



State of California – The Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



December 8, 2022

John Sweigard, General Manager  
Phillip McMurray, General Counsel  
Merced Irrigation District  
744 W 20<sup>th</sup> Street  
Merced, California 95340

**Subject: Fish Passage at Crocker Huffman Dam - *Water Audit California v. Merced Irrigation District*, Merced County Superior Court Case No. 22cv-03034**

Dear Messrs. Sweigard and McMurray:

The California Department of Fish and Wildlife (CDFW) is aware of the verified complaint and petition (complaint) Water Audit California (WAC) has filed against Merced Irrigation District (MID) in the above-referenced case. WAC seeks an order from the court requiring MID to reopen and maintain the fishway at the Crocker-Huffman diversion dam on the Merced River. CDFW is also aware that WAC and MID met on November 4, 2022, and during the meeting, William McKinnon, attorney for WAC, recommended that MID meet with CDFW and the National Marine Fisheries Service (NMFS) to begin working on a process to restore fish passage at the dam.

CDFW agrees that fish passage needs to be restored at the dam. Indeed, in a letter to MID dated November 16, 2009,<sup>1</sup> CDFW explained that fish passage at Crocker-Huffman “must be restored.” To that end, CDFW directed MID to consult with CDFW to determine the adequacy of the existing fishway at the dam to pass fish and to develop a fish passage plan. To CDFW’s knowledge, MID did not respond to the letter and, as you know, the fishway remains closed. CDFW is willing to meet with MID, presumably with NMFS, to offer technical assistance to accomplish these goals with the understanding that restoring fish passage at the dam, whether by using the existing fishway or by some other means, remains MID’s responsibility.

CDFW’s contact for this matter will be Gerald Hatler, Fisheries Program Manager for CDFW’s Central Region Office. Mr. Hatler can be reached at (559) 341-1814 or

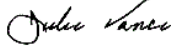
---

<sup>1</sup> A copy of the letter is attached as Exhibit A to William McKinnon’s declaration in support of Water Audit California’s complaint and petition.

Merced Irrigation District  
Fish Passage at Crocker Huffman Dam  
December 8, 2022  
Page 2

[gerald.hatler@wildlife.ca.gov](mailto:gerald.hatler@wildlife.ca.gov). CDFW respectfully requests a response to this letter within ten days of receipt.

Sincerely,

DocuSigned by:  


FA83F09FE08945A...  
Julie Vance  
Regional Manager

cc: William McKinnon, Attorney  
Water Audit California  
[general@waterauditca.org](mailto:general@waterauditca.org)

Cathy Marcinkevage  
Assistant Regional Administrator  
California Central Valley Office, NMFS  
[cathy.marcinkevage@noaa.gov](mailto:cathy.marcinkevage@noaa.gov)

Jonathan Ambrose  
Chief, San Joaquin River Basin Branch, NMFS  
[jonathan.ambrose@noaa.gov](mailto:jonathan.ambrose@noaa.gov)

Gerald Hatler  
Fisheries Program Manager  
Central Region Office, CDFW  
[gerald.hatler@wildlife.ca.gov](mailto:gerald.hatler@wildlife.ca.gov)