

RESPONSE TO WRITTEN COMMENTS ON THE REVISIONS TO THE SUBSTITUTE ENVIRONMENTAL DOCUMENT

PREPARED FOR THE

POLICY FOR MAINTAINING INSTREAM FLOWS IN NORTHERN CALIFORNIA COASTAL STREAMS

OCTOBER 2013

Pursuant to California Code of Regulations, title 23, section 3779 (d), this document contains the comments received in response to the February 2013 revisions to sections 6.2, 6.9, and 7 of the 2008 Substitute Environmental Document (SED), the Supplement to Appendix D of the 2008 SED, and revisions to portions of the 2010 Response to Public Comments, Volumes 1 and 2, and the State Water Board's written responses. This document is organized in two parts: 1) written comment letters and responses, and 2) oral comments received during the public hearing process and responses. Each letter or oral presenter has been assigned an acronym code (see List of Acronyms), and individual comments within each letter or oral presentation have been coded numerically to facilitate responses. Revisions and clarifications to the SED made in response to comments and information received are shown using red font for additions and strikethrough for deletions.

**DIVISION OF WATER RIGHTS
STATE WATER RESOURCES CONTROL BOARD**
California Environmental Protection Agency

year is still possible if the switch causes a delay in stream flow depletion, even though the total volume of flows would not decrease.

LRC-14 The comment implies that applicants who identify groundwater as an alternate source of water are likely to switch to groundwater pumping as a result of the Policy based on the fact that almost a third of the 60 most recently noticed applications identify groundwater as an alternate source of water. This information is not demonstrative of a wholesale movement to groundwater that could occur as a result of the Policy. ~~Of the commenter's 19 identified applications, only 6 were located within the Policy area (see Table 2 below).~~ Furthermore, identification of an alternate source on a water right application does not necessarily mean that the source would only be utilized as a result of project denial or restrictions. In some cases, the alternate source is utilized regardless of the water right application status.

~~Table 2. Recently Noticed Applications that Identified Groundwater as an Alternate Source~~

Application ID	Water Sought (in acre-feet)	Policy Area?
31840	8	Yes
31838	14	Yes
31836	8.55	Yes
31813	12	Yes
31804	17.3	Yes
31791	1694	No
31655	72	No
31629	12.95	No
31632	40	No
31612	156	No
31620	35	No
31618	15	No
31617	35	No
31567	10	No
31549	100	Yes
31521	60	No
31501	10	No
31465	60	No
31464	146	No

LRC-15 The State Water Board staff explanation cited in this comment is an internal deliberation in which staff was discussing and recognizing that the Policy could be more effective if people were not able to switch to diverting groundwater to avoid complying with the Policy under an appropriative water right. These notes should not be misinterpreted as a statement that a switch to diverting hydrologically connected groundwater (rather than diverting surface water flows) is likely to have an effect on surface water flows. It is true that the Policy will be less effective in protecting instream flows to the extent that water users avoid compliance with the Policy by pumping percolating groundwater, but that does not necessarily mean that the Policy itself will cause instream flows to be worse.

LRC-16 The statement that the State Water Board is aware of only one diverter that has switched