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Ms. Tam Doduc, Chair, SWRCB
and Members of the State and Regional Boards
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: Comments on California Water Boards Strategic Plan Update 2008-2012

On behalf of Trout Unlimited (TU), I submit the following comments on the Water Boards' draft Strategic Plan Update. Thank you for the chance to contribute to that effort and participate in what we expect to be a productive endeavor.

Collaborative Watershed Management Approach

- Priority 1, p.10: The Strategic Plan identifies a collaborative watershed management approach as one long-range approach to managing stream flow problems.
 - Priority 1: We strongly support the State Water Boards recommendation and inclusion of the "Watershed Approach" in both the Strategic Plan and Draft Policy for Maintaining Instream Flows in Northern CA Coastal Streams. It represents an innovative step toward solutions that address the needs of streams and aquatic species, harness the collective creativity and knowledge of local water users, and work toward relieving the Division of Water Rights' permitting backlog. We have been working closely with the State Water Board and stakeholders to develop and implement the approach and identify pilot locations, through our new "Water and Wine" program and what we are calling the California Streamflow Stewardship Project. We support the watershed approach's prioritization in the Strategic Plan.
 - Priority 1: We recommend that the Strategic Plan consider the watershed management approach as both a *short* and long-term approach to resolving stream flow problems and that the Plan be modified to reflect this consideration. There are watersheds where both the will and the expertise exist to begin preparing for this approach now. In addition, the long-range use of the approach depends upon successful piloting of the approach in the short-term.
 - Priority 1, Priority 8: We recommend that the Strategic Plan identify why extensive use of this "individual watershed approach using coordination and collaboration...is currently beyond the State Water Board's resources." We recommend that the Strategic Plan identify steps and/or the resources necessary to bring the use of this tool within the SWB's capacity. Over a period of time, we believe the watershed

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approach could represent a more cost effective way of meeting the SWB's statutory obligations.

Instream Flow Policy, Minimum Stream Flows

- Priority 1, p.9: The Strategic Plan references Assembly Bill 2121 and the North Coast Instream Flow Policy. We recommend that the Plan establish that adoption and *implementation* of the Draft Policy are short-term goals for the State Water Board. The Draft Policy represents an important step in ensuring that instream beneficial uses are protected, and we acknowledge the work of the State Water Resources Control Board (especially the Division of Water Rights) in its development. The Strategic Plan should state clearly that implementation of the instream flow policy for the North Coast is a priority for the State Water Boards within the next five years. We and other stakeholders have worked on the policy and are looking forward to both commenting on the draft and working with State Water Board on adopting a final policy.
- Priority 1, p.9: We support an effort by the SWRCB to work jointly with the Regional Water Boards, the Department of Fish and Game, and other watershed partners to develop minimum stream flow standards for priority water bodies. We consider these steps both beneficial and long overdue. We welcome the ability to work with the State Water Board and DFG to establish minimum stream flow standards and to link them to the development of policies and approaches (like the Watershed Approach) that maintain those standards.
- Priority 1; Priority 6, p.24: We recommend that the SWRCB take steps to increase the number of gauged stream miles and to improve the quality and quantity of stream flow data available. Such steps may include, but are not limited to: (a) conducting a gap analysis of available data and identifying and prioritizing locations where the collection of additional stream flow data would lead to better decision-making, (b) installing gauges, (c) seeking and providing grants for gauging and monitoring, (d) improving knowledge of existing gauges and increasing data sharing across the state (similar to the California Water Quality Monitoring Council and proposed water quality data network described on p.24).

Organizational and Process Changes

- Priority 6, p.25: We strongly support Action 6.1.3, specifically, the prioritization of actions to evaluate, reengineer, and implement improvements that streamline the processing of water rights applications. We have worked closely with the Division of Water Rights and other stakeholders on this topic, and look forward to continuing that effort.
- Priority 1; Priority 6: We recommend that the SWRCB examine steps to increase coordination in the water right permitting process. Such step might include (a) coordinating water right permitting with the processing of a DFG Streambed Alteration

Agreement, (b) improving regulatory certainty through pre-consultation, (c) streamlining the process for projects that result in beneficial stewardship activities, (d) encouraging the use of Water Code Section 1707, (e) providing water users and applicants with more tools for navigating the water right permitting process (e.g. providing links to USGS gauge data in a more user-friendly format, providing information up front about the quantity of water available for appropriation, better integrating eWRIMS and other web-based tools into the water right permitting process, providing information to applicants about upstream and senior diversions in a more user friendly format). We appreciate the SWRCB's recent improvements to eWRIMS.

- Priority 6, p.25-26; Priority 8: We support Action 6.1.4 to develop a plan to implement a program review process. We recommend that such a process identify and analyze possible staff changes in the SWRCB that would help incentivize water conservation/efficiency, improve streamflow, and increase organizational efficiency in water right permitting (e.g. dedicated staff members to expedite permits for stream flow enhancement projects and increased capacity in certain program areas), and bolster the organization's FERC program. We also recommend that such a review process include a study of the Water Boards' institutional capacity and additional resources required to fulfill its statutory obligations. Perhaps the agency could commission an independent third party to conduct a needs assessment.

Water Quality and Water Quantity

- Priority 1, p.6: Although the text of this section addresses the role of both water quality and water quantity in protecting and restoring surface waters, the text box highlighting the objectives for Priority 1 reflects only water quality. We recommend that it be modified to include Objectives 1.4 and 1.5.
- Priority 1, p.7-8: We applaud the State Water Board's recognition of the nexus between water supply and water quality and steps to develop an integrated water quantity and water quality watershed management approach (Action 1.4.2). We encourage the State Water Boards to take additional steps toward integrating water quality and quantity in the future.
- Priority 7, p.28: We support the Water Boards' efforts to ensure consistency across program lines. The text states that the Water Boards will complete revisions to the Water Quality Enforcement Policy; we agree, and suggest that the Water Boards also state that the agency will prepare a Water Rights Enforcement Policy, by a date certain, as discussed in the June 19, 2007 workshop.

Incentivizing Best Practices and Effectively Enforcing Against Non-Compliance

- Priority 1, p.8: The Strategic Plan recognizes how important it is "that the regulated community and other water users who comply with the law are not placed at a competitive disadvantage by those who do not." We support this position, especially

with regard to water right permitting and enforcement. In California's North Coast, many conscientious landowners have remained in application limbo while watching certain neighbors and competitors profit for having failed to file an application in the first place. We believe that the State Water Board should reward best practices, as well as provide negative incentives for noncompliance. (See June 5, 2007 TU comments for the Water Right Enforcement Workshop, for detailed suggestions.)

- Priority 1: We recommend that the Strategic Plan include steps toward integrating monitoring for compliance into the SWRCB's water right permitting and enforcement programs. This may include: (a) installation of stream flow gauging and recording devices by water right permittees and the agency at key locations within each stream basin for determining compliance with bypass flow requirements and current level of impairment; (b) random compliance inspections for each watershed, based upon the level of impairment and sensitivity of anadromous salmonid habitat; (c) requirements that applicants develop and implement measures that will ensure compliance with bypass terms; and (d) procedures for documenting that bypass facilities have been installed and are being maintained.
- Priority 1: We recommend that the SWB establish incentives for water users to conserve water, increase efficiency, and implement beneficial practices (e.g. switching from summer diversion to off-stream winter storage), particularly where such actions result in increases in stream flow. As stated above, this could be accomplished by creating specifically tailored programs and/or integrating incentives into existing water right permitting processes.

Groundwater and Surface Water Interaction

- Priority 2, p.12: The Strategic Plan addresses groundwater from the perspective of quality and should consider water quantity as well. We recommend that the Strategic Plan incorporate both further consideration of ground and surface water interaction, including subterranean streams.

Thank you for the opportunity to submit these comments. We look forward to pursuing these matters at greater length. In the meantime, if you or your staff have any questions or would like to discuss the Strategic Plan, please give us a call.

Sincerely,



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