

May 18, 2007

Ms. Victoria Whitney, Chief
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, CA 95812

Subject: Recommended Changes to State Water Resources Control Board Order
Numbers 98-05 and 98-07 Fisheries Termination Criteria

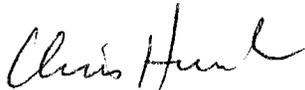
Dear Ms. Whitney:

The purpose of this letter is to clarify any possible misinterpretation of the recommended changes to the fisheries termination criteria specified in State Water Resources Control Board Order Nos. 98-05 and 98-07 that I transmitted to you on March 11, 2007. It has been brought to my attention that there may be some confusion as to how our proposed calculations to determine when a stream section meets the termination criteria would be performed. It was our intent that the criteria must be met for three consecutive years using a three-year running average. It may be that some readers could interpret our recommendation to mean that the termination criteria would be met if the three-year running average meets the criteria in a single year.

I have enclosed a sheet that includes language in **bold** that I believe will clarify our intent. This language could replace that found on Pages 33 and 34 in the document I sent in March.

Should you or your staff have any questions concerning our recommendations, please contact me at 406-461-7038.

Sincerely,



Chris Hunter
Stream Scientist
616 Wintergreen Ct.
Helena, MT 59601

Using the Recommended Termination Criteria – Examples with Current Data Sets

This section provides examples on how we recommend the termination criteria be utilized. The following steps should be followed:

1. With the most-current data set, calculate the biomass, density, condition factor, and RSD for each section of Rush Creek and Lee Vining Creek. Calculate the RSD-300 values for the Rush Creek sections only. We considered averaging sections for an overall Rush Creek value and an overall Lee Vining Creek value, but decided that examining each creek section-by-section was more appropriate because this strategy would better indicate which reaches were recovering.
2. For Upper and Lower Lee Vining Creek, the biomass estimates from the main and side channels were combined for a total value. For densities and condition factors, the values from the main and side channels were averaged.
3. **For the current year and the two previous years**, calculate the three-year running averages of biomass, density, condition factor, and RSD-225 for each section of Rush Creek and Lee Vining Creek. Calculate the three-year running averages of RSD-300 for Rush Creek sections only. **To complete these calculations of three, three-year running averages; five years of data are required.**
4. To determine the For the Upper, Lower, and County Road Rush Creek study sections, a section would be considered “recovered” if it met four of the five termination criteria **for three consecutive years that the three-year running averages were calculated.** The rationale is that in years of high young-of-year recruitment, densities will be high with fairly low biomass estimates. Conversely, in years of relatively low young-of-year recruitment densities will probably drop, but biomass of older trout should increase.
5. The Rush Creek MGORD study section would be considered “recovered” if it met the three RSD termination criteria **for three consecutive years that the three-year running averages were calculated.**
6. For Lee Vining Creek, a section would be considered “recovered” if it met three of the four termination criteria **for three consecutive years that the three-year running averages were calculated.**

