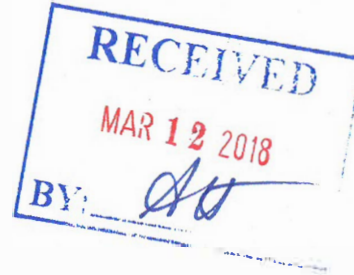


DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



March 6, 2018

ATTN: To Parties of Interest

Subject: Unauthorized Release of Information

The purpose of this letter is to notify you of a recent security incident involving a Department of Water Resources (DWR) employee's account. You are receiving this notification because the employee worked in the department's Division of Safety of Dams. The employee's email account was compromised and unencrypted information and data was taken outside of DWR's secure network. The incident was discovered on February 5, 2017.

The Department promptly followed State protocols and notified the California Highway Patrol's Computer Crimes Unit and the Office of Emergency Services' California Cyber Security Integration Center.

DWR takes the security of our information and facilities very seriously. DWR is reviewing the information that may have been released without authorization and will alert those parties who may be impacted.

DWR regrets that this incident occurred and assures you that we are all taking all necessary actions to minimize the risk of future recurrence.

If needed, DWR will follow up with affected parties during the investigation process. If you have questions related to this notification please email them to DWR_External_Notification@water.ca.gov

A handwritten signature in black ink, appearing to read 'Christy A. Jones'.

Christy A. Jones, P.E.
Deputy Director
Security and Emergency Management Program
Department of Water Resources

HORAN | LLOYD

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File No. 6450.05

March 5, 2018

Via Electronic Mail

Monterey County Water Resources Agency
Board of Supervisors & Board of Directors
Clerk to the Monterey County Water Resources Agency
Attn: Alice Henault (HenaultAG@co.monterey.ca.us)
1441 Schilling Place
Salinas, CA 93901

RE: Agency's Pattern of Poor Management Practices Results in Violations of SWRCB Amended Permit 21089

Honorable Board Members:

On behalf of the Salinas Valley Water Coalition ("Coalition"), this letter is written to notify the Monterey County Water Resources Agency ("Agency") of its pattern of violations of its Amended Permit 21089 ("Permit") issued by the State Water Resources Control Board ("SWRCB") specific to the flow prescription for adult steelhead upstream migration. The pattern of violations makes clear that the Agency staff lacks sufficient guidance to manage the reservoirs properly. The recently adopted Nacimiento Operation Policy Manual does nothing more than to perpetuate the Agency's mismanagement of the reservoirs by failing to include sufficient details of the Agency's obligations.

An excerpt from the Permit states as follows:

From February 1 to and including March 31, during all water-year types, and when the criteria below are met, Permittee shall maintain a mean daily flow (MDF) of 260 cfs at USGS gage No. 1115230 (Salinas River near Chualar), using reservoir

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releases when necessary to augment natural flow. This requirement is triggered when all four of the criteria below are met simultaneously.

Trigger Criteria for Adult Steelhead Upstream Migration Flow

1. Combined storage of Nacimiento and San Antonio Reservoirs is greater than 220,000 a.f.
2. An MDF at USGS gage No. 11152000 (Arroyo Seco near Soledad) greater than or equal to 340 cfs.
3. An MDF at USGS gage No. 11152050 (Arroyo Seco below Reliz Creek) greater than or equal to 173 cfs.
4. Hydraulic continuity in the Salinas River exists to the Pacific Ocean.

The Permit expressly requires the Agency to augment the natural flow of the Salinas River to maintain a MDF of 260 cfs near Chualar during the adult steelhead migration period. In developing this flow prescription, the Agency's SVIGSM simulation run included, as a model input, a target flow of 40 cfs at Chualar at all times. This target flow at Chualar, which is intended to mimic historical flow, is considered "natural flow" which should have been supplemented through releases when the Arroyo Seco gage at Soledad is greater than or equal to 340 cfs and when the Arroyo Seco gage below Reliz Creek is greater than or equal to 173 cfs.

The Agency failed to maintain this target flow despite sufficient water available in the Nacimiento Reservoir. Instead, the Agency continues to capture inflow without allowing for releases to meet the target flow at Chualar. Without operating the reservoirs as modeled, the Agency fails to reach the fishery flow outputs of the model simulation run, including those to allow adult steelhead migration in February and March.¹

For example, on March 1, 2018, the combined storage of the two reservoirs was greater than 220,000 acre feet. As of 18:45 on March 1, 2018, the Arroyo Seco gage near Soledad measured at a provisional 444 cfs.

	<u>Gage</u>		<u>CFS</u>		
USGS	11152000	2018-03-01 18:45	PST	444	

¹ It is important to note that the Salinas Valley Water Project's Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") recognized the adult steelhead migration runs occur from December through May. The BO noted that the Agency's flow prescription, which shortens the adult steelhead migration period from February through May, would potentially result in loss of adult fish passage opportunity in December and January. The BO states, "[G]iven the complex and poorly understood hydrology of the Arroyo Seco cone, it would be appropriate for MCWRA to further examine the relationship of mainstem flows to adult steelhead passage opportunity in the lower Arroyo Seco River." The Agency has yet to examine that relationship to take advantage of opportunities to provide additional adult steelhead passage days during Arroyo Seco River's surface flow period.

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As of 23:45 on March 1, 2018, the Arroyo Seco gage below Reliz Creek measured a provisional 235 cfs.

	<u>Gage</u>		<u>CFS</u>		
USGS	11152050	2018-03-01 23:45	PST	235	

Yet, the Agency did not provide releases to meet the MDF of 260 cfs at Salinas River near Chualar. Nor did it the Agency provide the Salinas River target flow at Chualar of 40 cfs to readily allow for that supplement flow to be achieved. In fact, as of 17:00 on March 2, 2018, the Chualar gage measured at a provisional zero (0) cfs on March 1, 2018.

When asked why these releases were not made, the Agency responded that the sandbar at the lagoon has not breached. This response is despite the fact that the Agency has control over the breaching of the sandbar as well an obligation to provide the hydrologic connectivity during the adult steelhead migration period.

Hydrologic connectivity to the Pacific Ocean is within the control of the Agency not only at the lagoon, but in other locations as well. For example, the Agency controls or manages (1) a slide gate between the Salinas River Lagoon and the Old Salinas River ("OSR") channel; and (2) tide gates on the OSR and Moro Cojo Slough in addition to (3) the sandbar between the Salinas River Lagoon and the Pacific Ocean.

It is well documented that the above-listed human modifications coupled with the Agency's pattern of poor management practices have caused dramatic decline of Salinas River steelhead population. The pattern of these poor management practices is documented in the BO as follows: "MCWRA's management of the lagoon has prevented nearly all natural breaches of the lagoon." (p. 53, BO.) Further, the Central Coast Regional Water Quality Control Board's *Salinas River Sediment TMDL Preliminary Project Report*, dated November 19, 2003, (included as Exhibit A) notes the following:

These modifications could affect steelhead by increasing the salinity of the estuarine environment where they undergo the transformation from freshwater to saltwater fish. Also, the tide gates and the weir gate could block upstream and downstream migration.

Yet, the Agency fails to manage their systems which limits hydrologic connectivity and reservoir releases during those periods when such management is needed to meet the Permit requirements. Overall, the Agency's pattern of poor management practices has resulted in a failure to meet the flow targets of the Salinas Valley Water Project, its EIR/EIS and associated Addendum, Engineer's Report and BO.

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The Agency's obligations should have been detailed in the Nacimiento Operation Policy Manual to provide guidance to Agency staff in order to avoid the pattern of violations. Instead, the Agency opted to continue their ad hoc reservoir operations, which will perpetuate violations of the Permit.

In summary, it is clear the Agency's pattern of poor management practices have caused significant habitat modification and degradation, resulting in significant impairing of essential behavioral patterns of the Salinas River steelhead. In order to avoid further habitat degradation and Permit violations, the Coalition recommends the following:

- 1) Maintain a Salinas River target flow of 40 cfs at Chualar, when possible, as anticipated in the SVIGSM simulation run used to develop the Agency's fishery flow prescription;
- 2) Provide hydrologic connectivity during key periods to meet the needs of Salinas River steelhead;
- 3) Consider all avenues of providing hydrologic connectivity during key periods to meet the needs of Salinas River steelhead; and
- 4) Include all of the above, and all other Agency obligations (e.g., SVWP Engineer's Report), in an update to the Nacimiento Operation Policy Manual.

Please do not hesitate to contact us if you have any questions.

Respectfully submitted,



Pamela H. Silkwood

Cc: Bill Stevens, NMFS
Tim Frahm, Trout Unlimited
Leslie Girard, Esq.
Jesse Avila, Esq.

Exhibit A

Central Coast Regional Water Quality Control Board

Salinas River Sediment TMDL

Preliminary Project Report

November 19, 2003

Staff Contact: Mark Angelo
Watershed Assessment Unit
(805)542-4771
mangelo@rb3.swrcb.ca.gov

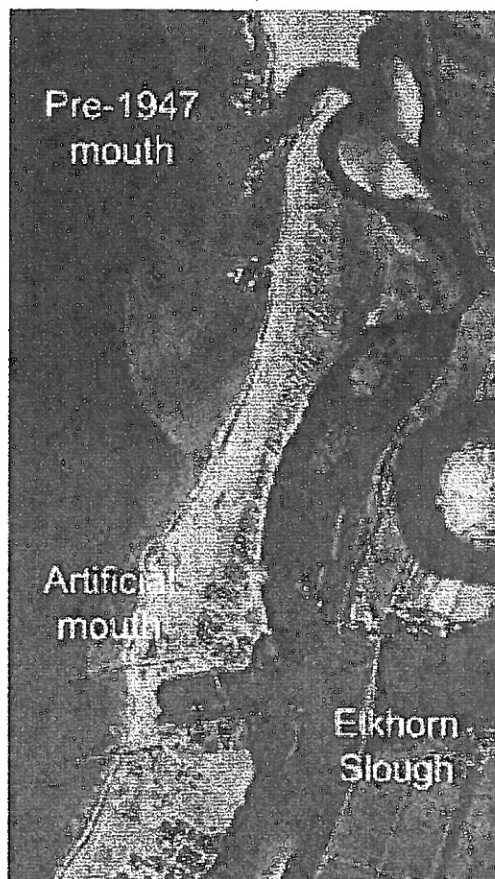


Figure 15 1946 aerial photo showing construction of new artificial Slough mouth in line with main channel, and smaller natural mouth to the north [ESNERR collection] (Elkhorn Slough, Website Report-1)

3.6.1.2 Construction of artificial mouth at Elkhorn Slough

The construction of the artificial mouth at Elkhorn Slough may have affected the steelhead population. The Army Corps of Engineers breached the sand bar at Elkhorn Slough in 1947 in order to create access to Moss Landing Harbor. "Prior to 1947, the Slough was an estuary with sluggish tidal flow entering from a mouth at the Salinas river. This small opening was sometimes obscured by a sand bar for months at a time, and even when open let only relatively small volumes of seawater into the Slough system. In 1946, the Army Corps of Engineers built jetties directly west of the main channel of the Slough, and in 1947, they breached the shoreline dunes and dredged a wide, deep channel to permit entry of boats into the newly created Moss Landing Harbor" (ESNERR, Website Report-1). While this is not conclusive evidence that the steelhead decline was precipitated by the work done by the Army Corps of Engineers, it is worth investigating since the work was completed coincident with the dramatic decline of the Salinas River steelhead population.

Other modifications that could have contributed to the decline of the Salinas River steelhead run are the tide gates located at Portrero Road on the old Salinas River and the weir gate that was installed between the Salinas River Lagoon and the Old Salinas River, although the dates of installation for these structures have not been identified yet, although the weir gate may have been installed as early as 1908 (Silberstein, 1989).

These modifications could affect steelhead by increasing the salinity of the estuarine environment where they undergo the transformation from freshwater to saltwater fish. Also, the tide gates and the weir gate could block upstream and downstream migration.

3.6.1.3 DDT and Synthetic Fertilizers

A discussion of DDT and synthetic fertilizers are included here because the increase in their use coincided with the dramatic decline in the steelhead population. No data have been collected on either the level of use of

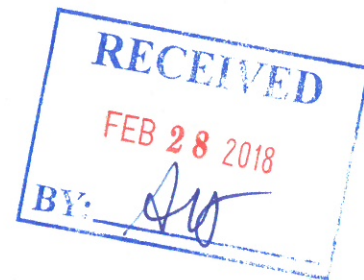
DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



FEB 20 2018

Mr. David Chardavoyne, General Manager
Monterey County Water Resources Agency
Post Office Box 930
Salinas, California 93902-0930



San Antonio Dam, No. 1008-2
Monterey County

Dear Mr. Chardavoyne:

This is in reply to your letter dated January 31, 2018, transmitting an alteration application, filing fee, and revised geotechnical exploration work plan for San Antonio Dam. The proposed work consists of constructing two access roads and two benches on the downstream face of the dam, performing geotechnical exploration of the site, and installing new piezometers in selected boreholes. Based on the estimated project cost of \$382,038, the filing fee of \$10,641 is correct.

Please review the enclosed "Information Regarding the Consideration of Applications for the Approval of Plans and Specifications for the Construction, Enlargement, Repair, or Alteration of Dams and Reservoirs."

We will notify you by March 12, 2018, as to our progress in reviewing your application or of additional information that may be required.

If you have any questions or need additional information, you may contact Design Engineer John Diefenthal at (916) 227-4638 or Project Engineer Mutaz Mihyar at (916) 227-4636.

Sincerely,

Sharon K. Tapia

Sharon K. Tapia, Chief
Division of Safety of Dams

Enclosure

**INFORMATION REGARDING THE CONSIDERATION OF APPLICATIONS FOR THE
APPROVAL OF PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION,
ENLARGEMENT, REPAIR, OR ALTERATION OF DAMS AND RESERVOIRS**

It is required by the California Water Code that this Department approved the application for the alteration of San Antonio Dam and Reservoir for safety before construction may commence. Consideration of this application requires a thorough review and independent analysis of the site, plans, specifications, and all other necessary supporting data which form a part of the application.

During the consideration of this application, and until it is approved, the Department will be represented by Mutaz Mihyar, Project Engineer, telephone (916) 227-4636 and John Diefenthal, assigned Design Engineer, telephone (916) 227-4638. Their office is located at 2200 X Street, Suite 200, Sacramento, CA 95818. The mailing address is Department of Water Resources, Division of Safety of Dams, Post Office Box 942836, Sacramento, CA 94236-0001.

Applications are considered by this Department in the following manner:

1. Upon receipt, the application is administratively checked for validity, correctness of form, and, for construction or enlargement applications, inclusion of the required filing fee. The application is then formally acknowledged and the technical review and analysis commence.
2. Within 30 days of receiving an application, the Department will determine if the application including supporting data is complete and advise the applicant of the finding. The incomplete items will be specified, and the owner will be informed how these items can be completed (Section 310 and 311, California Code of Regulations, Title 23). One or more site inspections are made by departmental personnel during this period.
3. When all or significant portions of the review and analysis are complete, the applicant is notified of the findings. Supplemental information or supporting data and clarifications may be requested from the applicant at this time.
4. The applicant's civil engineer is requested to make revisions correcting any deficiencies regarding safety and to present revised plans and specifications for further consideration. Plans, specifications, and supporting data are required in duplicate. Usually the applicant and/or civil engineer find it advantageous to meet with departmental representatives in the Division's Sacramento office to discuss the findings and requirements.

All civil engineering work is to bear the seal or stamp of the responsible engineer and shall be signed across the face with the expiration of the certificate shown on or adjacent to the seal. Civil engineering work includes plans, specifications, reports, and documents which are prepared under the Civil Engineering Practice Act.

5. When the Department has determined that the plans and specifications for a new dam construction or enlargement of an existing dam are satisfactory and that the application can be approved, the applicant's civil engineer is requested to submit two sets of final specifications and three sets of the final plans in the form of blackline ozalid drawings suitable for microfilming and for signature approval. One signed set of plans is returned to the applicant's civil engineer. The process is similar for repair and alteration approvals except two sets of drawings are submitted and no drawings are returned. All drawings must be signed and stamped in accordance with Number 4 above. The approved original application is returned to the owner.
6. Construction must not commence until the applicant has obtained written approval from the Department (Section 6200 and 6225, Water Code).