

From: Rosemary Menard <RMenard@cityofsantacruz.com>

Date: February 14, 2019 at 5:54:22 PM PST

To: "robertl39@gmail.com" <robertl39@gmail.com>

Cc: Taj Dufour <TajD@soquelcreekwater.org>, Scott Mcgilvray <scottm@wateraware.net>, Randa Solick <rsolick@gmail.com>

Subject: FW: North Coast Flows

Hello Robert –

Due to the amount of rain we had in January, fish flow releases on all the Santa Cruz water system's sources were increased at the beginning of February. The increased flow requirements meant that in the first week or so of February the Water Department had to allocate all flows in Laguna, Liddell, and Majors to support fisheries objectives and during that period of time was not diverting any water from these sources for water supply.

As I have explained in public several times, our current arrangement for transferring water to Soquel Creek, as specified in the CEQA documents related to the pilot project and our reporting requirement to the state regarding the use of our various sources, requires us to balance the amount of water we send to Soquel with an equal volume of water diverted from North Coast streams covered by pre-1914 water rights for general water supply purposes. When we were not diverting any water at all from those streams for several days during the early part of this month, we scaled back our transfers to Soquel due to concerns that we might not be able to balance the amount diverted from North Coast streams during the month with the amount transferred to Soquel Creek.

I recognize that the actual operational complexities of running a water system are probably not something that you and your colleagues in Water for Santa Cruz County have the knowledge and experience to factor into your various analyses. I also recognize that from your perspective, our normal operational changes, or those of the Soquel Creek Water District, made to deal with a whole range of absolutely legitimate and necessary objectives may make you think that either or both of our organizations is manipulating conditions to make the pilot water transfer project appear to be a less viable alternative than you think it is. All I can say to you about this concern, as expressed in the email chain below, is that Nothing Could Be Farther From The Truth.

I doubt that my categorical denial of your conspiracy theories will be of any real use, however I do categorically deny that either agency is purposefully manipulating the circumstances related to the water transfer pilot. We live and work in the real world where our jobs are to make sure that our communities have the water they need every day and to operate in a manner that is environmentally sustainable as we do it. If our actions to meet the daily challenges of getting this job done and done well are viewed only through the lens you and your colleagues in Water for Santa Cruz County choose to use, then you will see only what you want to see. Whatever it is you see when you view what we do through that lens, however, has nothing whatsoever to do with the real challenges and circumstances our organizations' staffs have to navigate every day to make sure our communities and our critical fisher resources have the water they need every day.

In closing, and with the greatest possible respect for the basic purpose that your organization seeks to achieve, which I believe we have in common at least in the goal if not in the methods to reach the goal, I ask you and your colleagues in Water for Santa Cruz County to stop second-guessing and over-reacting to the absolutely normal and to be expected adjustments to the water transfers being made between Santa Cruz and Soquel Creek. There is nothing going on here that is in any way out of the ordinary when viewed in the real-world context of two operating utilities that have many sometimes competing objectives to achieve every day.

Regards

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From: Robert Ley [<mailto:robertl39@gmail.com>]
Sent: Thursday, February 14, 2019 10:15 AM
To: Chris Berry <cberry@cityofsantacruz.com>
Subject: North Coast Flows

Dear Chris,

As you may recall from our prior conversations, I work with Scott McGilvray and others at Water for Santa Cruz County. We recently received this e-mail and are having difficulty understanding it:

On Feb 11, 2019, at 2:46 PM, Terry McKinney <tmckinney@cityofsantacruz.com> wrote:

My understanding is that the higher exceedance category does not have adult migration flows for Liddell and Majors. They kick in at 40% and/or become a factor in this category. We crossed over from being in a slightly dry year to a normal rainfall year and thus our fish flow requirements went up. The concept being that during drought we take more water from the fish and during the wet years we give up more water. The pendulum just swung in the fish's direction.

The Soquel Creek Water is on a monthly basis so I was in a deficit for the first week of February and had Soquel Creek cut back on the amount of water transfer. I'm catching back up so flow should be restored soon.

Here we are in a year with lots of rain and there is LESS water to transfer to Soquel than there was in dry years? It just makes zero sense. Last night we heard the following:

It was as if the staff were trying to shoot the Project down, stating that the City e-mailed Taj to decrease the intertie flow by 50% to accommodate needed fish flows in the North Coast streams.

Can you explain why less water can flow to Soquel because we have more water in the streams? If DFG5 is met, isn't that all that's required?

Thanks. If you'd rather phone, I'm at:

688-8268

Robert Ley