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ENVIRONMENTAL PROTECTION**State Water Resources Control Board**

**TO:** Gerald W. Bowes, Ph.D.  
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**DATE:** OCTOBER 16, 2013

**SUBJECT:** REQUEST FOR EXTERNAL PEER REVIEW OF DRAFT VOLUME DEPLETION APPROACH STUDY

The Division of Water Rights (Division) requests that reviewers be identified and assigned to provide an external peer review of a technical study, hereafter referred to as the "volume depletion approach study". While the study is not required to be peer reviewed per the requirements of Health and Safety Code section 57004, we feel that this study falls within the peer review category, per the Interagency Agreement between Cal/EPA and the University of California, of "scientific products that support regulations, standards, or rules e.g., Critical technical guidance documents for the regulated community".

On May 4, 2010, the State Water Resources Control Board (State Water Board) adopted a [Policy for Maintaining Instream Flows in Northern California Coastal Streams](#) (hereafter, referred to as "Policy"), as required by Water Code Section 1259.4. The Policy is administered by the Division, and is applicable to water diversions in a 3-million acre geographic area encompassing coastal watersheds from the Mattole River in Humboldt County southward through Mendocino, Sonoma, Napa, and Marin Counties, and ending at San Francisco Bay in Marin County and San Pablo Bay in Napa County. The Policy contains regional criteria for protection of instream beneficial uses, with emphasis on anadromous fish, and is applied to the administration of water right applications; small domestic use and livestock stockpond registrations; and change petitions.

The purpose of the volume depletion approach study is to provide scientific evaluation of the protectiveness of alternate criteria to the Policy's regional criteria for season of diversion, minimum bypass flow and maximum cumulative diversion. The draft Policy was peer reviewed in February 2008, and included the regional criteria. Approximately one month prior to State Water Board adoption of the Policy, a group of joint stakeholders proposed alternate regional criteria for onstream reservoirs in non-fish bearing streams. The State Water Board included

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this alternate regional criteria in the Policy as Sections A.1.8.3, but use of the criteria was generally restricted until: "The State Water Board has completed a study consistent with the language in section 10.4.1 to determine whether or not additional conditions are necessary to protect fisheries resources from the effects of diversion and the applicant agrees to those conditions." Thus, peer review of the volume depletion approach study is warranted, as the conclusions of the study allow use of an alternate regional criteria that was not previously peer reviewed, yet part of the adopted Policy.

A draft volume depletion approach study will be ready for peer review by December 15, 2013. The State Water Board has a contract with Stetson Engineers, Inc. to provide the study. The contract schedule allows for a peer review beginning at the date identified above. Following peer review, the contract schedule provides the contractor a period of time to review and respond (including revision of the report as necessary) to the peer review comments, with the final report due March 31<sup>st</sup>, 2014. Because of the limited time provided by the contract for completion of the report, we request that the peer reviewers provide comments within 30 days of receipt of the documents.

We recommend that peer reviewers be solicited who have the following essential expertise: fisheries biology, instream flow evaluations, hydrology, and hydrologic modeling. Technical knowledge in the following areas would be helpful: aquatic and terrestrial resources, ecology, and geographic information systems (GIS).

Additional background information for the draft volume depletion approach study is provided in Attachment 1. Scientific issues to be addressed by the peer reviewers are listed in Attachment 2. Attachment 2 will be updated to include study conclusions prior to providing the volume depletion approach study (and references) to peer reviewers. Individuals involved in the development of the volume depletion approach study are identified in Attachment 3. Attachment 4 provides a list of documents to be peer reviewed.

If you have any questions regarding this request, please contact me at (916) 341-5289, or via e-mail at [Amanda.Montgomery@waterboards.ca.gov](mailto:Amanda.Montgomery@waterboards.ca.gov).

Cc: Barbara Evoy, DWR Deputy Director  
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