

Rebuttal Testimony of Roy Leidy and Robert Beeby1
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3 1. Project Impacts to Santa Ana River Riparian Vegetation

4 Ms. Anderson stated in her oral testimony that she was “concerned” that the
5 proposed Muni/Western Project would result in the “collapse” of riparian resources
6 located on the Santa Ana River downstream of Seven Oaks Dam between South
7 Tippecanoe Avenue Bridge and the “E” Street Bridge. Currently, riparian vegetation
8 occurs in this river reach (downstream two miles of Segment D) due to the occurrence of
9 a perennial supply of water near the river channel surface and flowing on the channel
10 surface. Mr. Leidy in both his written and oral testimony stated clearly that the presence
11 of the water was due to several sources including: 1) surface inflow from the Mission
12 Zanja; 2) surface inflow from San Timoteo Creek; 3) seasonal surface inflow from the
13 joint East Twin Creek- Warm Creek; 4) infiltration of surface water from irrigation of an
14 adjacent golf course; and possibly some up-welling groundwater. Mr. Leidy testified that
15 these water sources were independent of the operation of Seven Oaks Dam with or
16 without the proposed Project in place. Mr. Beeby provided these hydrologic analyses to
17 Mr. Leidy and Mr. Beeby concurs with Mr. Leidy’s interpretation of those analyses.

18 Mr. Leidy noted in his oral testimony that the Santa Ana River was still flowing
19 on the surface downstream of the confluence of San Timoteo Creek even in this year
20 (2007), possibly the driest water year in the past 130 years. No water had been released
21 from Seven Oaks Dam from early December 2006 until late April of this year.

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23 2. Presence of Special Status Species in the Project Area

24 Based on the April 2007 California Natural Diversity Database records, the only
25 listed threatened or endangered species present in the Santa Ana River corridor between
26 Seven Oaks Dam and the RIX-Rialto discharges in recent years (last 30 years) is the least
27 Bell’s vireo near the confluence of San Timoteo Creek. As described above, the riparian
28 woodland used by this species would not be affected by the proposed Project diversions.
29 From the RIX-Rialto discharges to Prado Flood Control Basin, a number of records for
30 the Santa Ana sucker and least Bell’s vireo have been reported as well as one record for

1 the western yellow-billed cuckoo near the downstream end of Segment F. This segment
2 of the river has perennial flow that would not be reduced by the proposed Project
3 diversions as Mr. Leidy stated in his testimony.

4

5 ◇ Of the non-listed species that Ms. Anderson listed as potentially being driven
6 closer to extinction by the proposed Project diversions, only the greenest tiger
7 beetle has been reported along the Santa Ana River at the Highway 60 crossing in
8 Segment F.

9

10 ◇ No western spadefoot have been reported along the Santa Ana River from Seven
11 Oaks Dam to the Prado Flood Control Basin.

12

13 ◇ There are no records of the California red-legged frog anywhere between Seven
14 Oaks Dam and the Prado Flood Control Basin.

15

16 ◇ The salt marsh bird's beak is a coastal saltmarsh plant that does not occur in this
17 area. The 1888 record for this species in Segment E is assumed to be mistaken
18 identification because the current flora of the Santa Ana River states that this
19 species is a coastal species.

20

21 ◇ The marsh sandwort has not been observed in the Santa Ana River within the
22 Project area since 1899.

23

24 ◇ The most recent record for the Gambel's watercress was 1935 in Warm Creek
25 approximately 1 mile from the Santa Ana River. Warm Creek is now a concrete
26 flood control channel.

27

28 ◇ Both the yellow warbler and the yellow-breasted chat occur only in the Prado
29 Flood Control Basin and would not be affected by the proposed Project.

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1 ◇ The bumblebee scarab beetle was not listed in the CNDDDB records. It is a
2 common species that occurs from Humboldt County to San Diego County.

3

4 ◇ No riparian plant communities would be affected by the proposed Project.

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7 3. Correction to Paragraph 90 of Testimony of Robert Beeby

8 Paragraph 90 of the testimony of Mr. Beeby should be corrected to read as
9 follows:

10 90. **Seasonal Storage** – To optimize the beneficial use of
11 unappropriated water in the SAR, the criteria under which Seven Oaks
12 Dam is currently operated would be changed to accommodate
13 conservation storage in addition to its current use for regulatory flood
14 storage. After the designated flood control season (October through
15 February), up to 50,000 af of water could be impounded in Seven Oaks
16 Reservoir in seasonal water conservation storage. With or without the
17 Project, Seven Oaks Dam will be operated for flood control benefits
18 during the period October through February. If the SWRCB were to grant
19 permits to Muni/Western for the water right applications, with seasonal
20 water conservation storage would ~~beginning~~ in March and ~~ending~~ in
21 September.

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