

Stanford Cover Up - Report of Conversations between NMFS and Stanford

REPORT OF CONVERSATION

Date: 12/6/2010

Time:

MEMORANDUM OF:

Telephone call ☒

Visit ☐

Between Catherine Palter

Stanford Univ

Name

Agency or Affiliation

And

NMFS staff Amanda Morrison

Subject: Data Request

What was discussed:

After Catherine responded to NMFS' data request (November 9, 2010) with by email, she called and left a message on my voicemail requesting that we talk over the phone to discuss what she sent. I called her on the 6th and explained that we already had most of the reports she sent because they were on Stanford's webpage and that the other info she sent (Corte Madera Creek reports) did not satisfy our data needs. I explained that the information available up to that point only allows us to get a general sense of the volumetric impairment resulting from the Searsville Diversion. I told her that the impairment levels were very high and could have significant effects on the downstream reach. But if NMFS knew what the natural hydrograph was in that downstream reach we could assess the effects more accurately. I told her that we really need the spill data, reservoir elevation, or diversion rates. She asked what would happen if NMFS found out the diversion is producing impacts to the downstream reach and effecting steelhead and habitat? I told her that what we normally do in those situations is request that the applicant modify their diversion in a way that minimizes those effects. She told me that is what Stanford wants to avoid because they are afraid it will take a long time to work out a new diversion scheme and that they don't want to do that. I told her at the minimum, Stanford could send us data from year 2004, when little diversion took place, because that could act as a control year. She said she would talk to management and let me know. And suggested that we have a call or a face to face meeting to discuss any preliminary results from our analysis.

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REPORT OF CONVERSATION

Date: 12/7/10

Time: 9 am

MEMORANDUM OF:

Telephone call ☒

Visit ☐

Between C.Palter, S.Zovod, T.Peterson, S.Larsen

Stanford, TRA, FWS

Name

Agency or Affiliation

And

NMFS staff A.Morrison, G. Stern, N. Goddard, D. Harwood

Subject: Stanford Weekly conference Call

What was discussed:

Main agenda items:

Searsville Dam and operations as covered activity in HCP

Data Needs

Brief summary of call:

Stanford has not decided whether or not to include the dam and operations in the HCP. They will let us know by the next call in January. NMFS explained that they need more information to do their assessment, specifically, spill dates. Stanford said the data we requested is available, but they are not ready to disclose it to NMFS because it then becomes publicly available information. Gary explained that third parties may have grounds to sue, particularly related to: no bypass measures at the dam, dredging operations, and diversion rates. Stanford does not want BSD to have the information on their diversion rates and how they might affect steelhead downstream. Stanford said they understand the threat of a lawsuit is real due to their continued take at the dam, but they are willing to take the risk. Stanford was concerned with what would happen to their pre-1914 water right if they had to alter their diversion scheme to minimize effects to fish.