



November 17, 2011

State Water Resource Control Board
Division of Water Rights
Mr. Richard Satkowski, P.E.
1001 I St, 14th Floor, P.O. Box 2000
Sacramento CA, 95812

Subject: Comment Letter – Water Measurement

Dear Mr. Satkowski,

The Suisun Resource Conservation District (SRCD) provided a comment letter dated August 9, 2011 on the July 21, 2011 State Water Board Water Diversion Measurement Workshop. In that letter (see attached), SRCD raised three issues that have not been addressed or clarified in the Guidance for Complying with Water Diversion Measurement Requirements for Statement Holders or the draft Supplemental Statement of Water Diversion and Use for 2012.

SRCD requests further guidance and clarification on the following items:

1. Is reporting the diversion volumes of brackish water in the Suisun Marsh necessary? This guidance document does not address the question of brackish managed wetlands diversions downstream of the legal Delta. Additionally, page 9 of the October 2011 Delta Water Masters report: Statements of Water Diversion and Use: Providing a Better Picture of water Use in the Delta states, “*consideration should be given to asking the Legislature to “fine tune” the water diversion and measuring requirements. Amendments could include delaying the requirements for a year since the first Supplemental Statements requiring measurements reports are due on July 1, 2013 and exempting the use of best technology devices for smaller diversions or special situations such as dust control uses (forestry) or **brackish water diversions (duck clubs).***” SRCD strongly supports this recommendation and requests that the State Water Resource Control Board considers and supports this recommendation and takes action to implement.
2. The August 9, 2011 SRCD comments letter provided numerous physical and environmental constraints unique to conditions of the Suisun Marsh, which makes diversion measurement devices *not* locally cost effective or feasible. The current draft guidelines do not provide an alternative measuring method, such as, simple estimation of acreage flooded. Each managed wetland unit in the Suisun Marsh has a Bay Conservation and Development Commission certified Management Plan with known floodable acreage. The total volume of water

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diverted can be estimated by attributing to each diversions contribution, to the total flooded area based upon water depth and percentage flooded. This is the method used for the estimated monthly quantity of water diverted in the Initial Statements of Water Diversion and Use Reports. This method still seems appropriate, cost effective and adequate given the fact that the water is brackish and downstream of the Delta. This option should be added to Section 3 and 4 of the draft Supplemental Statements of Water Diversion and Use for 2012 form.

3. The SRCD represents the private landowners in the Suisun Marsh. SRCD believes a coordinated SRCD/DFG regional diversion estimation approach to be the most effective method to help the SWRCB achieve its objectives under these new regulations and avoid onerous and confusing requirements imposed upon private landowners. This approach will also allow a comprehensive evaluation of the interrelated public and private Suisun Marsh land ownerships, common co-mingled water delivery and drainage facilities, and multiple independent wetland habitat management objectives. This approach could avoid the need for each diversion owner having to make individual justification why diversion measurement devices are not locally cost effective or feasible, while supporting a coordinated assessment for the entire Suisun Marsh region.

The SRCD thanks you for your consideration of our additional comments and looks forward to hearing from staff with answers to these questions.

Sincerely,



Steven Chappell,
Executive Director

Attachment: August 9, 2011 SRCD Comment Letter

Cc. SRCD Board of Directors
Scott Cantrell, Acting Chief DFG Water Branch
Paul Forsberg, DFG Senior Environmental Scientist
Pat Graham, Manager Grizzly Island Wildlife Area



August 9, 2011

State Water Resource Control Board
Mr. Richard Satkowski, P.E.
1001 I St, 14th Floor, P.O. Box 2000
Sacramento CA, 95812

Subject: Comment Letter – Water Measurement

Dear Mr. Satkowski,

The Suisun Resource Conservation District (SRCD) attended the State Water Board Water Diversion Measurement Workshop on July 21, 2011 and provided public comment. Board Chairman Hoppin requested that SRCD formally submit this letter capturing SRCD comments and questions raised during the workshop public forum.

Located between the western edge of the fresh water of the Sacramento-San Joaquin Delta and the salt water of the San Francisco Bay, the Suisun Marsh lies within a unique geographic mixing zone that creates this brackish water wetland complex. The Suisun Marsh has 52,000 acres of publicly and privately owned diked managed wetlands. These wetlands are managed using brackish water diverted by gravity from the adjacent tidal sloughs. These brackish wetlands provide habitat for resident and migratory fish and wildlife, preserves and enhances California's wetland resources, and also supports significant private and public recreational opportunities.

After the passage of the 2009 Comprehensive Water Package and the implementation of SB-8, SRCD held a landowner workshop in June of 2010. The purpose of the workshop was to encourage and assist all landowners in the Suisun Marsh to submit their Initial Statements of Water Diversion and Use by July 1, 2010 to the State Water Resources Control Board (SWRCB) Division of Water Rights with monthly estimates of quantities of water diverted. The new regulations, effective on or after January 1, 2012, require monthly records of water diversion measurements to be made using best available technologies and best professional practices or the applicant must provide the State Water Board documentation demonstrating that the implementation of those practices is not locally cost effective.

During the public forum period at the July 21, 2011 Water Diversion Measurement Workshop, SRCD expressed significant concern about the ability of Suisun Marsh landowners to comply with this new regulatory requirement and asked the following questions in hopes of receiving clarification from the SWRCB staff:

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1. **Why is reporting the diversion volumes of brackish water in the Suisun Marsh necessary?** The SWRCB has salinity standards for the Suisun Marsh October through May of each water year. These standards were developed to restore and maintain Suisun Marsh primarily as a brackish water marsh capable of producing high-quality feed and habitat conditions for waterfowl and other marsh-dependant wildlife using best practical management practices. The water diverted into the Marsh is non-consumptive and downstream of the fresh water uses of the Delta. The brackish water is gravity diverted into the seasonal wetlands, circulated and drained back into the tidal slough channels from which it was obtained.

2. **Diversion measurement devices in Suisun Marsh are not locally cost effective or feasible for the following reasons:**
 - The Marsh is a corrosive environment due to the brackish salinity conditions.
 - The sizes of these diversions are relatively small and are a non-consumptive use.
 - Remote locations with limited seasonal access and limited power sources.
 - Extreme daily and hourly tidal stage variation (over 6 feet of vertical variation) at the point of diversion, with continually changing head pressure and flow rates.
 - Diversion flows stop daily for extended periods of time, when the water levels are higher in the managed wetlands than the adjacent tidal slough at low tide.
 - Fouling of measuring devices (barnacle growth, siltation, and growth of biological debris).
 - Water control structures and bulkhead walls are permanently installed within the exterior levee profiles. The removal and replacement of these pipes is cost prohibitive and could have significant environmental and regulatory constraints.
 - Most all water diversion structures in the Marsh are dual purpose flood and drain structures. At high tide water may be diverted into the managed wetland, but at low tide water can be drained out of the same structure. Bi-directional flows occur through the same water control structure.
 - Utility of data provided by the installation of water reporting devices would be of limited value, due to the physical location of these diversions within the lower Bay-Delta Watershed.

3. **Can all diversions in the Suisun Marsh region, both public and private, be considered collectively through the SRCD and Department of Fish and Game (DFG) regional coordination and the preparation of a uniform response?** The SRCD represents the private landowners in the Suisun Marsh and works closely with DFG on local and regional issues in the Marsh. SRCD believes a coordinated regional approach to be the most effective method to help the SWRCB achieve its objectives under these new regulations. This approach will also address the interrelated nature of public and private land ownerships in the Marsh, common water delivery and drainage facilities, and wetland habitat management objectives. This could avoid the need for each diversion owner having to make individual justification as to why each diversion measurement device is not locally cost effective or feasible, if each Marsh diversion has the same physical constraints and limitations.

SRCD thanks you for your consideration of our comments and looks forward to working with your staff to resolve these issues.

Sincerely,

A handwritten signature in cursive script that reads "Steven Chappell".

Steven Chappell,
Executive Director

Cc. SRCD Board of Directors
Scott Cantrell, Acting Chief DFG Water Branch
Paul Forsberg, DFG Senior Environmental Scientist
Pat Graham, Manager Grizzly Island Wildlife Area