
State Water Resources Control Board

Preliminary Hearing Team Questions for Witnesses

Draft Permit Term numbers referenced in this document refer to the draft permit for Application A032881, revised on September 4, 2020.

To CDFW & NMFS:

1. Please explain the purpose of the proposed bypass flow regime for April 1 through April 30, which prohibits PV Water from diverting when the unimpaired flow in Salsipuedes Creek downstream of the confluence with Corralitos Creek to the confluence with the Pajaro River is between 18 and 21 cfs. (Draft Permit Term 11C; CDFW & NMFS Protest Dismissal Term 3C.)
2. Do you agree with the methodology provided in Term 13 of the updated draft permit, which allows the right holder to calculate the flow rate in Salsipuedes Creek downstream of the College Lake weir and upstream of its confluence with Corralitos Creek based on the instantaneous flow rate measured at the USGS gage No. 11159200? (Draft Permit Term 13, PVW-23, pp. 3-4.)
3. What is the purpose and proposed scope of the steelhead monitoring plan? Are there fundamental elements of this plan that should be specifically identified in the permit term? (Draft Permit Term 14, CDFW & NMFS Protest Dismissal Term 7)
4. Do you have any comments on the scope of the Adaptive Management Plan for waterfowl management as described in the Programmatic EIR for the 2014 Update to the Basin Management Plan? Are there any additional elements that you would propose to include in the Adaptive Management Plan to address impacts to waterfowl or wetlands? (BUSCH-20, pp. 56; BUSCH-17; SWRCB-1, NOP 3-6.)
5. Do you have any comments or concerns with the manner in which your protest dismissal terms are incorporated in the updated draft permit?

To PV Water:

1. Do you have any comments on the updated draft permit?
2. Are there contracts or other binding agreements in place to ensure that Project water is used in lieu of groundwater and not in addition to current groundwater use? (PVW-1, p. 7.)
3. What records do you have regarding historical pumping in the proposed place of use of the project? Would you propose any changes to Term 7 of the updated

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draft permit to ensure that water diverted under the permit will offset groundwater pumping? (Draft Permit Term 7.)

4. Why have you requested until 2040 to demonstrate diversion and beneficial use of the full face-value of the requested permit if the water is intended to replace existing demand for groundwater? (Draft Permit Term 8, PWV-1, p. 10.)
5. How is the bypass flow system managed to ensure that sufficient flows will be bypassed to Salsipuedes Creek downstream of the weir? Does the weir operation require human intervention or is the operation self-regulated or automated? How will the bypass pipeline operate in conjunction with the weir? (Draft Permit Term 22, PVW-15, p. 2; SWRCB-3C, p. 2-44.)
6. Would the Project potentially alter or eliminate existing emergent, palustrine wetlands? What is the underlying basis for your conclusion? If so, will the Adaptive Management Plan for waterfowl management as described in the Programmatic EIR for the 2014 Update to the Basin Management Plan address the potential impact of these changes? (BUSCH-20)
7. It is our understanding that in your EIR you committed to consulting with College Lake stakeholders in the development and implementation of the Adaptive Management Plan. What is your intended method of engagement or public process? Do you also plan to engage with local stakeholders in preparing the plans outlined in the updated draft permit? (SWRCB-3C, pp. 3.1.1-3 – 3.1.1-8.)

To Jerry Busch:

1. Do you have any comments or concerns with the updated draft permit in addition to the information already included in your case-in-chief testimony?