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STATE WATER RESOURCES
CONTROL BOARD

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Karen Niiya, Eric Oppenheimer
State Water Resources Control Board
PO Box 2000
1001 I St. 14th Floor
Sacramento, CA 95812-2000

STATE WATER RIGHTS
SACRAMENTO

August 22, 2006

Dear Ms. Niiya and Mr. Oppenheimer:

Maintaining healthy instream flows on the rivers and streams of California's North Coast is vital to sustaining the social and ecological fabric of our community. For this reason we welcome the initiation of development of a North Coast Instream Flow Policy by the Division of Water Rights through the Notice of Preparation of a Substitute Environmental Document.

The current situation of seasonal de-watering or intensified low-flow conditions on many North Coast streams is a significant contributing factor influencing the health of our salmonid fisheries and other aquatic species. These conditions also affect agricultural productivity, recreational opportunity and domestic water supply.

Depressed flow conditions in many North Coast streams have prompted a growing movement among state and federal agencies, local governments, land trusts, watershed groups, and agricultural and domestic water users to proactively address flow issues through a host of creative, innovative, voluntary and incentive-based measures and programs.

One such example is the Mattole Flow Program taking place in the Mattole River watershed. This water management program assists existing riparian diverters to reduce or eliminate surface water diversions during key periods of the year, through the use of off-stream water storage tanks. This program involves the use of voluntary forbearance agreements between local entities and water users, and has the potential to dramatically increase dry season flows in the Mattole River headwaters. The Mattole Flow Program is based on decades of flow and salmonid population data. Some of the diversions involved in this program may require permits, registrations and other approvals from the State Water Resources Control Board. As such, our organizations are very interested in the State Board's North Coast Instream Flow Policy.

STATE WATER RESOURCES CONTROL BOARD

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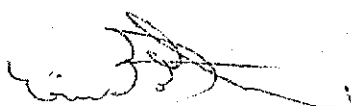
DIV OF WATER RIGHTS SACRAMENTO


One potential concern that we have with the development of the North Coast Instream Flow Policy is that valuable grass roots initiatives such as the Mattole Flow Program not be inadvertently undermined by the blanket imposition of the guidelines developed to address problems or issues in other watersheds and coastal streams. It is critically important that the instream flow policies developed through this process not foreclose or hinder the projects under development in the Mattole River watershed, and that such policies not discourage or undermine voluntary participation by landowners and water users participating in these innovative programs. Specifically, the development of enforcement element to the Instream Flow Policy should encourage the development of locally based programs, and should provide incentives for those water users who may be out of compliance to come into compliance with the policies.

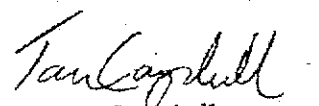
We understand that, as part of this process, the State Board will be considering the 2002 Draft Instream Flow Guidelines developed by the Department of Fish and Game and National Marine Fisheries Service ("Draft Guidelines"). The Draft Guidelines propose default criteria in cases lacking "site specific biologic and hydrologic assessments". We urge you to work with groups such as ours to develop the specific framework whereby the unique hydrologic and biological conditions of a given stream, and the voluntary programs and efforts already underway, would be the primary considerations influencing the State Board's water rights policies. These processes and policies must be fair, cost effective, efficient and functional in order to encourage similar programs to develop in other watersheds.

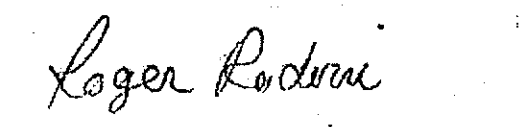
We believe voluntary, incentive based efforts such as those occurring in the Mattole Flow Program are an essential aspect of a comprehensive strategy to maintain instream flows on the North Coast, and offer the best chance of success. We respectfully request that the State Board consider and include these locally driven efforts and programs by conducting field hearings in communities within the project area as it refines the scope of the North Coast Instream Flow Policy.

Sincerely,


Eric Goldsmith
Executive Director
Sanctuary Forest


Chris Larson
Executive Director
Mattole Restoration Council


Tom Campbell
Executive Director
Mattole Salmon Group


Supervisor Roger Rodoni
Humboldt County Board of Supervisors

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Patty Berg
State Assembly Member
1st District

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Supervisor Jimmy Smith
Humboldt County Board of Supervisors

PARTICIPANT IN MATTOLE FLOW PROGRAM

DISTRICT

Ken & Theresa Vallotton
Landowner
Participant in Mattole Flow Program

Sam Schuchat, Executive Officer
California State Coastal Conservancy

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