

Memorandum

To: Ms. Victoria Whitney, Chief
State Water Resources Control Board
Division of Water Rights
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Date: July 9, 2004

Attention Mr. Kyriacos C. Kyriacou:

From: Robert W. Floerke, Regional Manager ***COPY - Original signed by Robert W. Floerke***
Department of Fish and Game - Central Coast Region, Post Office Box 47, Yountville, California 94599

Subject: Comments on the Interim Monitoring Plan Proposed for WA 30166 by El Sur Ranch to Appropriate Water from Big Sur River Subterranean Stream, Monterey County

Department of Fish and Game (DFG) personnel have received and reviewed the May 2004 El Sur Ranch Interim Monitoring Plan for Water Right Application (WA) #30166 (2004 Monitoring Plan) as submitted by the Source Group, Inc. This WA project seeks to divert 1,800 acre-feet per annum (afa) from the underflow of the Big Sur River from January 1 to December 31 of each year to irrigate 292 acres of pasture land. As stated in our response to the Notice of Preparation (NOP) for this project (attached), DFG has concerns regarding the effect of this diversion, and the others in the area, on the resources of the Big Sur River, its estuary, and on the adjacent riparian and upland habitats. DFG has previously provided comments (attached) on a report entitled *El Sur Ranch Hydrologic Investigation*, prepared by Jones and Stokes Associates. DFG continues to be concerned about the deficiencies and data gaps identified at that time and recommend that those concerns be appropriately addressed in the current hydrological studies.

The focus of this letter is to provide comments on our review of the portion of the 2004 Monitoring Plan dealing with the assessment of fishery habitat quality and availability. The stated objectives of the 2004 Monitoring Plan are: 1) to determine if seasonal changes occur within the lower Big Sur River and lagoon that would adversely affect habitat quality and availability during the summer and fall season, and 2) to assess the potential effects of the diversion operation on fishery habitat if changes in quality and availability of habitat are detected. Our comments and recommendations follow.

Ms. Victoria Whitney

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Stated Objective #1: to determine if seasonal changes occur within the lower Big Sur River and lagoon that affect fishery habitat.

On review, DFG found that the proposed study should provide sufficient additional information to allow changes in fishery habitat, both habitat quality and availability, to be assessed under a variety of natural seasonal flow conditions. However, we make the following recommendations for modifications to the study to ensure the appropriate future analysis of results:

- The monitoring report should include the specific temperature and dissolved oxygen (DO) data collected over the range of flows rather than utilizing a "stressful" threshold that may not be held in general agreement. However, any thresholds utilized in the analysis should be included in the report.
- The survey should be modified to include continuous DO monitoring at specific locations in addition to the proposed continuous temperature monitoring. The continuous DO monitoring locations should be located in areas subject to temporal change due to depth and/or aquatic vegetation.

Stated Objective #2: to assess the potential effects of the diversion operation on fishery habitat if changes in seasonal quality and availability of habitat are detected.

DFG recognizes that this is the primary objective of any monitoring plan designed to provide information concerning the potential impacts of a diversion. To accomplish this objective, the effects of pumping on habitat quality and availability should be clearly distinguishable from any effects caused by changes in the natural flow. Yet our review of this monitoring plan found that there is nothing proposed to allow for the impacts of pumping component to be adequately assessed. Instead there is a masking of potential impacts of pumping by allowing them to become an indistinguishable and difficult to quantify part of the "natural" flow conditions within the lower El Sur River.

The primary component of this portion of the monitoring endeavor should disclose the impacts of pumping as initially discussed in DFG comments to the NOP. To that end, the effects of pumping and any changes in pumping regime need to be addressed in a way that clearly distinguishes those activities from the changes that would naturally occur within the system. This parameter is

missing from the monitoring as proposed and as such the information collected will not provide conclusive results concerning the effects of pumping on habitat quality or availability.

- DFG recommends that relatively minor modifications be made to the 2004 Monitoring Plan to allow for sampling to occur during specific "pump on" and "pumps off" periods, with adequate time allowed for recovery in between these sampling events. Providing sampling during times when pumping activity is occurring and when it is not will allow the impacts of the pumping activity to be more easily discerned from the flow reductions that naturally occur during the summer and fall. As proposed, the study does not appear to allow for the inclusion of this essential component for analysis and the effects of pumping will be masked by natural seasonal variability and groundwater recovery with inconclusive results concerning the impacts of pumping the likely outcome. Study design should attempt to avoid masking of pumping impacts to provide the analysis required by the California Environmental Quality Act (CEQA) and requested in our response to the NOP.
- The pumping regimes to be tested (including the different pumping rates, pumping durations, and the recovery times between pumping tests) need to be clearly defined in the monitoring plan procedures and in the subsequent report.
- If none of the three proposed stage/flow transects are within the well field zone of influence, then DFG recommends that an additional transect within the zone of influence be added so that the effects of pumping on stage/flow can be adequately assessed. (Transect # 1 appears to be above the well zone, it was unclear if Transect # 2 is within this well zone or above it, and Transect # 3 is within the zone of tidal influence that will mask any pumping impacts.) As described, it appears that the three transects will likely yield inadequate information to determine the impacts of the well pumping on steelhead.

Acting as both a Trustee and Responsible agency under CEQA for this project, DFG is responsible for providing input during the environmental review of projects that have the potential to impact fish and wildlife resources. DFG has provided these recommendations and comments to allow for the modification of the Monitoring Plan prior to the low flow season so that it will specifically address the areas of concern stated in our original

NOP. It is expected that a revised Monitoring Plan will provide adequate information for the analysis needed to assess the type and magnitude of impacts to sensitive resources of the Big Sur River caused by this diversion, and others in the well field.

Finally, and of special concern in light of the sensitivity of resources potentially impacted by this study, the monitoring plan does not appear to provide for a cessation of pumping activities if adverse impacts to listed species are detected. During extremely low flow conditions, pumping restrictions have already been recommended for this project to help ensure that listed species are protected. However, based on the information presented in the 2004 Monitoring Plan, an increase in survey frequency will occur rather than the restriction on pumping recommended for low flow periods. Since increasing the frequency of surveys does nothing to avoid adverse impacts, it would be prudent to incorporate procedures for avoiding adverse impacts to listed species into the 2004 Monitoring Plan.

Thank you for the opportunity to identify information needed to adequately analyze the effects of the project. If you have questions regarding our comments, please contact Ms. Linda Hanson, Staff Environmental Scientist, at (707) 944-5562; or Mr. Carl Wilcox, Habitat Conservation Manager, at (707) 944-5525.

Attachments

cc: See Next Page

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LH/pm