



State of California • The Resources Agency

Arnold Schwarzenegger, Governor

DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001

Ruth Coleman, Director

August 24, 2005

Karen Niiya
State Water Resources Control Board
P.O. Box 2000
1001 I Street, 14th Floor
Sacramento, California 95812-2000

Re: Notice of Preparation for the North Coast Instream Flow Policy Substitute
Environmental Document

Dear Ms. Niiya:

The California Department of Parks and Recreation (California State Parks) welcomes the opportunity to provide comment on the State Water Resources Control Board (SWRCB) Notice of Preparation (NOP) for the proposed North Coast Instream Flow Policy Substitute Environmental Document (SED).

California State Parks is a State Agency as defined by the California Environmental Quality Act (CEQA) under Public Resources Code (PRC) § 21082.1, a Responsible Agency (PRC § 21069), and a Trustee Agency (PRC § 21070). As used by CEQA, its Guidelines, and as defined by the California Code of Regulations § 15386, we oversee and are responsible for managing resources that may be affected within units of the State Park System by adoption and implementation of the North Coast Instream Flow Policy. Our mission is to provide for the health, inspiration, and education of the people of California by helping preserve the state's extraordinary biodiversity, protecting its most valued natural and cultural resources, and creating opportunities for high quality outdoor recreation. The 1.4 million-acre California State Park System, for which we are responsible, is currently made up of 258 classified units and 20 major unclassified properties.

California State Parks believes that the main goals of the proposed North Coast Instream Flow Policy will, for the most part, benefit natural resources, including those in the State Park System. These goals are the standardization of minimum bypass flows and cumulative maximum rates of diversion, conservation of natural hydrographs, promoting the installation and use of fish screens and fish passage facilities, and associated enforcement guidelines. However, we are concerned that the proposed Instream Flow Policy may result in indirect and cumulative damage to natural, cultural, recreational, and aesthetic resources of the State Park System. SED recommendations to avoid or minimize resource

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impacts should consider the State Park System and other natural and open space lands in the vicinity of park units.

The "Project Location / Policy Area" identified on the map in the NOP spans a region of relatively concentrated park lands and open space managed by a variety of government, non-profit, and private entities. We request an electronic version of the GIS "Project Location / Policy Area" to thoroughly assess which park units are within the Policy Area. Based on the map attached to the NOP, we have determined that 36 State Park System units totaling 84,432 acres appear to occur within the proposed project area and five totaling 55,366 acres appear adjacent to or within the vicinity of the area. These 41 total properties have the potential to be affected by the proposed Instream Flow Policy.

Following are the 36 units that appear to occur within the study area:

- State Parks – Annadel, Bothe-Napa Valley, China Camp, MacKerricher, Manchester, Mendocino Headlands, Mendocino Woodlands, Mount Tamalpais, Navarro River Redwoods, Robert Louis Stevenson, Russian Gulch, Salt Point, Samuel P. Taylor, Sinkyone Wilderness, Sugarloaf Ridge, Tomales Bay, Van Damme;
- State Beaches – Greenwood, Schooner Gulch, Sonoma Coast, Westport-Union Landing;
- State Reserves – Caspar Headlands, Hendy Woods, Jug Handle, Kruse Rhododendron, Mailliard Redwoods, Montgomery Woods;
- State Historic Parks – Bale Grist Mill, Fort Ross, Jack London, Marconi Conference Center, Olompali, Petaluma Adobe, Sonoma;
- State Recreation Areas – Austin Creek;
- Other Park Properties – Point Cabrillo Light Station.

The five units that appear to occur adjacent to or in the vicinity of the study area include:

- State Parks – Humboldt Redwoods;
- State Reserves – Smithe Redwoods;
- State Recreation Areas – Admiral William Standley, Standish-Hickey;
- Other Park Properties – Reynolds Wayside Campground.

California State Parks requests that the SWRCB address potential foreseeable impacts to landscape-level features, as well as to specific sensitive and special-status resources. Adequate analyses will enable development of an Instream Flow Policy and mitigation measures that avoid or minimize impacts associated with resource values as they relate to the State Park System.

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Features that typify the landscape-level scale may include important recreation areas and viewsheds, regional recreation trail corridors, key watersheds, wildlife habitats and corridors, cultural landscapes and sacred sites, and significant geological features and paleontological resources. Potential impacts of particular concern include, but are not limited to, the following policies, planning processes and resource values. Please consider these issues during policy development.

State Park System Unit Classifications, General Plans, and Policies

Impacts to long-range planning, management, and development of our units should be considered as they relate to resources of the State Park System and to *Land Use and Planning* in the Environmental Checklist. We request that the SED also explain any conflicts and proposed resolutions to impacts related to California State Parks' planning documents, park property, and permits. Additional information on these topics is provided below.

SPS units are operated according to their classification (PCR § 5019.50 through 5019.74) and individual general planning documents (PCR § 5002.2). The classification statutes set forth the primary purpose of each classified unit, identify in general what types of facilities and uses may be permitted, and provide direction on how unit resources shall be managed. A general plan is a formal land-use planning document that provides broad policy and programmatic guidance regarding the development and management of an individual classified unit of the State Park System, including its natural, archaeological, historic, scenic, aesthetic, and recreation values. The guidance from each general plan is essential to California State Parks' managers and staff, and is of value to those organizations and individuals who have a substantial interest in the State Park System and its individual units. Two current and ongoing efforts are the general plans for Sonoma Coast State Beach and Sinkyone Wilderness State Park. More information on these two general plans is available at http://www.parks.ca.gov/?page_id=21312. Completed general plans that are currently in use for most other State Park System units are at http://www.parks.ca.gov/default.asp?page_id=21299.

In the event that a specific project is proposed as a result of Instream Flow Policy implementation, and is requested to occur on or across State Park System land, PRC § 5012 authorizes California State Parks, at its discretion, to grant permits and easements for water lines and structures incidental thereto, to perform a public service under limited circumstances for essential public purposes. By their very nature such permits, leases, and easements have a

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negative impact on park resources and public use in perpetuity. Many statutory classifications within the State Park System such as State Wilderness and Natural Preserves are by design restrictive to uses that have potential to adversely impact the resources for which they were established. An applicant, prior to requesting access for non-park related projects, should make careful consideration of these limitations. If permanent or temporary leases, easements or rights-of-way are desired for a project, the applicant is encouraged to first contact the State Park District environmental coordinator of the park unit for further information. Subsequently and depending on the nature of the project, contact with the California State Parks Deputy Director of Park Operations may also be necessary. Contact with this Department should be done early in the planning process. Such open discussion will facilitate early resolution of potential issues.

We have policies on several other permitting procedures. A scientific collection permit is required for most scientific activities pertaining to natural and cultural resources that involve fieldwork, specimen collection, and/or have the potential to disturb resources or visitors. Any person or entity who would like to request biological, geological, or soil investigation/collection permits, as well as permits for paleontological investigations, should contact the District lead natural resources specialist. Subsequently and depending on the nature of the project, contact with the California State Parks Natural Resources Division in Sacramento may also be necessary. A permit for investigating archaeological resources must be obtained from the California State Parks Archaeology, History, and Museums Division in Sacramento.

State Park System Infrastructure, Water Use, and Water Rights

California State Parks oversees infrastructure contained within units of the State Park System, including but not limited to roads, parking lots, signage, hiking trails, visitor centers and kiosks, campgrounds, restrooms, historic structures, and electrical, water, and sewage systems necessary for visitor comfort and safety.

We are concerned about direct effects of the Instream Flow Policy on water availability for our State Park System units. As described earlier in this letter, up to 41 park units are within or in the vicinity of the "Project Location / Policy Area". Each unit currently has infrastructure to acquire water for use, which may include one or a combination of (1) piping in water from local municipalities, (2) drawing water from nearby rivers, and (3) groundwater pumping. In order to maintain

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park function and visitor/park staff comfort and safety, park units must maintain the use of water sources year around, particularly during summer months when visitorship is usually at its highest. Changes to water acquisition or water use that may be required by the Instream Flow Policy are likely to have an impact on park unit operations, and thus an overall fiscal impact on this Department. The SED should include recommendations to avoid and minimize direct impacts that California State Parks may incur from the Instream Flow Policy implementation.

The section, *Hydrology and Water Quality* (Narrative Responses, Items d-e), in the Environmental Checklist states that potentially significant impacts could occur to channel flood capacity and water quality; detailed recommendations should be put in place and enforced because of the likelihood of health issues related to water quality degradation from contaminated storm runoff and the potential for loss of life, property, and public services from flooding. Flooding that may be caused by removal of on-stream reservoirs upstream, or in the surrounding area, of park units is of utmost concern to us. Units along rivers and streams may see an increased frequency in flooding and subsequent damage to park infrastructure, which has the potential to cause road, campground, visitor center, concession, or trail closures. Any closures, whether short-or long-term, will impact park operations, budget, visitorship and visitor safety, and revenue. We urge the SWRCB to develop recommendations that, for example, require any entity that removes or alters an on-stream reservoir to consult with this Department early during project planning.

Any hydrologic and/or groundwater studies done on land owned or leased by the State of California, including land managed by California State Parks, is required to be completed by or under the direction of a State licensed geologist, hydrologist, or geophysicist. This information should be included in the SED recommendations and guidelines for future projects. Information about permits required by California State Parks for specific studies and collections is discussed in the section of this letter.

Recreation

Recreation use and enjoyment throughout the State Park System overlap many other park resource values and thus are often inseparable from them. For example, natural resources, cultural features, noise level, and visual stimuli consistent with the park setting enhance, and are valued as part of, the recreation experience. A comprehensive recreation section in the SED should contain information such as potential indirect impacts that alter existing

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recreation conditions at the units, socio-economic impacts, and cumulative impacts in relation to other projects. We refer the SWRCB to the California Outdoor Recreation Plan 2002 for further information.

We are concerned about potential impacts to water resources used for recreation purposes and that are within, or that flow through, State Park System units. Impacted recreation resources are not necessarily limited to on-stream reservoirs as described in the section on *Recreation (c)* in the Environmental Checklist. The SED should address potential recreation impacts in, on, and along rivers, wetlands, and both perennial and intermittent streams. Examples include, but are not limited to, boating, rafting, swimming, wading, photography, wildlife viewing, bird watching, and hiking. Recommendations for avoidance and mitigation of impacts from construction, piping, pumping, or on-stream reservoir removal should be included.

Future actions that result from Instream Flow Policy implementation may parallel or transect recreational trail corridors, like the Bay Area Ridge, San Francisco Bay, and California Coastal Trail corridors, which link public lands and open space under multiple jurisdictions. In such cases, possible construction activities, changes in land use, and visual impacts to the natural landscape are of chief concern. For example, higher or seasonally more consistent instream flows may require that at-grade stream crossings for hiking trails be upgraded by constructing broader and higher foot bridges. For additional information on regional trails, we refer the SWRCB to another of our planning resources, the California Recreational Trails Plan (Phase I).

Visual and Aesthetic Resources

Based on the description of potential short- and long-term effects that may occur as a result of Instream Flow Policy implementation, State Park System units are likely to experience visual impacts from infrastructure development such as off-stream reservoir and ground pump installation. However, California State Parks and other open space stewards were not listed as having or providing highly scenic views, sites, and other qualities like the other coastal areas, "wine country", and several California Scenic Highways listed under *Aesthetics* in the Environmental Checklist. Impacts may include, but are not limited to, short-term construction activity, noise, and dust clouds, as well as long-term visual impacts, operations and maintenance of off-stream reservoirs, and pump noise. Infrastructure and other unnatural elements will detract from the sense of place of nearby units, whether it be the outstanding natural and cultural environment, the

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tranquility and isolation of the State Wilderness experience, or earlier eras preserved at cultural sites and historic units. As a result, the visitor recreation experience may be diminished.

Please include California State Parks units, other government owned lands, and designated open space in future analyses of indirect and cumulative impacts. California State Parks may be able to provide additional information about vantage points and viewing areas from locations within parks for analysis of potential visual impacts and recommendations for mitigation measures to reduce impacts.

Natural Resources

California State Parks manages each State Park System unit to protect the natural and sustainable function of ecosystems, as well as special-status resources. Construction, operation, and ongoing management activities that occur as a result of implementation of the Instream Flow Policy are likely to impact natural resources such as biological, geological and soil, paleontological, hydrologic, and water and air quality values. In addition to flow issues, thermal barriers, and destruction of riparian vegetation listed under *Biological Resources* in the Environmental Checklist, new off-stream reservoirs and associated infrastructure (e.g., pipes, fences, and access roads) have the potential to cause a cumulative landscape-level effect and may interfere with wildlife corridors in both riparian and upland areas. Therefore, it is critical for the SED to include recommendations that avoid indirect and cumulative impacts to SPS units and other publicly and privately protected conservation lands in order to avoid habitat fragmentation and degradation. Following are additional impacts and concerns that may arise.

- Loss of habitat at construction sites, staging areas, associated permanent maintenance and operation facilities, and other new infrastructure;
- The general impact of construction as it relates to disruption of vegetative cover, introduction of exotic and invasive plant species, compacted soils, erosion, sedimentation of waterways, hazardous materials, and the long-term effects of such disturbance;
- Disturbance of riparian areas, wetlands, and riverine systems and related impacts to fish and wildlife, including but not limited to sensitive and special-status species;
- Dewatering of natural freshwater seeps and wetlands from water diversion or groundwater pumping;

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- The impact of noise and vibration of construction activities on small mammals, ground nesting birds (i.e., flushing and predation) and other wildlife activity;
- Increased air and dust pollution from construction and long-term activities;
- Impacts to unique and aesthetically beautiful geological formations, as well as those of scientific interest, and related to hazardous geological areas and unstable soils;
- Impacts to paleontological resources which are as a rule rare even in areas of high local density since new unique discoveries are still being made.

Landscape-level analysis is necessary because analysis deferred until project-level work will artificially fragment intact functional ecosystems for small-scale study.

Cultural Resources

Activities related to future water development and transfer that are likely to occur as a result of Instream Flow Policy implementation have the potential to disturb, degrade, or damage archaeological sites, buried archaeological remains, historic structures or features, cultural landscapes, and sacred sites of significance to California State Parks and to the history of the State of California. We urge protection of archaeological and historical resources within, adjacent to, and in the vicinity of State Park System units that may be pertinent to interpretation of cultural resource values. In addition to the example recommendations listed in the Environmental Checklist under *Cultural Resources* (Narrative Responses, Items a-b), we advise the SWRCB to include the following requirements. Protections, such as avoidance and minimization measures, identification, and interpretation should be addressed in the Instream Flow Policy. Along with the need for research and surveys prior to site-specific studies, new facilities should be designed and constructed to avoid archaeological remains to the greatest extent practicable. If unavoidable, an appropriate recovery plan should be considered and if remains are found during construction, work should be stopped for recordation, determinations, and development of a protection plan. In addition, all historical resources should be mapped, recorded, and evaluated to determine eligibility for placement on the National Register of Historic Places. Projects should be designed to avoid significant impacts to potentially eligible historic resources.

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In summary, California State Parks encourages the SWRCB to avoid indirect and cumulative impacts to units of the State Park System with careful planning during the SED process and its implementation of the Instream Flow Policy. It is important that the SWRCB make particular efforts to consult with this Department throughout the environmental review and planning process.

As the SED proceeds through the environmental review process, we anticipate that we will be able to define issues in more detail and possibly bring others to your attention. If any of our current comments need clarification or further explanation please do not hesitate to contact me at (916) 653-6725 or rrayb@parks.ca.gov.

Sincerely,



Richard Rayburn,
Chief
Natural Resources Division

cc: Resources Agency
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