



STATE WATER RESOURCES
CONTROL BOARD

COUNTY of NAPA

OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING

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DIV. OF WATER RIGHTS
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August 25, 2006

Karen Niiya
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[Transmitted via email: FlowPolicy@waterboards.ca.gov and Fax: (916) 341-5400]

RE: CEQA Scoping of Proposed North Coast Instream Flow Policy

Dear Mrs. Niiya:

Thank you for conducting your California Environmental Quality Act (CEQA) Scoping Meetings earlier this month. Members of our County staff attended the meetings and we have prepared this letter based on the information presented, review of documents posted to your website (namely, NMFS-DFG DRAFT Instream Flow Guidelines and the North Coast Instream Flow Policy Environmental Checklist) and the County's input to similar regional-scale planning efforts underway by the San Francisco Bay and North Coast Regional Water Quality Control Boards (RWQCBs). The County Board of Supervisors has not had the opportunity to review the scoping materials, but will be directly involved in reviewing and commenting on your draft environmental document and any proposed policies.

The County is generally supportive of the proposed policy goals, however we are concerned about the potentially broad scope of the policy, the lack of specificity pertaining to implementation and responsibility, and potential local impacts resulting from diverters taking actions as a result of the policy.

It is critical that your CEQA analysis consider both the effectiveness and feasibility of any suggested implementation measures associated with the proposed policy, and that your analysis not defer detailed analysis to a later date. The State Board's suggestion that it may defer specifics to "project level" analyses undertaken at a future date suggests a piece-meal approach that will overly burden the County, cities, special districts and private landowners charged with implementing State policy. Your environmental document should contain specific information about reasonably foreseeable implementation actions anticipated as a result of the State's proposed policy, and thoroughly assess the localized impacts associated with each.

As noted in your documentation, diversion and/or dam/reservoir removal will affect aquatic species that have become dependant upon these habitats. Many sensitive species of concern (endangered, threatened and/or locally significant) are known to exist in Napa County. We understand that the policy is intended to improve habitat for some sensitive species (namely fish), however other species (i.e., red legged frog) may be harmed as a result of policy actions. Your analysis should fully disclose these inevitable trade-offs of one species' survival for that of another and justify the policy actions and mitigation suggested.

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We are also concerned that changes in how water is diverted and used will result in increased reliance on groundwater, which currently supports a \$9 billion agricultural industry and rural residential land uses in Napa County. Please assess the potential impact of your policy on the pumping and availability of groundwater resources. Consider the present need and use of surface water, groundwater, and the effect additional groundwater pumping will have, particularly in areas already identified as "groundwater limited/deficient" (i.e. in over draft).

Your environmental review should consider how actions resulting from the proposed policy will affect funded stream and river flood and restoration projects. Many of projects in Napa County have been hydraulically designed based upon current flow conditions. Modifications to the timing and volume of present stream flows may influence the effectiveness and performance of these projects and could reduce value of public and private dollars invested in these projects.

The DRAFT NMFS-DFG Guidelines referenced in the proposed policy rely upon considerable knowledge and understanding of local watershed behavior and hydraulics, as well as what habitat and species exist (or could exist) within each of them. This detailed level of environmental information is not readily available for many of the watersheds in Napa County. Your environmental analyses, as well as final policy draft, should consider the necessary infrastructure (flow gages, monitoring sites, enforcement...) needed to understand, measure and comply with any proposed actions/regulations suggested, and additionally identify who is responsible for funding, installing and maintaining such infrastructure.

Your analysis should also consider the proven effectiveness of the County's current regulations (i.e., stream setbacks, vegetation retention requirements in water supply watersheds, countywide NPDES permit requirements and other related water and watershed protective measures) and ongoing watershed resource conservation programs and stewardship efforts by numerous groups and organizations, such as the Rutherford Dust Society's work on the mainstem of the Napa River, the "Fish Friendly Farming" certification program, as well as other related efforts and programs supported and underway by the Watershed Information Center and Conservancy Board of Napa County.

We additionally request that any standards of compliance or measures of attainment resulting from this proposed policy be aligned with other policies/regulations that are currently approved or under development by the Regional Water Quality Control Boards in our area (i.e., Region 1, 2 and 5), such as TMDL Implementation Plans, Basin Plan/Water Quality Control Plan Amendments and Waste Discharge Requirements an/or Waivers. Inconsistency among compliance, permitting, monitoring and reporting requirements will result in confusion, failure to attain policy goals and public/community discontent.

We look forward to working with you and other State Water Board staff throughout this process. Please don't hesitate to contact Patrick Lowe (707) 259-5937 or Jeff Sharp (707) 259-5936 on our staff if you have any questions regarding these comments.

Very truly yours,



Hillary Gitelman
Director

cc: Nancy Watt, County Executive Officer
County Board of Supervisors
Bob Peterson, Director of Public Works
Patrick Lowe, Deputy Planning Director
Jeff Sharp, Planner/Watershed Coordinator
WICC Board