

#4

martin becker

From: martin becker [martin_becker@prodigy.net]
Sent: Friday, January 09, 2004 5:59 PM
To: 'Dave Wingerd'
Cc: 'Douglas Hamilton'; Jery Stedinger
Subject: response to 1/5/04 e-mail

Dave,

Attached is a response that we prepared to your 1/5/04 e-mail. It would seem that we should be able to resolve this issue informally since the resolution only requires revising the 100-year flow computation using the corrected skew. Let's discuss.

Thanks,

Martin Becker
600 Peachtree Street
Suite 3740
Atlanta, Georgia 30308-2214
v - 404/876-3900
f - 404/876-6725

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RESPONSE TO JANUARY 5, 2004 E-MAIL
REAGARDING "DRAFT" REQUEST FOR
CORRECTION

By
Martin Becker and Jerry Stedinger

Thank you very much for your response to my December 10, 2003 e-mail so early in the New Year. We have reviewed your e-mails dated January 5, 2004 transmitting Joe Evelyn's response to our "draft" Request for Correction.

In Joe's response to our concern with the 1999 USACE flood frequency computation for Day Creek, Joe Evelyn did not explain why the Corps did not use the Bulletin 17B skew coefficient in the 100-year flow computation in its 1999 Report. Nor, why the computation should not be corrected, accordingly. For that reason, I would appreciate it if we could discuss how the corrected 100-year flow of 6,664 cfs, which results from using the Corps' data set with the correct Bulletin 17B skew coefficient, can be disseminated without the use of a formal National Data Quality Act (NDQA) process.

In addition to not providing a basis why the Corps' 1999 computation conformed to Bulletin 17B or why the "corrected skew" computation was not correct, Joe Evelyn noted that subsequent to the 1999 Corps analysis there were concerns raised regarding the flow value for the 1969 flood of record. This seems to obfuscate the issue because both computations of the 100-year flow used the same flow value for the 1969 flood. The only difference between the two computations is the skew coefficient. Again, Joe does not offer any defense for his use of an incorrect skew coefficient. Also, it should be noted that the information Joe provided to us fails to note that the USGS

considers the 1969 event at Day Creek to be "an influential extreme event" and that it remains a part of the record (Attached is my correspondence with Mike Norris of the USGS between November 15 and December 16, 2002 for your review clarifying the USGS's position on the 1969 event). Also, the federal definition of a flood includes debris flows (see 44CFR 59.1).

Based on communications with the USGS, the result of its removal of the 1969 peak flow at Day Creek from the record is that analysts must decide the value to be used in their computation. Until the USGS publishes a value different from the 9,450 cfs that was in the record, we do not have any basis nor do we understand the Corps to have a published basis to believe that 9,450 cfs is too high. Clearly, any computation of the 100-year flow for Day Creek that does not use the 1969 event in the analysis neglects the types of large events that are the concern for floodplain mapping in the basin. Simply stated, it does not appear sound to compute the 100-year flow without using the event of record. Thus, there is not a published basis to change the data originally used in the 1999 computation.

We had agreed to attempt to resolve this matter without a formal process. Joe Evelyn has not disputed the "corrected skew" computation that was submitted with the December 10th e-mail. Therefore, please advise us if the Corps will revise its 100-year flow for Day Creek to 6,664 cfs without a formal NDQA process since it uses the Corps' data set from the 1999 report and the correct Bulletin 17B skew coefficient.

Thank you for your assistance.

-----Original Message-----

From: J. Michael Norris [mailto:mnorris@usgs.gov]

Sent: Monday, December 16, 2002 4:22 PM

To: martin becker

Cc: dhamilton@exponent.com; Stephen F Blanchard; J. Michael Norris;
Michael Nolan; Robert W Meyer

Subject: Re: Day Creek

Martin:

No, of course not. We removed the peak discharge value from the NWIS database because of uncertainty of its accuracy. This uncertainty is related to many factors, including the determination that the high flow event that occurred was likely a debris flow. However, the USGS left in the database the peak stage value for the event, which is still the highest recorded stage for this site. Simply because we removed our estimate of the peak discharge does not mean the event did not occur, only that our uncertainty of the correct estimate of flow was of such a level that we believed that it would not be appropriate to leave that value in the database. Mike

J. Michael Norris
Coordinator,
National Streamflow Information Program
mnorris@usgs.gov
(703) 648-5304

"martin becker"

<martin_becker@pr
Norris'" <mnorris@usgs.gov>
odigy.net>
hamilton"
<dhamilton@exponent.com>

To: "'J. Michael

cc: "doug

Subject: Day Creek

11/15/2002 05:02

PM

Mike,

Per your letter of 11/15/02 to me regarding the Day Creek streamgage record, should the public perceive the removal of the peak flow of 9,450 cfs for January 1969 from the NSWIS database as an indication from the USGS that they are safer than if the value had stayed in the database?

Thanks,

Martin Becker
600 Peachtree Street
Suite 3740
Atlanta, Georgia 30308-2214
v - 404/876-3900
f - 404/876-6725

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United States Department of the Interior

U.S. GEOLOGICAL SURVEY

Reston, Virginia 20192

In Reply Refer To:
Mail Stop 415

November 15, 2002

Martin Becker
600 Peachtree Street
Suite 3740
Atlanta, Georgia 30308

Reference: Day Creek streamgage record

Dear Martin:

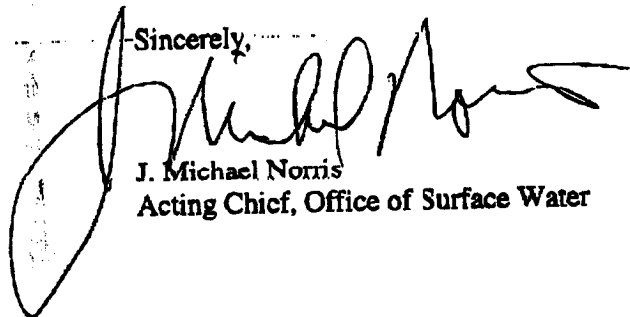
The purpose of this letter is to describe the reasons why the U.S. Geological Survey (USGS) removed a value from our peak-flow database. As you are aware, in early 2001, as part of an ongoing review of our peak-flow database, the USGS removed the estimated peak discharge value for the streamgage at Day Creek in San Bernardino, CA (USGS streamgage number 1106700) for the January 25, 1969 flood of 9,450 cubic feet per second from our NSWIS database. Although we removed the peak discharge value, we left a notation of the event and the peak stage (9.9 feet) in the database. The reason for the removal of the peak discharge for this flood was our uncertainty of the flow value; the peak stage value, in which we have more confidence, was left as part of the record and is still the highest recorded stage at this streamgage. As a result, the data continue to be available for consideration in any analyses of the information from the Day Creek streamgage.

For the past several months, you have been discussing the January 25, 1969 Day Creek peak flow value with the USGS. Because the 1969 flow was an influential extreme event in the Day Creek record, the USGS conducted an additional investigation on this event. As a result of this investigation, in which you participated, the USGS has concluded that the peak flow at Day Creek on January 25, 1969 was a debris flow, not a water flood. Debris flows do not obey the classical hydraulic laws embodied in the slope-conveyance formula that was used to compute the flow that was in the NSWIS database. In addition, the USGS determined that the cross-section data collected at Day Creek during the original 1969 indirect measurement appears to contain a number of inconsistencies and other problems, including channel stability and uncertainty about which channel(s) the flow occupied at the peak. Further manipulation of the existing data, or even re-measurement of the cross sections at the measurement site would not overcome the problems in the measured data. As a consequence of the above, this peak flow value for January 25, 1969 from the Day Creek streamgage could not be refined, to a more accurate value by the USGS, and was removed from the publicly available data base.

The USGS appreciates your willingness to be a participant in the process of evaluating not only the Day Creek flood, but in helping to establish a procedure by which the USGS can evaluate other peak flow values that may be called into question in the future. We recognize the need to use peak flow and peak stage data for a variety of analyses, including for the protection of life and property. Therefore, the USGS strives to provide the best information available for such uses. In rare situations, given the added insight of time and other information, we discover that information we have provided may be in error. In such cases we make every effort to provide more accurate information. However, we unfortunately are unable to do so for the Day Creek peak flow of January 1969.

If you have any questions or comments, please contact either Robert Meyer (CA Surface Water Specialist) or me.

Sincerely,



J. Michael Norris
Acting Chief, Office of Surface Water

Copy: Doug Hamilton

#5

martin becker

From: martin becker [martin_becker@prodigy.net]
Sent: Tuesday, January 13, 2004 5:02 PM
To: 'David.B.Wingerd@HQ02.USACE.ARMY.MIL'
Cc: Jery Stedinger
Subject: 1/23/04 conference call

David,

1/23/04 at 9:30a is fine. jery stedinger and i will participate. i will call you with jery on the line.

to date, joe has not provided us any basis documenting that the skew he used in the 100-year flow computation for day creek is correct or that the "correct" skew computation should not become the 100-year flow of record. if he has any documentation that does so documenting that the skew that was used is in accord with bulletin 17b, please request him to provide it to us before the 1/23 call.

also, please relate our conversations to joe that the only issue that jery and i are addressing is the whether 100 year-flow computation that he presented to us is correct. and, if he cannot document his computation in accord with bulletin 17b, why the "correct" skew computation should not be used. it is my understanding, that the purpose of the call is to resolve that issue and potential subsequent actions that will result from our resolution.

thanks,

Martin Becker
600 Peachtree Street
Suite 3740
Atlanta, Georgia 30308-2214
v - 404/876-3900
f - 404/876-6725

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-----Original Message-----

From: David.B.Wingerd@HQ02.USACE.ARMY.MIL [mailto:David.B.Wingerd@HQ02.USACE.ARMY.MIL]
Sent: Tuesday, January 13, 2004 1:49 PM
To: martin_becker@prodigy.net
Subject: FW: Deer Creek

FYI

David Wingerd
David Wingerd, P.E.

Senior Hydraulic Engineer

202-761-1802

-----Original Message-----

From: Wingerd, David B HQ02
Sent: Tuesday, January 13, 2004 9:05 AM
To: Evelyn, Joseph B SPL
Cc: Bryson, Brian D HQ02; Koplín, Robert E SPL
Subject: RE: Deer Creek

Martin,

Could we set up a conference call on Friday, 23 Jan 04, to complete our discussion of Deer Cr. Joe is planning to be in town next week. I have ask him to delay his return back so that we could address your concerns. Recommend Friday morning at 9:30.

David Wingerd

David Wingerd, P.E.

*Principal Hydraulic & Hydrologic Engineer, Acting
US Army Corps of Engineers*

441 G Street NW, **3G38**

Washington, DC 20314-1000

(202) 761-1802

FAX = (202) 761-0633

david.b.wingerd@usace.army.mil

-----Original Message-----

From: Evelyn, Joseph B SPL
Sent: Monday, January 12, 2004 5:28 PM
To: Wingerd, David B HQ02
Cc: Bryson, Brian D HQ02; Koplín, Robert E SPL
Subject: RE: Deer Creek

Dave,

As we discussed it may be best to address the issues raised by Mr. Becker directly with him through a conference call. I will be in Washington, DC on 23 Jan 04 and could participate in such a call at that time. I've enclosed a couple of attachments of additional information regarding Deer Creek. In particular please note the ongoing mediation efforts being undertaken by the Santa Ana Watershed Project Authority to resolve Deer Creek issues ranging from flood control to groundwater recharge and environmental enhancement.

Joe

-----Original Message-----

From: Wingerd, David B HQ02
Sent: Monday, January 12, 2004 7:07 AM
To: Evelyn, Joseph B SPL
Subject: Deer Creek

Joe,

Happy new year (This is the first day of the 04 leave year). It is good to extend the holidays as long as possible. Chinese new year is coming up.

On a more serious note, I forwarded your e-mails to Martin Becker. Below is his response. How would you like to respond to him?

David Wingerd

David Wingerd, P.E.

Senior Hydraulic Engineer

#6

martin becker

From: Wingerd, David B HQ02 [David.B.Wingerd@HQ02.USACE.ARMY.MIL]
Sent: Friday, January 16, 2004 3:12 PM
To: 'martin becker'
Subject: FW: Deer Creek - skew

Martin,

I assume that you have seen this e-mail to Mr. Hamilton concerning the skew

David Wingerd, P.E.
Senior Hydraulic Engineer
202-761-1802

-----Original Message-----

From: Evelyn, Joseph B SPL
Sent: Thursday, January 15, 2004 7:10 PM
To: Wingerd, David B HQ02
Subject: FW: Deer Creek

Dave,

By chance I came across a previous response to the Deer Creek skew question. See belcw.

Joe

-----Original Message-----

From: Douglas Hamilton [mailto:dhamilton@exponent.com]
Sent: Tuesday, February 27, 2001 6:40 AM
To: 'jevelyn@spl.usace.army.mil'
Subject: RE: Deer Creek

Joe,

Thanks.

I am using a weighted skew between the regional result and the gage data for Day Creek in order to better fit the data. The regional skew doesn't seem to fit the data.

Will send out my info on Wednesday.

Doug

-----Original Message-----

From: jevelyn@spl.usace.army.mil [mailto:jevelyn@spl.usace.army.mil]
Sent: Monday, February 26, 2001 4:15 PM
To: dhamilton@exponent.com
Cc: sverigin@water.ca.gov
Subject: RE: Deer Creek

Doug,

We did use an adopted skew of -0.2 for the analytical discharge frequency analysis for the Day Creek near Etiwanda Creek streamgage in our November 1999 Deer Creek report. The same unit discharge (cfs/square mile) was used for each frequency flood as determined on Day Creek for the corresponding frequency unit discharge on Deer Creek.

The adopted skew value of -0.2 was selected based on (1) the generalized skew map in WRC Bulletin #17B (Revised) which indicated a variation in skew from -0.3 at the coast to zero at 50 miles inland, and (2) the general shape (negative skew) of graphically drawn discharge frequency curves for Day, East Etiwanda, and San Sevaine Creeks that were developed in 1970 for damage frequency studies on those streams.

We verified that using a skew value of zero in the discharge frequency analysis would not significantly alter either the magnitude of the 100-year discharge or the estimate of the 100-year debris yield for Deer Creek. Also of note is the fact that we included the 1969 flood peak of 9,450 cfs directly in the Day Creek analysis even though this peak discharge estimate was probably influenced by the effects of debris.

Joe

-----Original Message-----

From: Douglas Hamilton [mailto:dhamilton@exponent.com]

Sent: Friday, February 23, 2001 10:07 AM

To: 'Joe Evelyn'

Subject: Deer Creek

Joe,

I can't recall from the last meeting how you arrived at your skew coefficient for Day Creek. I believe you said it was -.2

Can you remind me.

Doug

#7

martin becker

From: martin becker [mailto:martin_becker@prodigy.net]
Sent: Friday, January 23, 2004 11:13 AM
To: 'Wingerd, David B HQ02'
Cc: Jery Stedinger
Subject: RE: 1/23/04 conference call

thank you for the time this morning. please ask Joe to send us the data sets and curves for the 1970 computations that he agreed to send.

Martin Becker
600 Peachtree Street
Suite 3740
Atlanta, Georgia 30308-2214
v - 404/876-3900
f - 404/876-6725

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-----Original Message-----

From: Wingerd, David B HQ02 [mailto:David.B.Wingerd@HQ02.USACE.ARMY.MIL]
Sent: Thursday, January 22, 2004 12:27 PM
To: 'martin becker'
Subject: RE: 1/23/04 conference call

Martin,
The phone number is 202-761-4118.

David Wingerd
David Wingerd, P.E.
Senior Hydraulic Engineer
202-761-1802

-----Original Message-----

From: martin becker [mailto:martin_becker@prodigy.net]
Sent: Thursday, January 22, 2004 11:51 AM
To: Wingerd, David B
Subject: FW: 1/23/04 conference call

what number do you want me to call tomorrow at 9:30?

thanks,

Martin Becker
600 Peachtree Street

Suite 3740
Atlanta, Georgia 30308-2214
v - 404/876-3900
f - 404/876-6725

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martin becker

From: Wingerd, David B HQ02 [David.B.Wingerd@HQ02.USACE.ARMY.MIL]
Sent: Tuesday, January 27, 2004 2:08 PM
To: 'martin becker'
Cc: Singh, Hari N HQ02
Subject: Deer Creek Frequency rating of the 100-yr flood

Martin,

You ask that Joe Evelyn and I to talk about the discussion we had last Friday, 23 Jan 04, with you and Jerry Stedinger, Cornell University, and to give you the Corps' position. We are having snow and ice in Washington.

This is where the Corps sits on Deer Creek.

1. Based on everything I have seen, the Corps is comfortable that we have a reasonable frequency relationship for Deer Creek.
2. When considering the effects of debris in the the runoff channel, we believe that reasonable judgments were exercised in applying 17B. We are not frightened by the possibility of a peer review. I have seen the results of several peer reviews. You indicated that the Corps may be concerned about the precedent setting aspects of the first challenge using of the Information Quality Act. The Corps is involved in many, many things and a challenged using Information Quality Act is inevitable. I understand that one or more challenges are already in progress. The act provides a procedure that allows people to challenge the quality, objectivity, utility, and the integrity of information disseminated by federal agencies. I view this as a good thing. If we have done a creditable job using reasonable judgments, there should be no reason to be concerned and it gives the Corps an opportunity explain the information.
3. The Corps has no need to re-due the analysis. It was turned over to the locals for operations and maintenance. The structure is functioning as designed.

My suggestion: If you (or you client) as an "honest broker" believe there is a serious engineering problem, the first thing I recommend is to re-establish the gage so that additional data can be added to the database record (USGS can help). I understand the gage that produced records used in the Deer Creek analysis, was discontinued (about 1972). If a big flood were to occur this year, there would be no record. The recent burned-over condition of the basin creates ideal conditions for high runoff. Gaging data are needed for any new analysis. Future record high flows (they will come) will be the strongest evidence to prove that the current estimate of the 100-yr flood is incorrect.

David Wingerd
David Wingerd, P.E.
Senior Hydraulic Engineer
202-761-1802

#9

martin becker

From: martin becker [martin_becker@prodigy.net]
Sent: Tuesday, January 27, 2004 2:14 PM
To: 'david.b.wingerd@usace.army.mil'
Subject: FW: 1/23/04 conference call

Dave,

will you be providing the info below as Joe had indicated?

Thanks,

Martin Becker
600 Peachtree Street
Suite 3740
Atlanta, Georgia 30308-2214
v - 404/876-3900
f - 404/876-6725

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-----Original Message-----

From: martin becker [mailto:martin_becker@prodigy.net]
Sent: Friday, January 23, 2004 11:13 AM
To: 'Wingerd, David B HQ02'
Cc: Jery Stedinger
Subject: RE: 1/23/04 conference call

thank you for the time this morning. please ask Joe to send us the data sets and curves for the 1970 computations that he agreed to send.

Martin Becker
600 Peachtree Street
Suite 3740
Atlanta, Georgia 30308-2214
v - 404/876-3900
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#10

martin becker

From: Wingerd, David B HQ02 [David.B.Wingerd@HQ02.USACE.ARMY.MIL]
Sent: Thursday, February 05, 2004 5:45 PM
To: 'martin_becker@prodigy.net'
Subject: FW: 1/23/04 conference call

FYI

-----Original Message-----

From: Evelyn, Joseph B SPL
Sent: Thursday, February 05, 2004 2:33 PM
To: Wingerd, David B HQ02
Cc: Koplín, Robert E SPL; Jung, Arthur Y SPL
Subject: RE: 1/23/04 conference call

Dave,

After searching our files we located the 1969-1970 hydrology studies for Day, East Etiwanda, and San Sevaine Creeks that served as the basis for Corps planning studies on these San Bernardino County watersheds. We have scanned the documents and placed them on our FTP site (<ftp://ftp.usace.army.mil/Incoming/SPL/Deer/>) due to the large size of the graphic files. The file (Santa_Ana_River_Basin_1.pdf) contains the indorsement correspondence chain and the graphical curves for Day, East Etiwanda, and San Sevaine Creeks. The other file (Santa_Ana_River_Basin_2.pdf) is the report referred to in the original SPLED-DH letter to the South Pacific Division Engineer dated 26 November 1969. The handling of the largest Day Creek discharge estimates (January 1969 and March 1938 floods) is discussed in the development of the discharge frequency relationships for these streams in this documentation.

In developing the discharge frequency curve for Day Creek as part of the 29 November 1999 report entitled "Review of Debris Production and Level-of-Protection, Deer Creek Debris Basin", we relied on the shape of the discharge frequency curve for Day Creek developed in 1970 (see chart 1). We determined a skew value for the graphical discharge frequency curve in chart 1 of -0.2 to -0.3. Considering the WRC Bulletin #17B regional skew of 0 to -0.1, and the well documented evidence of debris flows influencing peak discharge estimates at the Day Creek streamgage, we decided to adopt a skew of -0.2 for our 1999 discharge frequency analysis of the Day Creek streamflow record.

The information provided herein is the data sought by Mr. Martin Becker.

Joe

-----Original Message-----

From: Wingerd, David B HQ02
Sent: Friday, January 23, 2004 11:10 AM
To: Evelyn, Joseph B SPL
Subject: FW: 1/23/04 conference call

Joe,

Thanks again for coming by. Please send the data sets referenced below.

David Wingerd

David Wingerd, P.E.
Senior Hydraulic Engineer
202-761-1802

-----Original Message-----

From: martin becker [mailto:martin_becker@prodigy.net]
Sent: Friday, January 23, 2004 11:13 AM
To: 'Wingerd, David B HQ02'
Cc: Jerry Stedinger
Subject: RE: 1/23/04 conference call

thank you for the time this morning. please ask Joe to send us the data sets and curves for the 1970 computations that he agreed to send.

Martin Becker

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#11

martin becker

From: martin becker [martin_becker@prodigy.net]
Sent: Wednesday, February 11, 2004 4:15 PM
To: 'Wingerd, David B HQ02'
Cc: 'Singh, Hari N HQ02'; Jery Stedinger
Subject: RE: Deer Creek Frequency rating of the 100-yr flood

Dave,

I was surprised to receive your e-mail advising me that the Corps was denying our request to correct its 100-year flow for Day Creek in its 1999 report. The reason is that Joe Evelyn has thoroughly and completely documented that the Corps' 100-year flow computation Day Creek was not in accord with 17B and that our request for correction was valid and correct. In fact, the information that Joe provided to us (including the documents from 1970) was probably the most contradicting documentation from the Corps of Engineers of its computations that I have seen in the almost twenty years that I have worked on issues with the Corps of Engineers.

Your suggestion to gather more data seems very inappropriate because: waiting for another big event as you stated will come could have the same consequences as the recent Waterman Canyon event that resulted in fifteen fatalities and, again, the Corps has already documented that its computation for Day Creek is incorrect. Instead, we will proceed with the National Data Quality Act process.

Finally, please advise those people the Corps has provided its 1999 report to that it has understated the 100-year flow for Day Creek by approximately 50% in order that affected parties will know that they are in harms way.

Thanks,

Martin Becker
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-----Original Message-----

From: Wingerd, David B HQ02 [mailto:David.B.Wingerd@HQ02.USACE.ARMY.MIL]
Sent: Tuesday, January 27, 2004 2:08 PM
To: 'martin becker'
Cc: Singh, Hari N HQ02
Subject: Deer Creek Frequency rating of the 100-yr flood

Martin,

#12

martin becker

From: Wingerd, David B HQ02 [David.B.Wingerd@HQ02.USACE.ARMY.MIL]
Sent: Wednesday, February 11, 2004 6:12 PM
To: 'martin becker'
Cc: 'jrs5@cornell.edu'
Subject: FW: Deer Creek Frequency rating of the 100-yr flood

Martin,

I have been out to a meeting all day today and just returned. Unfortunately, this issue is viewed by engineers as an engineering judgment item and not the classic legal issue. I believe you have adequately explored the informal route of mutual understanding both with the Corps and at the SOH.

At this point you may very well want to proceed with the National Data Quality Act process. Non engineers may view it another way.

David Wingerd

David Wingerd, P.E.
Senior Hydraulic Engineer
202-761-1802

-----Original Message-----

From: martin becker [mailto:martin_becker@prodigy.net]
Sent: Wednesday, February 11, 2004 4:15 PM
To: 'Wingerd, David B HQ02'
Cc: 'Singh, Hari N HQ02'; Jery Stedinger
Subject: RE: Deer Creek Frequency rating of the 100-yr flood

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Finally, please advise those people the Corps has provided its 1999 report to that it has understated the 100-year flow for Day Creek by approximately 50% in order that affected parties will know that they are in harms way.

Thanks,

#13

martin becker

From: martin becker [martin_becker@prodigy.net]
Sent: Thursday, February 12, 2004 12:21 PM
To: 'Wingerd, David B HQ02'
Cc: Jerry Stedinger
Subject: RE: Deer Creek Frequency rating of the 100-yr flood

Dave,

Dave,

Per your e-mail and for the record:

1. This issue is not about "engineering judgment" or some "classic legal issue". The issue is that the Corps did not follow the guidelines in 17B that was developed by engineers and statisticians in computing its 100-year flow computation for Day Creek in its 1999 report, as was its representation. Joe Evelyn confirmed that the Corps did not follow the guidelines in 17B in its Day Creek computation.
2. I did not present this issue to the SOH.

Thanks,

Martin Becker
600 Peachtree Street
Suite 3740
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