parties that would save mitigation money that were opposed to mitigating the adverse effects to endangered spring-run Chinook salmon species and their historic habitat and also steelhead trout species and their historic habitat above Oroville Dam were: (a) California Department of Water Resources; (b) State Water Contractors; (c) US Bureau of Reclamation; and the Pacific Gas and Electric Company. All of these parties had self-serving interest.**

**The Habitat Expansion Agreement also limited the mitigation requirements of the California Department of Water Resources; the US Bureau of Reclamation; the Pacific Gas and Electric Company; and all other dam owners above their dams in the following rivers and streams in the**

**Sacramento River watershed: American River; Bear River; Yuba River; Feather River; Butte Creek; Big Chico Creek; Deer Creek; Mill Creek; Battle Creek; Bear Creek; Sacramento River above Shasta Dam; Clear Creek; Cottonwood Creek; Paynes Creek; Antelope Creek; Elder Creek; Thomes Creek, and Stony Creek, including the Delta Estuary.**

**The Habitat Expansion Agreement limited the restoration of only 2,000 to 3,000 endangered spring-run Chinook salmon when the Sacramento River watershed historically has tens of thousands of spring-run Chinook salmon species. In fact recently 9,000 endangered spring-run Chinook salmon migrated into Butte Creek.**

**Further the Board did not receive comments from the public or hold a hearing for the Habitat Expansion Agreement before Art Baggett signed it. The failure of the Board to prevent the public from commenting on the Habitat Expansion Agreement violated the people's due process rights to be heard and how they felt about how the Board should protect and mitigate the effects to endangered salmon and threatened steelhead in the Sacramento River watershed resulting from the agreement and existing water rights issued by the State Water Board.**

**Further, the Habitat Expansion Agreement will affect water rights in the Sacramento River watershed and also effect hydro projects that are licensed with the Federal Energy Regulatory Commission or authorized by the United State Congress.**

**Relief Requested: Board Order WR 2008-0014 must be rescinded and a new hearing must be held because the hearing officer had a glaring conflict of interest as stated above.**

**Secondly, because the Habitat Expansion Agreement affected the entire Sacramento River Watershed, which included the Delta Estuary, and because of the conflict of interest by the hearing officer, Art Baggett must not be allowed by the Board to act as a hearing officer or in any capacity that is directly connected and related to the Sacramento River Watershed and the Delta Estuary.**

**We are requesting all of the members of the State Water Resources to act on this Petition of Reconsideration in accordance with applicable statutes and reasonable remedies that are in the public interest and that protect the public trust resources and assets that are owned by the people of the State of California.**

**A written response is requested.**

**Respectfully Submitted**

**Signed by Bob Baiocchi**

**Bob Baiocchi, President, Anglers Committee  
California Salmon and Steelhead Association, Executive Director**

**Dated: April 9, 2008**

**Certificate of Service**

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**All Parties on the Board Service List  
(Electronic Service)**

**Interested Parties (cc and bcc – electronic service)  
Dr. Roy Thomas, President, California Salmon and Steelhead Association  
Mr. Felix Smith, US Fish and Wildlife Service, Retired  
Mr. Zeke Grader, Pacific Coast Federal of Fishermen Association  
Mr. Dave Ford, Federation of Fly Fishers  
Mr. Patrick Porgans, Private Water Consultant  
Mr. Jim Crenshaw, President. California Sportfishing Protection Alliance  
Mr. Jerry Mensch, Retired, Department of Fish and Game  
Nadananda, Friends of the Eel River  
Mr. Michael Warburton. Public Trust Alliance  
Mr. Bill Lenheim, Federation of Fly Fishers**

**Mr. Dan McDaniel, Esquire**  
**Mr. Larry Silver, Esquire**  
**Mr. Joel Baiocchi, Esquire, Anglers Committee**  
**Dr. Doug Patterson, Anglers Committee**  
**Mr. Brian Marcus, Anglers Committee**  
**Mr. Dale Marsh, Anglers Committee**  
**Mr. Brian Kempkes, Former Chairman, Anglers Committee**  
**Mr. Allen Harthorn, Friends of Butte Creek**  
**Mr. Wade Hough, Oroville Recreation Advisory Committee**  
**Dr. Michael Fitzwater, Fall River Wild Trout Foundation**  
**Dr. Ronald Otto, Citizens Group**  
**Mr. Matt Aikawa, Interested Party**  
**Mr. Rod McInnus, Regional Administer, Long Beach Office**  
**United States National Marine Fisheries Service**  
**Mr. Roger Guinee, Water Projects, Sacramento Office**  
**United States Fish and Wildlife Service**  
**Mr. Jim Pedri, Administer, Redding Office**  
**Central Valley Regional Water Quality Control Board**  
**Other Interest Parties**

### **Submitted References by Electronic Service**

**Use It or Lose It; California Fish and Game Section 5937; Law Review Article, Published; Joel C. Baiocchi; University of California at Davis; 1980s**

**Habitat Expansion Agreement Fact Sheet; Central Valley Spring-Run Chinook Salmon and California Central Valley Steelhead; Signed by Art Baggett Jr. for the California State Water Resources Control Board, and other Parties.**

**Mitigation Loss Calculations for Four Pumps Agreement; 1984 to 2006; January 31, 2007; Memorandum from Department of Water Resources to Department of Fish and Game.**

### **References**

**Closing Brief by the Anglers Committee; December 21, 2007; Bob Baiocchi, Agent; 30 pages.**

**Preliminary Comments by the Anglers Committee; Preliminary Draft Board Order; March 4, 2008; Bob Baiocchi, Agent; 9 pages.**

**Yuba Errata Sheet; Board Order; Ernie Mona to all Parties; March 17, 2008 at 4:32 pm; 18 pages.**

**E-Mail Communications to Marianna Aue, Staff Attorney; Yuba Errata Sheet for proposed Board Order; Complaint by Bob Baiocchi, Agent, Anglers Committee and Executive Director, Salmon and Steelhead Association; March 17, 2008 at 7:45 pm.**

**Adoption of Board Order at Regular Meeting of March 18, 2008 by the members of the State Water Resources Control Board.**

**Others not mentioned.**