

Request #1

SWRCB - IN STREAM  
FLOWS POLICY

ELLISON, SCHNEIDER & HARRIS L.L.P.

CHRISTOPHER T. ELLISON  
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WILLIAM W. WESTERFIELD III  
GREGGORY L. WHEATLAND

January 31, 2008

Via Email

Victoria Whitney  
Deputy Director for Water Rights, Division of Water Rights  
State Water Resources Control Board  
Post Office Box 2000  
Sacramento, CA 95812-2000

Re: Draft Instream Flows Policy Information Request

Dear Victoria,

Thank you and your staff for meeting with Nick Bonsignore and John Faux of Wagner & Bonsignore and me on January 23, 2008 to answer questions regarding the Draft Instream Flows Policy. Staff suggested that some of our information requests should be directed to the Board's Policy consultants in writing. I kindly request that you forward the following requests to your consultants:

1. What was the basis for selecting the 13 validation sites? If this is not discussed in the documents (we have been unable to find it) or discussed only cursorily, then we request all notes and memos concerning biological and hydrologic characteristics supporting selection of these sites and characterizing the watersheds above and below these sites.
2. Validation site hydraulics are discussed in Appendix G to the Scientific Basis document. We request the surveyed transects and slope profiles that are mentioned therein along with the hydraulic calculations use to develop the stage-flow rating curves for these sites.
3. How does the short period of gaged record for some validation sites affect the hydrologic analysis and conclusions made therefrom? Some of the periods considered do not appear to encompass all water year types, or provide sufficiently long periods of record to characterize average conditions over the long term.
  - For example, for the validation site "Dry Creek Tributary Near Hopland", only 2 years of gaged data is available (WY 19968 and 1969). Long-term mean annual precipitation at Healdsburg averages about 41.8 inches. Water year precipitation in 1968 was 35.5 inches (85% percent of normal), and in 1969 was 61.4 inches (147% of normal). For the 2 years considered precipitation was 116% of normal.

STATE WATER RESOURCES  
CONTROL BOARD  
2008 MAY - 1 PM 12:00  
DIV OF WATER RIGHTS  
SACRAMENTO



Victoria Whitney  
January 31, 2008  
Page 2

- Similarly, for the validation site "EF Russian River Tributary near Potter valley", only 3 years of gaged data is available (WY 1959-61). Long-term mean annual precipitation at Ukiah averages about 37.5 inches. Water year precipitation in 1959 was about 28.2 inches (75% of normal), in 1960 was about 30.0 inches (80% of normal). For WY 1961, the data is incomplete for the month of November 1960, however, reference to other regional precipitation data suggests that WY 1961 would have been around 80 percent of normal. Overall, the gaged period evaluated is a dry period. The same may hold true for others sites. For past WAAs we have avoided relying on the Franz Creek gage due to its short period of record that does not appear to characterize long-term conditions.
4. How do these short periods of record correspond to the methodology discussed in the policy that requires that a reference gage used for instream flow analysis have at least a 10-year period of record (Section A.5.2.1 I Appendix A to the Policy)?
  5. With reference to Section F.2.6 of Appendix F to the Scientific Basis document, we request all of the data and analyses used to generate the information in Table F-13.
  6. What is the scientific basis for selecting 5% of the 1.5-year flow as the MCD for protectiveness? Specifically, Figure D-4 in Appendix D of the Scientific Basis document suggests that a 5% reduction in Q1.5 will result in only a 2% reduction in stream morphological characteristics important to fish habitat. This same graphic suggests that a 10 percent reduction in Q1.5 would reduce the various characteristics by 4%. Why is a 4% reduction in these morphological parameters not considered sufficiently protective?

We will pay for reasonable reproduction costs up to \$500.00 without prior approval. In the event that the costs may exceed \$500.00, we request a cost estimate. Alternatively, if the requested documents are especially voluminous, we would like the opportunity to review the documents and make select copies. Also, can you please provide the documents and responses as they become available rather than waiting for complete responses to all of our requests? Thank you for your assistance.

Sincerely,



Peter Kiel

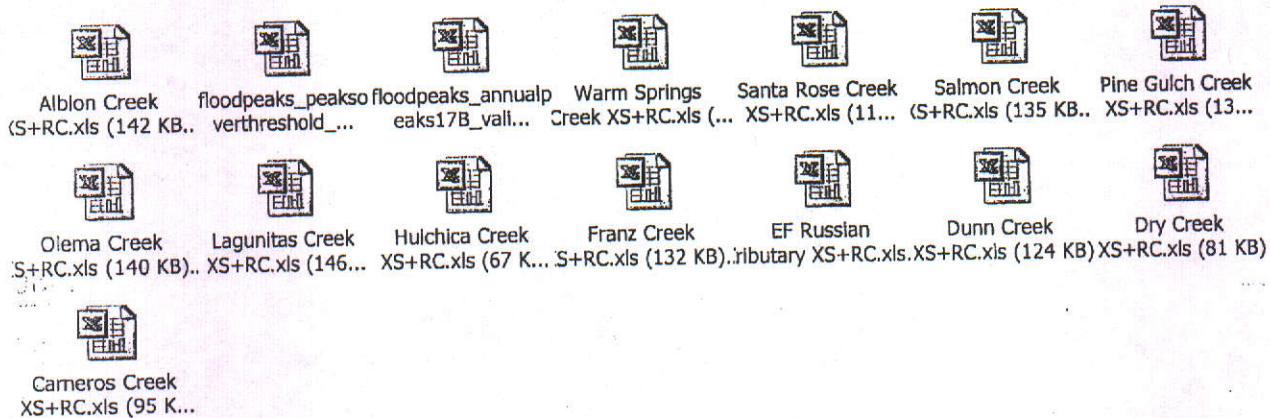
cc: Steve Herrera  
Aaron Miller  
Karen Niiya  
Eric Oppenheimer  
Nick Bonsignore  
John Faux



**John Faux**

**From:** Robert C. Wagner [rcwagner@wagner-engrs.com]  
**Sent:** Friday, March 07, 2008 12:53 PM  
**To:** John Faux  
**Subject:** FW: Response to Ellison, Schneider & Harris Record Request

**Attachments:** Albion Creek XS+RC.xls; floodpeaks\_peaksoverthreshold\_validationsites.xls;  
floodpeaks\_annualpeaks17B\_validationsites.xls; Warm Springs Creek XS+RC.xls; Santa  
Rose Creek XS+RC.xls; Salmon Creek XS+RC.xls; Pine Gulch Creek XS+RC.xls; Olema  
Creek XS+RC.xls; Lagunitas Creek XS+RC.xls; Huichica Creek XS+RC.xls; Franz Creek  
XS+RC.xls; EF Russian Tributary XS+RC.xls; Dunn Creek XS+RC.xls; Dry Creek XS+RC.xls;  
Carneros Creek XS+RC.xls



-----Original Message-----

**From:** Matthew Bullock [mailto:MBullock@waterboards.ca.gov]  
**Sent:** Friday, March 07, 2008 12:08 PM  
**To:** pjke@eslawfirm.com; rcwagner@wagner-engrs.com  
**Cc:** Eric Oppenheimer; Karen Niiya  
**Subject:** Response to Ellison, Schneider & Harris Record Request

MBullock  
MBullock  
MBullock  
MBullock

Gentlemen,

We have received your check for \$1000, made out to Stetson Engineers, for their work in compiling a response to your record request. Please find attached the records that Mr. Kiel requested by letter dated January 31. The response is being provided in electronic form as I discussed with Mr. Wagner by phone this morning. See below for brief written responses to your comments, as prepared by Stetson Engineering. Feel free to contact me if you have further questions or concerns regarding this document request.

Sincerely,  
Matthew Bullock

- 
1. The basis for selecting the 13 validation sites is discussed in the Task 3 report, section 4.1.1, page 4-3, and section G.1, page G-6.
  2. The surveyed transects, slope profiles, and hydraulic calculations used to develop the stage-flow rating curves at the 13 validation sites are contained in the attached spreadsheet files (see "XS+RC" files).
  3. Streamflow data for the period of record available were used to estimate hydrologic statistics for each validation site. Estimated hydrologic statistics were used to develop regional regressions for the

in  
AC.



MBF3 and MBF4 equations. Estimated hydrologic statistics were also used in the flow habitat analysis to assess protectiveness and in the sensitivity and water cost analyses to determine relative restrictiveness over the period of record. The estimated hydrologic statistics might differ depending on the period of record used to estimate the hydrologic statistics. The extent to which the above-mentioned analyses would be affected if a different period of record were to be used is unknown.

4. The basis for the requirement for the 10-year period of record, as called for in the methodology discussed in the policy, is not related to the periods of record that were used to the estimate the hydrologic statistics discussed in item 3 above.

5. The data and analyses used to develop the information in Table F-13 are contained in the attached spreadsheet files (see "floodpeaks" files).

6. The value of 5% of the 1.5-year flow as the MCD was originally proposed in the NMFS-DEG Draft Guidelines. The scientific basis for this value is discussed in the Task 3 report, section 4.2.5, page 4-15, and section D.3.1, pages D-23-30.

Matthew G. Bullock  
Staff Counsel  
State Water Resources Control Board  
1001 I St.  
Sacramento, CA 95812

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\*\*\*\*\*  
MBullock@waterboards.ca.gov  
telephone: (916) 341-5164  
fax: (916) 341-5199





**Linda S. Adams**  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
P.O. Box 2000 ♦ Sacramento, California 95812-2000  
Fax: 916.341.5400 ♦ www.waterrights.ca.gov



**Arnold Schwarzenegger**  
Governor

*instream flow policy errata*

**RECEIVED**

MAR 14 2008

## MEMORANDUM

**WAGNER & BONSIGNORE**

Date: March 14, 2008

To: State Clearinghouse, Reviewers, and Interested Persons

Re: Second Errata for Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams and Supporting Technical and Environmental Documents [State Clearinghouse Number 2006072091]

### SUMMARY

On December 28, 2007, the State Water Resources Control Board (State Water Board) posted on its website documentation for the proposed Policy for Maintaining Instream Flows in Northern California Coastal Streams. On that same date, the Draft Policy, Substitute Environmental Document (SED), and supporting documents were also sent to the State Clearinghouse for distribution to reviewing agencies. On January 4, 2008, the first errata was posted on the State Water Board website and sent to the State Clearinghouse for distribution to reviewing agencies.

This memorandum provides notification of a second update that affects several of the documents. These documents include the Draft Policy, the Draft SED (main text and Appendix D), and the North Coast Instream Flow Policy: Scientific Basis and Development of Alternatives Protecting Anadromous Salmonids (main text and Appendices D, E, F, G, I, and J). With this memo, the State Water Board is providing 15 paper copies of the updated Draft Policy and 15 copies of a CD containing all of the documentation, including all updated documents.

The updated documents may be accessed at the State Water Board website ([http://www.waterrights.ca.gov/HTML/instreamflow\\_nccs.html](http://www.waterrights.ca.gov/HTML/instreamflow_nccs.html)) after 4 pm on March 14, 2008. As stated in the Notice of Extension, dated January 30, 2008, the deadline for written comments is **noon on Thursday, May 1, 2008**. Questions regarding these documents may be directed to Karen Niiya or Eric Oppenheimer at (916) 341-5342 or by email at [AB2121Policy@waterboards.ca.gov](mailto:AB2121Policy@waterboards.ca.gov).

### DISCUSSION

Most of the revisions reflect changes resulting from identification of errors in the technical analysis. During the review of the water cost analysis, it was found that: (1) the analysis used an incorrect intercept coefficient for the third minimum bypass flow alternative (MBF3), and (2) the watershed areas for two validation sites that were not close to a stream gauge had not been corrected for differences between the gauge locations and transect locations. Correction of the second error has resulted in revision of the regression equations for the third and fourth minimum bypass flow alternatives. This change is reflected in slightly modified minimum bypass flow equations in the Draft Policy and a modified water cost analysis (correcting both the first and second errors) in the Draft SED. Analyses in other documents were also updated



with the revised equations. In addition to these revisions, the draft SED was updated to include a discussion of the potential indirect impacts on global climate change that might result from increased use of pumps.

The following are the changes to the draft policy's minimum bypass flow equations:

"1. The minimum bypass flow for watershed drainage areas less than ~~or equal to 290~~ 295 square miles is:

$$Q_{MBF} = 8.7 Q_m (DA)^{-0.47} \quad 9.4 Q_m (DA)^{-0.48}$$

where:

$Q_{MBF}$  = minimum bypass flow in cubic feet per second;  
 $Q_m$  = mean annual unimpaired flow in cubic feet per second; and  
DA = the watershed drainage area in square miles. When using this equation at the point of diversion, if the upper limit of anadromy is downstream of the point of diversion, the drainage area at the upper limit of anadromy may be used.

2. The minimum bypass flow for watershed drainage areas greater than 290 or equal to 295 square miles is:

$$Q_{MBF} = 0.6 Q_m$$

where:

$Q_{MBF}$  = minimum bypass flow in cubic feet per second; and  
 $Q_m$  = mean annual unimpaired flow in cubic feet per second."

## LIST OF DOCUMENT UPDATES

The text updates in the documents are in red font. Revisions to graphs consist of slight adjustment of data or lines, and may be best viewed in comparison with the December 28, 2007 version of the document.

### Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams

1. Section 2.3.2: The proposed minimum bypass flow equations and associated watershed drainage areas were modified.
2. Section A.5.2.2: The proposed minimum bypass flow equations and associated watershed drainage areas were modified.

### Substitute Environmental Document

1. Summary Section: Text was modified to address revisions made to the Water Cost Analysis.
2. Sections 5.3 and 5.4: Minimum bypass flow equations for MBF3 and MBF4 were revised.



3. Sections 6.8.1 and 6.8.2: Text, tables, and figures for the Water Cost Analysis were revised using the corrected minimum bypass flow alternatives.
4. Section 6.0: Text was added to the air quality environmental issue area in tables 6-3, 6-5, 6-7, 6-9, 6-10, 6-11, and text was modified in section 6.9 to include the discussion of the potential indirect impacts on global climate change that might result from increased use of pumps.

Substitute Environmental Document – Appendix D: Potential Indirect Impacts on Municipal, Industrial, and Agricultural Water Use and Related Indirect Impacts on Other Environmental Resources

1. Table 1 was updated with the revised minimum bypass flow equations.

North Coast Instream Flow Policy: Scientific Basis and Development of Alternatives Protecting Anadromous Salmonids – Main Text

Revisions were made to equations, numbers, graphs, tables, and text on the following pages:

Section	Page Numbers
Introduction	xx, xxiv
Chapter 3	3-2, 3-4, 3-5, and 3-6
Chapter 4	4-4, 4-10, 4-11, 4-17, 4-18, 4-19, 4-20, 4-22, 4-23, 4-24, 4-25, 4-28
Chapter-5	5-6
Chapter 6	6-4, 6-5, 6-7

North Coast Instream Flow Policy: Scientific Basis and Development of Alternatives Protecting Anadromous Salmonids – Appendix D: Defining Protectiveness Levels of Flow Related Habitat Requirements of Anadromous Salmonids at a Regional Scale

1. Page D-40: Two words were revised in the last paragraph on the page.

North Coast Instream Flow Policy: Scientific Basis and Development of Alternatives Protecting Anadromous Salmonids – Appendix E: Development of Policy Element Alternatives Defining a Range of Protective Levels of Minimum Bypass Flow for Application at the Regional Scale: Upper MBF and Lower MBF Alternatives

1. Text modifications were made on pages E-3, E-6, E-14, E-16, E-18, E-21, E-22, E-24, and E-27.
2. Graphs on the following pages were modified: E-4, E-5, E-15, E-19, E-23, E-25, and E-26.

North Coast Instream Flow Policy: Scientific Basis and Development of Alternatives Protecting Anadromous Salmonids – Appendix F: Hydrologic Analysis of Validation Sites

1. Text modifications were made on pages F-1, F-4, F-21, F-30, F-32, F-36, and F-45.

2. Tables on the following pages were modified: F-2, F-20, F-22, F-31, F-32, F-33 (two tables), F-35 (one table), F-36, F-37, F-40, F-41 (two tables), F-42, F-43, and F-44 (two tables).
3. Graphs on the following pages were modified: F-46, F-47, F-48, and F-49.

North Coast Instream Flow Policy: Scientific Basis and Development of Alternatives Protecting Anadromous Salmonids – Appendix G: Approach for Assessing Effects of Policy Element Alternatives on Upstream Passage and Spawning Habitat Availability

1. Page G-8: Some numbers in Table G-1 were modified.

North Coast Instream Flow Policy: Scientific Basis and Development of Alternatives Protecting Anadromous Salmonids – Appendix I: Results of Validation Site Protectiveness Analysis: Number of Days Per Water Year with Upstream Passage and Spawning Opportunities During the 10/1 – 3/31 Period

1. Graphs on the following pages were modified: I-3, I-4, I-5, I-6, I-7, I-8, I-10, I-11, I-12, I-13, and I-14.

North Coast Instream Flow Policy: Scientific Basis and Development of Alternatives Protecting Anadromous Salmonids – Appendix J: Properties and Behavior of the Cumulative Flow Impairment Index (CFII)

1. Page J-6: Text was added to Table J-1.



**John Faux**

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**From:** John Faux  
**Sent:** Friday, February 29, 2008 3:43 PM  
**To:** Robert Wagner  
**Cc:** 'Peter Kiel'; Nick Bonsignore; Paula Whealen  
**Subject:** ISFP data request

On January 21, Tracey Kenward of Stetson Engineers called me at Eric Oppenheimer's request after I had called him for clarification about the "Water Cost" analysis in the Substitute Environmental Document. I explained that I was unable to replicate an intermediate result in their analysis. After a few hours, she called a second time to thank me for my peer review and to explain that numbers associated with a superseded equation for MBF3 had not been updated and that they would be revising their work.

At the February 6 public workshop on the proposed Instream Flow Policy in Santa Rosa, Eric Oppenheimer thanked me for my peer review. Because he had been helpful before and thankful at that time, I called February 12 and left a message for Eric requesting more help in understanding the Scientific Basis to the Instream Flow Policy.

On February 13, Karen Niya returned that call on Eric's behalf and I requested the data and results of regression for Equations E.1 and E.8 and Figures E-4 and E-8 (which are crucial in the development of MBF3). I pointed out that without tests of statistical significance provided, no conclusions can be drawn about the coefficients and the report is incomplete. Karen said she would get back to me.

On February 29, she had not yet replied, so I called to inquire. Karen explained that at Vicky Whitney's direction they were correcting errors in the analysis I had pointed out and that until that was done, they would not address my request for data. Karen stated that they would probably be able to respond to my request in mid-March. I pointed out that the MBF3 statistical analysis was completed and would only require a few hours to copy. Further, the MBF3 statistical analysis was not dependent on and would not be affected by correction of the errors I had found in the Water Cost analysis. I further pointed out that time was of the essence in that I needed to evaluate the data I requested prior to the Comment deadline.

John Faux, P.E.  
Wagner&Bonsignore Consulting Civil Engineers  
Sacramento CA 95811  
916-441-6850



Instream flow  
policy

**Wagner & Bonsignore**  
Consulting Civil Engineers, A Corporation

Nicholas F. Bonsignore, P.E.  
Robert C. Wagner, P.E.  
Paula J. Whealen  
Andrew T. Bambauer, P.E.  
David M. Houston, P.E.  
Ryan E. Stolfus

March 4, 2008

Ms. Victoria Whitney  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000

**Re: Data Request for Review of the SWRCB Instream Flow Policy**

Dear Ms. Whitney:

We have on a few occasions asked for certain back-up materials that are crucial to further our understanding of the scientific basis of and the conclusions reached in the Instream Flow Policy. A particularly crucial data set pertains to the data used in and the results of the regression analysis which led directly to the development of the Minimum Bypass Flow (MBF3).

At the February 6 public workshop on the proposed Instream Flow Policy in Santa Rosa, Eric Oppenheimer thanked us for our ongoing work to review and understand the Policy. Mr. Oppenheimer has been generally helpful and forthcoming with explanations of the Policy and because of his helpfulness we called him on February 12, 2008, seeking more help in understanding the Scientific Basis to the Instream Flow Policy.

On February 13, Ms. Karen Niiya returned Eric's call to Mr. John Faux of my office. At that time, Mr. Faux requested the data and the results of the regression analyses for Equations E.1 and E.8 and Figures E-4 and E-8. Mr. Faux pointed out that without the tests for statistical significance, no meaningful conclusions could be drawn about the reported coefficients in the flow equations and the report would be incomplete. Ms. Niiya said she would get back to us.

On February 29, we had not heard back from Ms. Niiya, and since time is crucial due to the May 1, 2008 deadline for comments to the policy, Mr. Faux again telephoned Ms. Niiya. She explained to us that she had been directed to correct errors in the analysis and that until staff was finished, they would not be providing the data supporting the regression analysis, and that we should not expect a response until mid-March. We



Ms. Victoria Whitney  
March 4, 2008  
Page 2 of 2

understand that you have staffing problems and have a significant workload related to the Policy.

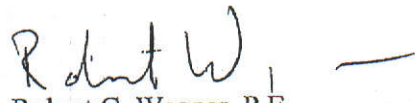
However, the request for the statistical data and results is a relatively simple one and should not require a significant commitment of staff time to copy the information upon which a major part of your Policy is based. You might consider that if a month is required for you just to compile and transmit that information, the amount of time needed to evaluate it could be several months.

The MBF3 statistical analysis has already been completed (since you reported conclusions in the Policy) and further is independent of the errors that your staff is working to correct. The data we are asking for is important to our evaluation. We have several questions regarding the statistical analysis that we wish to explore. We wonder whether drainage area and mean annual flow are the only relevant explanatory variables. We question the presumption of a linear relationship for mean annual flow. We wonder about collinearity between mean annual flow and drainage area. We question the propriety of discarding relevant data because it does not fit the presumed relationship; and most obviously, because of the scatter in the data, we wonder whether the estimated regression coefficients are statistically different from zero. The data and results of your regression analysis would aid us greatly.

In light of trying to achieve the objective of a scientifically sound instream flow policy, is it possible for you to provide the requested information to us within in the next few days?

Very truly yours,

WAGNER & BONSIGNORE  
CONSULTING CIVIL ENGINEERS

  
Robert C. Wagner, P.E.

Via: US Mail

cc: Mr. Eric Oppenheimer  
Ms. Karen Niiya

ISPPF024.DOC



**John Faux**

---

**From:** Robert C. Wagner [rcwagner@wagner-engrs.com]  
**Sent:** Friday, March 14, 2008 3:48 PM  
**To:** John Faux  
**Subject:** FW: March 4, 2008 data request  
**Attachments:** Qopt-Qaa.xls

---

**From:** Karen Niiya [mailto:KYNiiya@waterboards.ca.gov]  
**Sent:** Friday, March 14, 2008 3:33 PM  
**To:** rcwagner@wagner-engrs.com  
**Subject:** March 4, 2008 data request

Bob,

Attached is the data that you requested in your March 4, 2008 letter to Vicky Whitney. If you have any questions, please let me know.

Karen Niiya  
Senior Water Resource Control Engineer  
Permitting Section  
Division of Water Rights  
State Water Resources Control Board  
1001 I St., P.O. Box 2000  
Sacramento, CA 95812-2000  
(916) 341-5365  
(916) 341-5400 fax



Request #3

ISFP

**Wagner & Bonsignore**  
**Consulting Civil Engineers, A Corporation**  
444 North Third Street, Suite 325  
Sacramento, California 95814-0228  
(916) 441-6850 *phone* (916) 448-3866 *fax*

March 20, 2008

Paul Bratovich  
Hdr/Surface Water Resources, Inc.  
1610 Arden Way, Suite 175  
Sacramento, CA 95815-4041

Re: *Instream Flow Policy*

Transmitted:

- *CD from State Water Resources Control Board containing Habitat Time Series Output Flow Alternatives 1-5 and Unimpaired dated March 2008*

Message:

For your records

Please contact our office if you have any questions regarding the above information.

By: John Faux

Encl. ✓  
Via: US Mail

LETTER OF TRANSMITTAL



**John Faux**

---

**From:** Karen Niiya [KYNiiya@waterboards.ca.gov]  
**Sent:** Monday, April 07, 2008 2:05 PM  
**To:** Faux, John  
**Cc:** Herrera, Steve; rcwagner@wagner-engrs.com  
**Subject:** RE: Question on spawning days

John,

The AB 2121 consultants said that the read-me file found on the March 2008 CD specified the wrong column. The column titled "W\_IBG\_FV", is the consistently wetted spawning habitat width in feet, and is the one you should use. The column the read-me file referred to originally ("IB/SPG\_FV") was the ratio of the W\_IBG\_FV column divided by the spawnable width (the next column; assuming always wet); the IB/SPG\_FV column was simply a QA/QC output tool.

Karen

>>> "John " <jfaux@wagner-engrs.com> 4/3/2008 2:52 PM >>>

Karen,  
I see a 0.5 spawning day on 12/3/1962 for steelhead on Dunn Creek transect 2 unimpaired flow. There's two more of those in Jan '64.  
I see a 0.67 spawning day on 12/3/1962 for steelhead on Dunn Creek transect 1 unimpaired flow. There's another on 1/22/64.  
~John

---

**From:** Karen Niiya [mailto:KYNiiya@waterboards.ca.gov]  
**Sent:** Thursday, April 03, 2008 9:12 AM  
**To:** Faux, John  
**Cc:** Herrera, Steve; Wagner, Robert  
**Subject:** Re: Question on spawning days

John,

The staff that worked on this aspect of the analysis is on vacation this week, when he returns next week he will provide a response. Meanwhile, R2 asked if you could provide the specific instances you are referring to, e.g., site, date, species, etc. This will help them locate the data more quickly.

Karen

>>> "John Faux" <jfaux@wagner-engrs.com> 4/2/2008 10:33 AM >>>

Karen,  
Thanks for the data from which Appendix I of the Scientific Basis was built. That's very helpful.  
It does bring up one question at this time:

- a) Since (on page G-17) it's explained that a 'binary' analysis (one or zero) was performed, why does the column we were directed to by the Readme file for spawning days show some fractions, i.e. 0.5 and 0.67?

John Faux, P.E.  
Wagner&Bonsignore Consulting Civil Engineers  
Sacramento CA 95811  
916-441-6850

4/17/2008



Request #4

**John Faux**

---

**From:** Karen Niiya [KYNiiya@waterboards.ca.gov]  
**Sent:** Monday, April 07, 2008 8:15 AM  
**To:** Faux, John  
**Cc:** Herrera, Steve  
**Subject:** Onstream Dam Appendix Data Request

John,

On April 1, 2008, you requested the following information that was used to develop the numbers of onstream dams tabulated in the Onstream Dam appendix of the SED: the location, and estimated aerial extent of each non-filer onstream dam; and the location, estimated aerial extent, and volume of each pending onstream dam. The AB 2121 consultants estimate they will be able to provide this information by Thursday, April 10. I will notify you when it arrives.

Karen Niiya  
Senior Water Resource Control Engineer  
Permitting Section  
Division of Water Rights  
State Water Resources Control Board  
1001 I St., P.O. Box 2000  
Sacramento, CA 95812-2000  
(916) 341-5365  
(916) 341-5400 fax

4/17/2008



**John Faux**

---

**From:** Karen Niiya [KYNiiya@waterboards.ca.gov]  
**Sent:** Thursday, April 10, 2008 1:31 PM  
**To:** Faux, John  
**Cc:** Herrera, Steve  
**Subject:** AB 2121 Onstream Dam Data Request  
**Attachments:** NonFilerPoints.zip; NonFilerpolygon.zip; pendingstoragepoints.zip; pendingapps.xls

John,

Here is the data you requested concerning the tabulated numbers in the onstream dam appendix:

1. location, and estimated aerial extent of each non-filer onstream dam
  - the location of each of the estimated non-filer dams is provided in the attached point shapefile, nonfilerpoints.shp
  - the aerial extent of the onstream storage at each of the estimated non-filer dams is provided in the attached polygon shapefile, nonfilerpolygon.shp
  
2. the location, estimated aerial extent, and volume of each pending onstream dam
  - the location of the pending points of diversion (POD) was determined from information provided in WRIMS (zone, north\_coord, east\_coord). the location of each pending point of diversion with storage (including offstream storage but not direct diversions) is provided in the attached point shapefile, pendingstoragepoints.shp
  - the aerial extent of the onstream storage at each of the pending onstream dams was not estimated
  - the onstream storage volume at the existing pending onstream dams was estimated from information provided in WRIMS for pending water rights applications by summing the pending onstream storage at each POD that had not been authorized in an earlier water rights application and was either known to be constructed or have unknown construction status, as listed in SED Appendix E, Table D.1. additional information for each pending onstream dam location is provided in the attached pendingapps.xls.
  - the surface area of onstream storage at the pending dams was estimated by dividing the storage volume by 15 feet.

Karen



**John Faux**

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**From:** Nick Bonsignore  
**Sent:** Thursday, April 17, 2008 12:02 PM  
**To:** Eric Oppenheimer (EOppenheimer@waterboards.ca.gov); KAREN NIIYA (kyniia@waterboards.ca.gov)  
**Cc:** John Faux; Jan Goldsmith  
**Subject:** FW: Draft ISFP - Non-filer question

Eric and Karen – I was hoping to have gotten a reply to my inquiry of 4/11 by now. Any explanation on this?

Nick

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**From:** Nick Bonsignore  
**Sent:** Friday, April 11, 2008 9:54 AM  
**To:** Eric Oppenheimer (EOppenheimer@waterboards.ca.gov)  
**Cc:** KAREN NIIYA (kyniia@waterboards.ca.gov)  
**Subject:** Draft ISFP - Non-filer question

Eric – can you clarify something for me? In the SED Stetson document entitled "Potential Indirect Environmental Impacts of Modification or Removal of Existing Unauthorized Dams", what is the interrelationship of Figures A.3, A.5, and A.6? It seems that these should all be showing more or less the same thing, but they don't. For example, keying on Point Reyes (a geographically easily recognizable location on each figure), Figure A.3 shows numerous "non-filer GIS on-stream reservoirs" depicted as brown triangles. Most of these are absent from Figure A.5, which is supposed to be depicting "unauthorized non-filer dams". They are also absent from Figure A.6, which is supposed to be showing, in part, "existing unauthorized non-filer dams" as green triangles. Incidentally, I did not find a reference to Figure A.6 in the text, although admittedly this based on a quick read of the document. I am assuming you have a non-pdf electronic file and could quickly search and find the reference.

I look forward to your reply.

Nick

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4/17/2008



Request #5

John Faux

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From: Vicky Whitney [VWHITNEY@waterboards.ca.gov]  
Sent: Wednesday, April 09, 2008 1:17 PM  
To: Robert Wagner; Karen Niiya  
Cc: John Faux; Tom Howard  
Subject: Re: FW:

Bob,

One purpose of circulating a document for public comments, is to get comments on where there appear to be discrepancies or inconsistencies. As you know and note, we've tried to respond to things we've become aware of as we've become aware of them. However, we may not be able to respond to every point you raise prior to the comment deadline. I recommend that you format your questions as formal comments. If we can get to them before May 1, we will do so, if not, you should submit them with your other comments. We intend to respond to all the comments we get in the final document by either making revisions or by responding why we did not. I do not anticipate sending out a third errata at this point.

Vicky

>>> "Robert Wagner" <rcwagner@wagner-engrs.com> 4/9/2008 11:36:47 AM >>>  
Vicky:

Please see the following note from John Faux of my office regarding apparent discrepancies in the Draft Instream Flow Policy's Scientific Basis. As we continue our review we continue to find errors and discrepancies. Errors previously identified required several weeks of work by your staff and consultants leading to the errata of March 14, 2008; which may need to be revised yet again. The errors identified below, unless there is a simple explanation will lead to significantly more analysis on your part and possibly a third errata. We are going to find it difficult at best, to meet the May 1 deadline for comments especially if we continue to uncover inconsistencies like the following and others previously brought to staff's attention. We appreciate staff's efforts and are hopeful that you can respond to the following quickly.

Bob

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From: John Faux  
Sent: Wednesday, April 09, 2008 10:40 AM  
To: Robert Wagner  
Subject:

Bob,

We have questions about the data used in the statistical analysis of MBF3, as shown in the Scientific Basis and in the spreadsheet Qopt-Qaa.xls provided to us:

There is only one transect at Dry Creek, apparently with an optimum flow of 19.11 cfs (per

Qopt-Qaa.xls and Appendix H); however Fig E-8 and Qopt-Qaa.xls also show a second transect with optimum flow of 21.24 cfs used in the analysis.

Dunn Creek has two transects and Appendix H shows their optimum flow would be about 26 and 22 cfs; however, the statistical analysis used 18.1 and 21.24 cfs, respectively.

Carneros Creek has two transects and Appendix H shows their optimum flow would be about 19 and 29 cfs; however the statistical analysis didn't use the Transect 1 data and used 19.77 cfs for Transect 2.

If there's an explanation for these apparent inconsistencies, we have not found it. Perhaps Karen Niiya can obtain an explanation for us.

John Faux, P.E.

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