

CRITIQUE OF THE DRAFT WATER BYPASS POLICY

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(revised 3/14/08)

On Feb. 6, 2008, I attended a meeting at the Santa Rosa office of the State Water Resources Control Board. This was a "Technical Staff Workshop" to explain the "Draft Policy for Maintaining In stream Flows in Northern California Streams." The "draft policy was developed to protect in-stream flows needed for threatened and endangered fish." Specifically, Steelhead, Coho, and Chinook. The basic premise in this legislation is as follows: Rainwater falling in the subject (parts of five counties) area may not be captured and stored unless allowed by permit from the State Water Resources Control Board. In order to obtain a permit, a lengthy, complex, and undoubtedly costly study is mandated by this policy. The "bypass" part of the policy refers to the requirement that a means be installed to keep rainwater from flowing into storage ponds unless the flow meets certain requirements. When, and how much water may be diverted into the ponds requires a study encompassing such things as total watershed (catch basin) size, flow characteristics of any drainage ditches and creeks, presence of fish, and location of all water rights holders downstream from the location of the storage pond, to the Pacific Ocean. Here is one of the formulas from the workshop draft policy.

Minimum Bypass Flow Calculation

- Watershed drainage areas less than or equal to 290 square miles:

$$Q_{MBF} = 8.7 Q_m (DA)^{-0.47}, \text{ where}$$

Q_{MBF} = minimum bypass flow

Q_m = mean annual unimpaired flow

DA = watershed drainage area. 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.

(changed)

- Watershed drainage areas greater than 290 square miles:

$$Q_{MBF} = 0.6 Q_m, \text{ where}$$

Q_{MBF} = minimum bypass flow

Q_m = mean annual unimpaired flow

Catch basins may be as small as a backyard, or as large as hundreds of square miles. The policy is probably aimed at stock and irrigation storage ponds, but because there is no minimum size included in the legislation, even people with backyard fishponds as small as bathtub size technically fall under these regulations, and could therefore be subject to legal enforcement.

The meeting was to have started at 1:00PM but was delayed for a short time because two representatives from the State Office were late. Then it was discovered that the overflow crowd exceeded the allowed capacity, 91, of the conference room by a dozen or more. With loud complaints from people standing in the doorway that they couldn't hear, the staff asked if anyone would like to leave, and that a second presentation would be offered at 3:30 PM. No one volunteered to leave, so the meeting proceeded at about 1:20.

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