



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
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Arnold Schwarzenegger
Governor

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

Subject: Comments on Project Scope and Alternatives for North Coast Instream Flow Policy

On August 16, 2006, the State Water Resources Control Board conducted two public meetings to receive comments on project scope and alternatives to be considered for maintaining instream flows in coastal streams from the Mattole River south to San Francisco (North Coast Instream Flow Policy). The project area includes several water bodies within the San Francisco Bay Basin, including all streams in Marin County, and streams in Napa County and Sonoma County that drain into San Pablo Bay.

The San Francisco Bay Water Quality Control Board (Regional Water Board) appreciates the opportunity to comment on the range of actions, policy alternatives, mitigation measures, and significant effects that should be analyzed in the Substitute Environmental Document (SED). The San Francisco Bay Regional Water Quality Control Board submits the following comments:

- A. We concur with comments provided by the North Coast Regional Water Quality Control Board (Catherine Kuhlman, letter to Karen Niiya and Eric Oppenheimer, August 25, 2006).
- B. We also support detailed evaluation of a project alternative that emphasizes comprehensive analysis of fishery resource conditions and water rights throughout each major watershed within the project area of the policy and/or for each independent population of salmonids, as defined by McElhany et al. (2000) to include "any collection of one or more local breeding units whose population dynamics or extinction risk over a 100-year time period is not substantially altered by exchanges of individuals with other populations." Such an approach has the potential to reduce critical data gaps regarding resource conditions, and contribute to a more flexible, holistic, and effective approach for the protection and restoration of salmonid runs and other native fish and wildlife species. Salmonid limiting factors analyses and environmental sensors for water-level and temperature can be applied for reasonable costs within the project area.

To pay for such a program, the State Board should consider development of a fee assessment program for existing and proposed water users within the project area, where assessed fees might be commensurate with size or significance of the water right. Such a program would effectively address many current problems, including greatly enhancing the quality of information used to make water right decisions, more equitably distributing burdens between existing and proposed users, and ultimately leading to a much faster and more predictable process for permit review and approval.

To insure a high level of acceptance by stakeholders and trustee agencies, it would be useful if such a program were conducted by a non-regulatory state or non-profit with necessary scientific expertise in salmonid ecology and limiting factors analysis, hydrologic analysis, river engineering, and fluvial geomorphic analysis. Such a group would probably also need to work closely with local watershed groups and/or resource conservation districts to facilitate landowner involvement and assistance.

- C. Incentives for conservation or restoration actions should be developed within the water rights permitting process. For example, Regional Water Board staff are aware of several landowners in Napa River watershed who are willing to modify existing water uses and rights in ways that would substantially enhance conditions for fish and wildlife. The costs, timeframe, and unpredictability at present of water rights permit review and approval processes however, typically preclude such actions from being followed through on. Incentives for enhancement or restoration should be evaluated under one or more alternative for the proposed policy.

Thank you for the opportunity to comment on the North Coast Instream Flow Policy. We appreciate the challenges you are facing and look forward to working in partnership with you to protect beneficial uses of water in our region. Should you have any questions, please contact Mike Napolitano of my staff at 510-622-2397 or via email at mnapolitano@waterboards.ca.gov.

Sincerely,

Bruce Wolfe
Executive Officer

CC: Catherine Kuhlman, Executive Officer, North Coast Region