

numbers based on the revised estimation method that YCWA has used for 1994 and 1996-2002. (2003-YCWA-14.)

In arguing that the Mitchell declaration was significant new evidence, counsel for YCWA advised the Court:

“The pre-New Bullards Bar annual average of spawning fish was 12,906 fish, while the post New Bullards Bar annual average, including years 2000 through 2002 is 14,619 fish, using the same methodology for all years of record. (00EX3338; Mitchell Declaration paragraph 7, Exhibits C-D.) In fact, 14,852, 22,384, and 23,609 salmon spawned in 2000, 2001, and 2002, respectively.” (*Id.*, exhs. C-D.) (YCWA memorandum, p. 11.)

However, the YCWA memorandum did not advise the court that: (1) all the numbers referred to are based on estimates, rather than an actual count; and (2) the figures referred to for 2000-2002 are based on a different method of estimating than are the other numbers (despite the implication from the reference in the preceding sentence to use of the same methodology for all years of record). The revised method of estimation used to derive the numbers for 2000-2002 produced numbers substantially higher than the estimating method used for the pre-New Bullards Bar numbers.

The table that was submitted at the hearing on June 5 and 6, 2003, shows the estimates developed using the former method and the estimates for 1994 and 1996-2002 based on the revised method of estimating. (2003-YCWA-14.) The estimates for 2000-2002 using the former method were 12,162 in ~~2002~~2000, 16,541 in 2001, and ~~44,619~~17,930 in 2002 for an average of ~~14,441~~15,544 fish per year. The average of the numbers reported to the Court by YCWA for those three years based on the revised method of estimating would be 20,146 fish per year, or approximately ~~39.5~~29.6 percent more than the average of the spawning salmon reported for 2000 through 2002 using the former method. Thus, the greatmajority of the reported increase in returning salmon for 2000 through 2002 over the pre-New Bullards Bar figures is due to the YCWA's change in the method of estimating rather than a change in the number of fish.¹⁸

¹⁸ In identifying the effect changing the method of estimating, the SWRCB does not mean to imply that the new method of estimating is not valid. However, if the pre-New Bullards Bar numbers of spawning salmon are to be compared with the numbers returning for the years 2000, 2001, and 2002 as was done by YCWA, it is important to understand and acknowledge the effect of the change in the method of estimating.