

**From:** "Brian Johnson" <BJohnson@tu.org>  
**To:** "Karen Niiya" <KYNiiya@waterboards.ca.gov>, "Vicky Whitney" <VWHITNEY@wa...>  
**Date:** 12/11/2009 11:34 AM  
**Subject:** AB 2121 - Small Domestic Use Registrations (Mattole-style projects)

Karen, Vicky, Steve,

As you finish up the next draft of the AB 2121 policy I'd like to put in a special 'reminder' plea for a topic we haven't discussed much in our obsession with vineyard diversions: incentives for stewardships in general and the small domestic use registration section in particular.

I continue to believe that one of the best things the Policy could do is create momentum for beneficial streamflow enhancement projects.

You may remember that one of the small comments we submitted (along with several other groups) had to do with a slight addition to the Small Domestic Use Registration section in order to continue to allow the Mattole tank project and similar projects, which are among the best instream flow enhancement projects in existence.

The language was worked out with DFG and Sanctuary Forest (with help from Rob Donlan, who has done work with them in the past completely separate from Ellison, Schneider's work with the wine industry and TU).

Since that time, we have become aware of (or helped launch) several other projects in other coastal basins that will use a similar model. It's really important that the Policy support and not thwart these programs. (The draft would have inadvertently made it very difficult.)

The language follows. (It appeared with the other incentives for stewardship in our comments.)

Thanks a million.

Brian

Stewardship Incentives for Small Domestic Registrations

[This probably goes with the Policy sections on Small Domestic Registrations, but for now we put it here.]

The State Water Board shall extend the season of diversion of a Small Domestic Registration beyond March 31 if the Department of Fish and Game concurs that (1) the purpose of the appropriation is to allow the registrant the flexibility to divert water for beneficial use in a manner that improves conditions for fish and wildlife, and (2) the registration would allow the registrant to forgo or reduce diversions under other valid basis of right during periods of the year that are most critical to fish and wildlife. This exception does not limit or expand DFG's authority to condition the registration pursuant to Water Code section 1228, et seq.

--

Brian J. Johnson  
Director, California Water Project / TU Staff Attorney  
Trout Unlimited / 1808B 5th Street / Berkeley, CA 94710  
bjohnson@tu.org <blocked::mailto:bjohnson@tu.org> / 510-528-4772  
(office) / 510-528-7880 (fax) / www.tu.org <blocked::http://www.tu.org/>

--