

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING/HEARING
(Portion)

FEBRUARY 17, 2015

Coastal Hearing Room - Second Floor
1001 I Street
Sacramento California 95814

scribed by: Kathryn Davis CSR No. 3808

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STATE WATER RESOURCES CONTROL BOARD
BOARD MEMBERS

- Chair Felicia Marcus
- Vice-Chair Frances Spivy-Weber
- Board Member Tam M. Doduc
- Board Member Steven Moore
- Board Member Dorene D'Amamo

1 PORTION OF TRANSCRIPT OF PROCEEDINGS

2 (Part 1 of 2 - 18:42 - 28:33)

3 --oOo--

4 CHAIR FELICIA MARCUS: Informational items. We
5 have a number of very important ones today. First will
6 be our drought update.

7 AMANDA MONTGOMERY: We have a fairly short
8 update. We were thinking about going back there, but we
9 are happy to be up front at this time.

10 I'm Amanda Montgomery, the Program Manager --
11 the mic is on, get it even closer to me -- the Program
12 Manager for Water Rights Permitting and Licensing. And
13 also I have Katherine Mrowka, the Program Manager for
14 Water Rights Enforcement.

15 So on the permitting and licensing side, we have
16 one urgency change that we approved since the last Board
17 meeting. That was the second renewal of the City of
18 Santa Cruz urgency change. So, again, that urgency
19 change produces their fish releases from 1 CFS to .2
20 CFS. They do monitoring downstream to make sure there
21 are no fishery issues, and they haven't seen any.

22 So they are continuing to go forward. That
23 allows them to store more water in their Newell Creek
24 Reservoir, so they have more water for their city and
25 they are implementing conservation requirements.

1 CHAIR FELICIA MARCUS: I had heard somewhere
2 that they had rolled back some of them after the last
3 set of rains, but they are still one of the high
4 achievers in the state, as I recall, on those charts.

5 AMANDA MONTGOMERY: That is definitely true.
6 And they are still above 20 percent confirmation
7 compared to baseline conditions. They have set back a
8 little bit, but they are still in Stage 3, so they could
9 bring it back up, depending on how conditions change.

10 CHAIR FELICIA MARCUS: All right.

11 AMANDA MONTGOMERY: We also have one urgency
12 change that we need to process. It is an "also renewal"
13 from June Lake Public Utility District in Mono County.
14 And they are asking for renewal of their 180-day urgency
15 change.

16 It, again, reduces fishery flows. And they
17 conducted monitoring during the last period. They would
18 like to see that production again. So we are in the
19 process of looking at that renewal within the next
20 several weeks.

21 That is what we have on the permitting side, so
22 I'll turn it over to Katherine Mrowka to talk about
23 enforcement.

24 KATHERINE MROWKA: On the enforcement side, we
25 have issued a letter last Friday to notice a probable

1 curtailment under Term 91. So it is not yet the
2 curtailment item, but we like to give advance
3 notification.

4 We also like to be really cognizant of all the
5 other efforts going on. And the Dry Year Report
6 indicated that we should be providing more information
7 to the public on our web. So we have developed a
8 graphic that we have posted. There is text to go with
9 it. We are still working with the Water Master's office
10 and the projects on the text that will go with it; but
11 we are confident that the graphic is a good product at
12 this point. So that the public can follow along and
13 see, you know, what is actually happening. Rather than
14 just getting a date certain and saying, "Well, May 5th
15 we are going to curtail under Term 91," you get a lot
16 better ability to see how, basically, rainstorms have
17 happened, the situation is changing or not changing.
18 But we also wanted it to be simple with check boxes that
19 Term 91 is in effect, not in effect, Delta condition is
20 balanced or excess.

21 So that if somebody is looking at this who
22 doesn't have a lot of technical background, they could
23 just look at it. They get it. And then the text that
24 is currently under development, that will be more
25 technical in nature, so that if you are a more savvy

1 water user, you could get a little more information.
2 So, you know, basically something for everybody. That
3 is what our goal is here.

4 So this year we issued the notice of probable
5 curtailment. We are going to use the graphic to
6 institute curtailment. It will reflect our official
7 notice to parties on curtailment. So we would have to
8 issue an official notice.

9 CHAIR FELICIA MARCUS: All right. That's
10 technical. Now explain this graph to me. If you think
11 this is easy to understand, I do not, so you can help me
12 understand.

13 KATHERINE MROWKA: Certainly. So on the one
14 side, we have the flow numbers for the Delta there. And
15 then on the other axis, we have dates. So we are going
16 to be doing weekly updates with this graphic. And it
17 basically tells you the flow trends of the Delta flow.

18 We lifted our curtailment 11/26/2014, Term 91.
19 The black dotted line is, if you cross the dotted line,
20 you are in Term 91. And if the Delta condition is
21 balanced, also the check box has to be balanced, and you
22 cross the line, and then you are in Term 91.

23 So that means that the State and Federal Water
24 Projects are releasing storm water in order to maintain
25 the Delta in balanced condition. And at that point,

1 when the projects are releasing water, that water is not
2 available for diversion by others. And that is why we
3 issue our notice of curtailment at that point.

4 CHAIR FELICIA MARCUS: Am I the only one that
5 doesn't think that is obvious? It is not obvious to me
6 at all. So tell me what the blue line really means.

7 KATHERINE MROWKA: So that is the flow. We had
8 the big rainstorms. They came in February 11th. So at
9 that point, there was a lot of quell in the Delta. We
10 didn't have a problem with respect to whether reservoirs
11 had to release water to maintain conditions. So
12 basically the --

13 CHAIR FELICIA MARCUS: You guys can read them
14 but regular people can't. So is it just me or is it
15 just other people who are looking at this? It is not
16 obvious to a layperson, including a water rights user
17 who is not one of the big expert water rights users.
18 So give it a try, Barb.

19 BARB *: I can only see your forehead from here
20 so -- I could stand up but it just feels a little odd.

21 What Kathy alluded to earlier was, there will be
22 text with a particular chart that will lay it out. It
23 is not meant to be, in and of itself, an entire snapshot
24 that will be easily seen.

25 Because, as you know, the Term 91 does have

1 bells and whistles and it is an elaborate equation that
2 has worked to make these charts. So the text that Kathy
3 referred to will come with the Term 91 curtailment graph
4 so that people will be able to understand how it is
5 worked through.

6 CHAIR FELICIA MARCUS: If I'm going to look at
7 this, and we are talking about natural Delta flow, how
8 do you see when they are releasing water? Will that
9 look different?

10 BARB: When all the conditions of Term 91 are
11 met, that is when the blue line goes up and crosses the
12 black line -- and so what it will explain is the
13 equations that are used to understand that.

14 But what it is meant to be a visual for is as
15 the blue line approaches, as you can see, unless we got
16 the storms that came in very recently, the blue line
17 would be approaching the black. And it would give
18 people advance notice, then, to know when curtailment
19 might be happening, if no more storms are coming in.

20 And so, we are just trying to give people a
21 better planning tool, so that they have the ability to
22 know when it is approaching and aren't surprised when
23 they receive a letter in the mail from us.

24 BOARD MEMBER DORENE D'AMAMO: I understand from
25 conversations that I had with the Water Master staff --

<http://www.yuba.law.net/ncdp>

1 this is not recent, probably about a year ago -- that a
2 lot of people that are subject to Term 91 frequently go
3 online to track things.

4 So this is a new chart? What have they been
5 using in the past?

6 KATHERINE MROWKA: Okay. So what is available
7 online, the projects put out graphical information. So
8 you have to really know where it is found on their
9 website and you have to be able to read the text, the
10 graphics. It is not that -- I'm sorry. It is an Excel
11 spreadsheet. You can read the Excel spreadsheet at any
12 time and know what is going on from those numbers.

13 We haven't seen a graphical representation like
14 this previously. So we have always tried to maintain
15 the website -- The Water Master has been doing that the
16 last year and a half or so -- to provide ongoing
17 information to the public, but this is a similar tool.

18 BOARD MEMBER DORENE D'AMANO: So when they get
19 close to that dashed line, they know something is coming
20 their way.

21 KATHERINE MROWKA: Right.

22 BOARD MEMBER DORENE D'AMONO: Could you provide
23 links to those other sites that they already probably
24 know about?

25 KATHERINE MROWKA: Yeah, we can do that. What

1 we are trying to do with the project is we are trying
2 to determine -- and if is a question of, you know,
3 computer system, securities and things like that, I
4 couldn't get a direct feed from the projects to update
5 the graphics.

6 So we are working on some additional bells and
7 whistles right now, as soon as we can determine about
8 computer security issues. So we are hoping to have even
9 more.

10 BOARD MEMBER DORENE D'AMANO: I'm just saying,
11 you know, that way, they can see that there is
12 discussions going on with the entities that produce the
13 information that they have been relying on in the past.

14 KATHERINE MROWKA: Absolutely. I think that is
15 a great idea. So, absolutely.

16 CHAIR FELICIA MARCUS: Great. If you want to
17 use me as a guinea pig for that task, I would volunteer.

18 KATHERINE MROWKA: Thank you.

19 CHAIR FELICIA MARCUS: Other questions? Thanks
20 very much.

21 (Whereupon, end of transcribed portion.)

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REPORTER'S CERTIFICATE

State of California)
) ss.
County of Sacramento)

I certify that the statements in the foregoing hearing were transcribed in the within-entitled cause by audio; that said hearing was taken at the time and place therein named; that the testimony of said witnesses was reported by me, a duly Certified Shorthand Reporter of the State of California authorized to administer oaths and affirmations, and said testimony was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said hearing, nor in any way interested in the outcome of the cause named in said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of August, 2015.

KATHRYN DAVIS
Certified Shorthand Reporter
Certificate No. 3808

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